

a sentence between commas reading, "as with any activity which qualifies under a nationwide permit" in § 330.11(c). That portion of the sentence confuses the intent of the paragraph and was supposed to be deleted from draft documents.

EFFECTIVE DATE: January 12, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Sam Collinson at (202) 272-1782.

SUPPLEMENTARY INFORMATION: 1.

Accordingly, the Corps of Engineers is correcting the **SUPPLEMENTARY INFORMATION** on page 41217 under the heading "**SECTION 328.3: Definitions:**" By changing "40 CFR 328.3(a)(3)" to read "33 CFR 328.3(a)(3)".

2. The Corps is also correcting § 330.11(c).

§ 330.11(c) [corrected]

If the district engineer decides that an activity does comply with the terms and conditions of a nationwide permit he will so notify the general permittee. In such cases, the general permittee's right to proceed with the activities under the nationwide permit may be modified, suspended, or revoked only in accordance with the procedures of 33 CFR 325.7.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

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BILLING CODE 3710-08-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-3133-8]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: USEPA is today approving, as a revision to the Michigan State Implementation Plan (SIP), Consent Order No. 12-1984 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 the following rates on a daily basis for a 3-year (1985-1987) period: 1985 (4.88 lb/MMBTU); 1986 (4.78 lb/MMBTU); and 1987 (4.68 lb/MMBTU).

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.

EFFECTIVE DATE: This final rulemaking is effective February 11, 1987.

ADDRESSES: Copies of this revision to the Michigan SIP are available for inspection at: The Office of the Federal Register, 1100 L Street NW., Room 8301, Washington, DC.

Copies of this SIP revision and other materials relating to this rulemaking for inspection at the following addresses: (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), 230 South Dearborn Street, Chicago, Illinois 60604

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC 20460
Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48821

FOR FURTHER INFORMATION CONTACT: Ms. Toni Lesser, Michigan Regulatory Specialist, (312) 886-6037.

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 as R336.1401; these revisions were not substantive. Rule 336.1401 contains emission 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 1.0 percent sulfur content in fuel limitation for large coal-burning power plants, with a compliance date of July 1, 1978. Under this rule, a source could obtain an exemption from meeting the SO₂ limit up until January 1, 1980, if certain specified conditions were met. Pursuant to State regulations adopted in January 1980, a source may apply to the Michigan Air Pollution Control Commission (MAPCC) for a compliance date extension beyond January 1, 1980. Any such compliance date extensions must be incorporated into a legally enforceable State order and must be

submitted to USEPA as a revision to the federally approved SIP.

On December 24, 1980 (45 FR 85004), USEPA approved as a SIP revision Final Order No. 05-1979 for the CPC's J.H. Campbell plant, which extended the final date for achieving compliance with R336.1401 from January 1, 1980, to December 31, 1984. The J.H. Campbell plant is located in Port Sheldon Township, Ottawa County, Michigan, approximately 1 kilometer east of Lake Michigan. Ottawa County 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.

On June 18, 1984, the MAPCC approved Stipulation for Entry of Consent Order and final Order No. 12-1984, which provided for an additional 3-year compliance date extension (January 1, 1985-December 31, 1987) for J.H. Campbell Units 1 and 2, and which established interim daily average SO₂ emission limitations and quarterly average limits on percent sulfur in fuel fired. On October 1, 1984, Michigan Department of Natural Resources (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 SIP. USEPA's July 1, 1985, proposed rulemaking summarizes the provisions of Consent Order No. 12-1984 (50 FR 27030).

Public comments on USEPA's July 1, 1985, proposed action were received from the Ministry of the Environment, Province of Ontario, Canada. A summary of these comments and USEPA's responses follow:

Comment: United States and Canada signed a Memorandum of Intent in August of 1980 in which it was agreed "... to develop a bilateral agreement to combat transboundary air pollution ... [and] to make certain interim actions including the vigorous enforcement of existing laws and regulations." Ottawa asks that USEPA adhere to this agreement and, therefore, deny the compliance date extension for Consumer Power.

Response: The SO₂ SIP revision for J.H. Campbell was reviewed with respect to the requirements in the Clean Air Act. Because the interim SO₂ emission limits will protect the SO₂ NAAQS and the SIP revision satisfies the requirements of Section 110(a)(2) of the Clean Air Act, USEPA is, therefore,

required by law to approve the proposed revision.

