revision. The revision consists of a variance from the compliance requirements contained in NR 154.13(2)(a)1.d., Storage of Organic Compounds. The variance contains a phased compliance schedule for 21 storage tanks so that all tanks will be meeting the requirements of NR 154.13(2)(a)6.b through i., Storage in Vessels With External Floating Roofs, by December 31, 1985.

The plan proposed in the variance considers the flexibility required to handle various types of crude oil received while approximately 25 percent of the storage capacity is out of service during each of the upcoming four summers. The facility has identified five tanks which will require replacement of the primary seals and installation of secondary seals; seven tanks may require complete seal replacement; and nine tanks may require installation of secondary seals only. This facility would virtually have to cease operations during the remainder of 1982 to complete this program within the current regulatory deadline. Based on the technical and economic considerations, EPA has determined that the time extension is warranted.

The variance contains an enforceable schedule for seal installation which incorporates emission reductions until final compliance is achieved. There will be no adverse impact on maintenance of the ozone NAAQS in Douglas County because the compliance schedule results in emission reductions from status quo levels. Therefore, EPA is approving the variance for a time extension from the compliance requirements of NR 154.13(2)(a)1.d. WAC, for Lakehead Pipe Line Company, Inc., Superior.

The approval incorporates the following conditions specified by Wisconsin in the variance:

1. The variance, as well as the requirements herein, shall be in effect from January 1, 1983, (or approval date of the variance, whichever is later) through December 31, 1985.

2. Lakehead Pipe Line Company, Inc., shall maintain records for each storage tank indicating type of crude oil stored, Typical Reid Vapor Pressure, dates of filling, emptying and the monthly average storage temperature.

3. All provisions of section NR 154.13(2)(a)6.b. through i., Wisconsin Administrative Code, shall be complied with.

4. Lakehead Pipe Line Company, Inc. shall achieve compliance as expeditiously as possible but no later than the increments indicated in the schedule submitted with this variance request:

a. Install secondary seals on Tanks 6, 13, 15 and 19 by December 31, 1982.

b. Install secondary seals on Tanks 8, 10, 12, 22, 23 and 24 by December 31, 1983.

c. Install secondary seals on Tanks 5, 11, 16, 17 and 18 by December 31, 1984.

d. Install secondary seals on Tanks 1, 2, 7, 9, 20 and 21 by December 31, 1985.

e. Tanks 28 and 29 owned by Husky Oil Corporation, Ltd., but operated by Lakehead Pipe Line Co., Inc., shall be converted to internal floating roof design by December 31, 1982.

Because EPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on January 14, 1983. However, if we receive notice by December 15, 1982 that someone wishes to submit critical comments, *then* EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

Under Executive Order 12291, today's action is not "Major". The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Note.—Incorporation by reference of the State Implementation Plan for the State of Wisconsin was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110 and 172, Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: November 5, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Wisconsin

Title 40 of the Code of Federal Regulations, Chapter I, Part 52, is amended as follows:

1. Section 52.2570 is amended by adding paragraph (c)(29) as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(29) On July 15, 1982, the State of Wisconsin submitted a variance to the compliance regulation requirements contained in NR 154.13(2)(a)1.d. for Lakehead Pipe Line Company, Inc., in Superior.

[FR Doc. 82-31219 Filed 11-12-82 8:45 am]

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40 CFR Part 52

[A-5-FRL 2223-7]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Notice of final rulemaking.

SUMMARY: The State of Michigan submitted the general rules for fugitive dust control on March 6, 1981, as a revision to the Michigan State Implementation Plan (SIP). On January 25, 1982, the State of Michigan submitted additional information outlining the general criteria for selection of the sources required to implement a fugitive dust control program. This submittal, along with the additional information, satisfies the State's commitment to submit industrial fugitive dust regulations that represent RACT for industrial fugitive dust sources. On June 29, 1982, EPA proposed approval of Michigan's Fugitive Dust regulations as a revision to its SIP. No public comments were received during the 30-day comment period. Therefore, EPA is today approving Michigan's Fugitive Dust Regulations as a revision to Michigan's Total Suspended Particulate (TSP) SIP.

