

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499, and 49 CFR 1.46(c)(5) and 33 CFR 1.05-1(g).

2. Section 117.494 is added to read as follows:

§ 117.494 Schooner Bayou Canal.

The draw of the S82 bridge, mile 4.0 from White Lake at Little Prairie Ridge, shall open on signal, except that, from 10 p.m. to 6 a.m. the draw shall open on signal if at least four hours notice is given. The draw shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

Dated: June 19, 1985.

W.H. Stewart,

Rear Admiral, U.S. Coast Guard,
Commander, Eighth Coast Guard District.
[FR Doc. 85-15716 Filed 6-28-85; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF COMMERCE**Patent and Trademark Office****37 CFR Part 1**

[Docket No. 50459-5059]

Revision of Patent Fees**Correction**

In FR Doc. 85-15156 beginning on page 25896 in the issue of Friday, June 21, 1985, make the following corrections:

1. On page 25897, in the first column, in the second complete paragraph, in the eighth line from the end of the paragraph, "of" should read "or".

2. On the same page, in the second column, in the next to last line of the first complete paragraph, "cost of" should read "cost to".

3. On page 25898, in the first column, under the heading *Section 1.26 Refunds.*, in the first line "1.25" should read "1.26".

4. On the same page, in the next to last line of the first column, "cost of" should read "cost to".

5. On page 25900, in the first column, in the last line of § 1.19(a)(2), the brackets around "\$8.00" should be removed.

6. On the same page, in the second column, in the last line of § 1.19(h), the arrow preceding "\$10.00" should be removed.

7. On page 25901, in the first column, in the last line of § 1.21(a)(3), the brackets around "\$25.00" should be removed.

8. On the same page in the second column, in the last line of § 1.21(g), the brackets around "\$0.20" should be removed.

9. On the same page and in the same column, in the next to last line of § 1.21(i), "of" should read "or".

10. On the same page, in the third column, in the last line of § 1.21(k), the brackets around "actual cost" should be removed.

11. On page 25902, in the second column, in the next to last line of § 1.445(a)(3), brackets should be added around the reference to footnote 1.

12. On the same page, in the third column, brackets should be added around footnote 1 which follows § 1.445(a)(6).

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[A-5-FRL-2856-4]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA is proposing to approve a revision to the Michigan State Implementation Plan (SIP) for sulfur dioxide (SO₂) as it applies to the Consumer Power Company (CPC) J.H. Campbell plant in Ottawa County, Michigan. The plant is located in an area classified as attainment for the National Ambient Air Quality Standards (NAAQS) for SO₂.

Consent Order No. 12-1984 for the J.H. Campbell plant allows the plant's Units 1 and 2 to emit SO₂ at an allowable rate of 4.88 to 4.68 lbs/MMBTU on a daily basis for a 3-year (1985-1987) period. The Consent Order represents a reduction from the previous (1980-1984) 6.6 lbs SO₂-MMBTU allowable emission rate but is higher than the underlying 1.66 lbs SO₂/MMBTU emission limit in the Michigan SIP. An acceptable attainment demonstration was provided which shows that the proposed limits will protect the SO₂ NAAQS and the Prevention of Significant Deterioration (PSD) increments.

DATE: USEPA must receive comments on or before July 31, 1985.

ADDRESSES: Written comments should be sent to: (Please submit an original and five copies, if possible): Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Toni Lesser, (312) 886-6037.

Copies of the State's submittal and USEPA's evaluation are available for inspection during normal business hours at (It is recommended that you telephone Ms. Toni Lesser, at (312) 886-6037, before visiting the Region V office):

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48821.

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10842), USEPA approved Michigan's Rule 336.49 imposing statewide emission limitations for control of SO₂ emissions from power plants. On January 17, 1980, Michigan revised and recodified R336.49 and R336.1401; these revisions were not substantive. Rule 336.1401 contains emissions limits and compliance dates identical to those in R336.49.

On May 6, 1980 (45 FR 29795), USEPA approved R336.1401. Rule 336.1401 contains a 1 percent sulfur content in fuel limitation for large coal-burning power plants, with compliance date of July 1, 1978. Under this rule, a source could obtain an exception from meeting the SO₂ limit up until January 1, 1980, if certain specified conditions were met. After January 1, 1980, a source could apply to the Michigan Air Pollution Control Commission (MAPCC) for a compliance date extension, pursuant to State regulations. However, any such extensions must be submitted to USEPA as a revision to the federally approved SIP.

On December 24, 1980 (45 FR 85004), USEPA approved a 5-year compliance date extension from Michigan's Rule 336.1401 for the CPC's J.H. Campbell plant (Consent Order No. 5-1979). The J.H. Campbell plant is located in Port Sheldon Township, Ottawa County, Michigan, approximately 1 kilometer east of Lake Michigan. Ottawa County is located in Air Quality Control Region

122 which was designated as an attainment area for SO₂ on October 5, 1978 (45 FR 45993). Consent Order No. 5-1979 contained provisions that SO₂ emissions from the J.H. Campbell Plant Units 1 and 2 were not to exceed 6.6 lbs/MMBTU on a daily basis (or 3.05 percent sulfur in coal on an annual average basis) between January 1, 1980, and December 31, 1984.