ADDRESSES: Copies of this SIP revision are available for review at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60605

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917

U.S. Environmental Protection Agency, Public Information Reference Unit, 401

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M Street, SW., Washington, D.C. 20460
Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6037.

SUPPLEMENTARY INFORMATION: On May 6, 1980, (45 FR 29793) EPA conditionally approved Michigan's particulate plan for those primary and secondary nonattainment areas which did not include iron and steel sources. This plan was approved with the condition that the State would adopt final industrial fugitive dust regulations that represent RACT for traditional sources and submit the finally effective regulations to EPA. Also, on May 6, 1980, (45 FR 29864) EPA proposed approval of Michigan's schedule to correct the TSP deficiencies in its SIP.

In the September 4, 1980 **Federal Register** (45 FR 58527) EPA announced approval of Michigan's schedule of deadlines for remedying identified deficiencies. That notice, indicated the commitment by the State to a schedule for the adoption of industrial fugitive dust regulations that represent RACT for traditional sources. The schedule called for the State to submit the regulations to EPA by January 1981.

On March 6, 1981, the State of Michigan submitted as a SIP revision general rules for fugitive dust control. These rules were approved by the Michigan Air Pollution Control Commission (Commission) on January 20, 1981, and became effective at the State level on February 17, 1981. The following elements are contained in the fugitive dust control rules under: Part 1—General Provisions, which include the definitions of fugitive dust, numbered R336.1106; and Part 3—Emission limitations and Prohibitions—Particulate Matter, numbered R336.1370, R336.1371, and R336.1372, which include collected air contaminants, fugitive dust control programs, required activities and typical control methods.

On June 29, 1982, (47 FR 28112) EPA proposed approval of Michigan's Fugitive Dust Regulations as a revision to its SIP. During the 30-day public comment period, no comments were received. On August 24, 1982, the State of Michigan submitted an analysis of potentially significant fugitive dust problems located in or near the primary nonattainment area.

EPA has reviewed this revision and believes that Michigan's General Rules and criteria for fugitive dust control satisfy the State's commitment for adopting industrial fugitive regulations that represent RACT for traditional sources. EPA's review of these regulations is discussed in its technical support documents of June 4, 1981, and March 24, 1982. EPA, therefore, approves the March 6, 1981, and January 25, 1982, submittals concerning the general rules for fugitive dust control as a revision to the Michigan SIP.

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

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under 307(b)(1) of the Act, petition for judicial review of this action must be filed in the United States Court of Appeals for the Appropriate Circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2))

List of Subjects in 40 CFR Part 52

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

Note.—Incorporation by reference of the State Implementation Plan for the State of Michigan was approved by the Director of the **Federal Register** on July 1, 1982.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 7410).)

Dated: November 5, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraph (c)(61) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(61) On March 6, 1981, the State of Michigan submitted as a SIP revision general rules for fugitive dust control. These rules were approved by the Michigan Air Pollution Control Commission on January 20, 1981, and became effective at the State level on February 17, 1981. On January 25, 1982, May 3, 1982, and August 24, 1982, Michigan submitted additional information and commitments. The submittal of March 6, 1981, along with the additional information and commitments satisfies the State's commitment to submit industrial fugitive dust regulations that represent reasonably available control techniques for industrial fugitive dust sources.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-177]

Organization and Delegation of Powers and Duties; Northeast Rail Service Act

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This amendment delegates to the Federal Railroad Administrator functions vested in the Secretary by Northeast Rail Service Act of 1981 relating to engaging the services of an investment banking or similar firm to arrange for the sale of the interest of the United States in the common stock of Conrail.

DATE: The effective date of this amendment is May 1, 1982.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

The Northeast Rail Service Act of 1981 (Pub. L. 97-35; August 13, 1981) authorizes the Secretary of Transportation to engage the services of an investment banking or similar firm to arrange for the sale of the interest of the United States in the common stock or Conrail. The purpose of this amendment is to delegate that authority to the Federal Railroad Administrator.

List of Subjects in 49 CFR Part 1

Authority delegations (government agencies), Organization and functions (government agencies).

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