In a State hearing held on November 29, 1983, the MAPCC denied CPC's request for an additional 5 year compliance date extension (January 1, 1985, to December 31, 1989).

On June 18, 1984, the MAPCC approved a new request by CPC for an additional 3 year compliance date extension (January 1, 1985-December 31, 1987) at J.H. Campbell Units 1 and 2. On October 1, 1984, MDNR submitted the Stipulation for Entry of Consent Order and Final Order, SIP No. 12-1984, between the CPC and the MAPCC as a revision to Michigan's SO₂ SIP. The key provisions of the Order are summarized below:

- J.H. Campbell Units 1 and 2 must be in compliance with the 1 percent sulfur fuel in R336.1401 prior to January 1, 1988.
- SO₂ emission limitations:

	Daily (lbs/MMBTU)	Quarterly (percent sulfur fuel)
1985.....	4.88	2.6
1986.....	4.76	2.5
1987.....	4.66	2.4

- CPC must enter into contracts for low sulfur coal (1,200,000 tons) by January 1, 1985.

- CPC must operate several SO₂ ambient monitors and a stack gas emission monitor.

Consent Order No. 12-1984 requires a reduction from the 6.6 lbs/MMBTU limit allowed in 1984 to a 4.88 lbs/MMBTU limit in 1986. In support of the SIP revision, MDNR submitted the CPC application, MDNR staff reports and MDNR analyses of the CPC application.

USEPA's technical support document of November 30, 1984, provides a detailed discussion of USEPA's review of air quality modeling analysis and PSD applicability.

The analyses are consistent with USEPA's modeling guidelines and indicate that the revised SO₂ emission limitations for the J.H. Campbell Plant will not cause or contribute to a violation of the SO₂ in Michigan or any other State.

Because the CPC J.H. Campbell plant is located in an area designated as attainment for the SO₂ NAAQS and the proposed SIP revision constitutes a relaxation of the Michigan SO₂ SIP, the

PDS regulations (August 7, 1980, 45 FR 52676) may be applicable. Relaxations must be reviewed for PSD increment consumption, if the PSD baseline date has been triggered by the filing of a complete PSD application within the area in which the J.H. Campbell plant is located in or has a 1 µg/m³ impact. Because the baseline date was triggered in 1980 for Ottawa County, a PSD increment consumption analysis is necessary for the J.H. Campbell revision. It is noted, however, that the proposed emission limitations are lower than the historical actual emission rates from this plant; and, therefore, the revision will result in a decrease in actual emissions from the plant. Consequently, the proposed revision expands rather than consumes the available PSD increment in this area.

USEPA has reviewed the State of Michigan's request for a 3-year SO₂ compliance date extension from R336.1401 for the CPC J.H. Campbell plant. USEPA is today proposing approval of this revision. This revision represents a reduction from the 1980-1984, 6.6 lbs/MMBTU allowable emission rate, but is higher than the 1.66 lbs/MMBTU allowable rate in the underlying Michigan SO₂ SIP. The Consent Order between Michigan and CPC requires compliance with R336.1401 prior to January 1, 1988. An acceptable attainment demonstration was provided which shows that the proposed limits will protect the SO₂ NAAQS and PSD increments.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities because it affects only one source. In addition, this action imposes no additional requirements on the source.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

This notice is issued under authority of section 110 of the Clean Air Act, as amended (42 U.S.C. 7410).

Dated: February 25, 1985.

Alan Levin,
Acting Regional Administrator.
[FR Doc. 85-15572 Filed 6-28-85; 8:45 am]
BILLING CODE 6560-50-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 334 (Sub-6)]

Review of Car Hire Charges; Extension of Time

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments to advance notice of proposed rulemaking.

SUMMARY: At 50 FR 16724, April 29, 1985, the Commission opened this proceeding to undertake a broad review of the regulation of railroad car-hire charges (except car-hire charges for boxcars). That notice established due dates of June 28 and August 27, 1985, respectively, for the filing of initial and reply comments. In response to requests, this notice extends those dates by 60 days.

DATES: Initial comments are due by August 27, 1985; reply comments are due by October 28, 1985.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: An advance notice of proposed rulemaking published April 29, 1985 (50 FR 16724) established due dates of June 28 and August 27, 1985, respectively, for the filing of initial and reply comments in this proceeding. By a joint petition filed June 11, 1985, the American Short Line Railroad Association, BRAE Corporation, and Irel Rail Corporation (petitioners) seek 60-day extensions of time for filing those comments. In reply, the Consolidated Rail Corporation has requested a 90-day extension. Petitioners join in that request, but the Railway Progress Institute supports only the petitioners original 60-day request. In addition, the railroad subsidiaries of CSX Corporation have also requested a 90-day extension.

Because of the complex issues, a 60-day extension is warranted. The longer extension requests are not warranted, because this is a longstanding issue in the railroad industry, because an additional 60 days is ample time to adequately prepare, and because the railroads have addressed the same issues recently in similar proceedings.

Decided: June 24, 1985.

By the Commission, Reese H. Taylor, Jr., Chairman.

James H. Bayne,
Secretary.

[FR Doc. 85-15745 Filed 6-28-85; 8:45 am]
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