Comment: USEPA should disapprove the proposed revision in order to be consistent with the July 26, 1985 Order by the U.S. District Court for the District of Columbia in *New York v. Thomas*, No. 84-0853. This decision dealt with a petition by several states and environmental groups and ordered USEPA to act under Section 115 of the Clean Air Act with regard to acid rain damage to Canada.

Response: On September 24, 1985, USEPA appealed this decision. On November 21, 1985, the District Court stayed its Order pending the appeal. Therefore, this Order has no immediate impact on the approvability of SIP revisions which comply with the requirements of the Clean Air Act.

Comment: SO₂ emissions from the J.H. Campbell plant contribute to the overall atmospheric loading of pollutants which are subsequently deposited on sensitive ecosystems. This long-range transport and acid deposition are the result of an aggregate of emissions on the continent, and emission sources cannot be considered in isolation. Acid deposition is currently detrimental to sensitive aquatic ecosystems in both United States and Canada.

Response: USEPA is actively researching the nature and effects of acidic deposition. In a further step in the bilateral process between the United States and Canada, special envoys were appointed to evaluate the acid deposition problem, and issued a report, including recommendations, in January 1986.

During the past several years, there have been several challenges to USEPA's approval of SO₂ SIP revisions (e.g., Commonwealth Edison, Kincaid; Tennessee Valley Authority, Kingston; Indianapolis Power & Light Company, Indiana and Michigan Electric Northern Indiana Public Service Company and Public Service Indiana plants in Indiana; and Long Island Lighting Company) based on allegations that the revisions were inconsistent with the Clean Air Act, and that they would contribute to acid deposition. These challenges were based on arguments and technical information related to acid deposition, sulfates, etc., which was similar to that submitted by Ontario in this rulemaking. In each decision in these cases, the court upheld the approval under the existing provisions of the Clean Air Act, and denied the petition (see *Connecticut v. USEPA*, 696 F.2d 147 (2d Cir. 1982); *New York v. USEPA*, 716 F.2d 440 (7th Cir. 1983); *New York v. USEPA Administrator*, 710 F.2d 1200 (6th Cir. 1983); *New York v. Gorsuch*, No. 82-1717

(7th Cir.); *New York and Connecticut v. Gorsuch*, No. 82-2059 (7th Cir.).

On December 5, 1984, (49 FR 48152), USEPA made a final determination on the Section 126 petitions filed by Pennsylvania, New York and Maine. The petitions dealt with the consideration of the accumulated impacts of midwestern SO₂ emissions on the northeastern U.S. environment. USEPA concluded that no demonstration had been made that these emissions interfered with attainment or maintenance of the NAAQS or the PSD increments. The J.H. Campbell plant SO₂ SIP revision was reviewed in a manner consistent with the way in which USEPA reviewed the SIP revisions involved in the above referenced Circuit Court cases. Therefore, USEPA has satisfied its responsibilities under the Clean Air Act for the J.H. Campbell plant revision.

In summary, Consent Order No. 12-1984 reduced the allowable SO₂ emissions from the Consumer Power Company, J.H. Campbell plant in Ottawa County, Michigan, from the 6.6 lbs/MMBTU allowed in 1984 to 4.88 lbs/MMBTU in 1985, 4.78 lbs/MMBTU in 1986 and 4.68 lbs/MMBTU in 1987. USEPA's technical support documents of November 30, 1984, October 11, 1985, and June 5, 1986, provide a detailed discussion of USEPA's review of the air quality modeling analysis, PSD applicability, and response to public comments.

On July 8, 1985 (50 FR 27892), USEPA promulgated revisions to its stack height regulations, pursuant to section 123 of the Clean Air Act. The regulations do not apply to stack heights "in existence" on or before December 31, 1970. A stack is considered "in existence" if the owner or operator had, by December 31, 1970: (1) Begun a continuous program of physical on-site construction of the stack; or (2) entered into a binding agreement or contractual obligation, which could not be cancelled or modified without substantial loss, to undertake a program of construction to be completed within a reasonable time. USEPA has determined that the stack serving J.H. Campbell Units 1 and 2 was constructed before 1968 and is, therefore, not subject to USEPA's stack height regulations.

The 198 meter (m) stack serving Unit 3 was constructed in 1980 at the same time as Unit 3 was constructed, and is subject to the stack height regulations. As such, it is subject to the Good Engineering Practice formula of 40 CFR 51.1 (ii)(2)(ii). Using the J.H. Campbell building dimensions and diagrams supplied by MDNR, the stack height credit calculated using the formula is

200 m. The 198 m stack is, therefore, properly creditable under the revised regulations for the stack, and was the basis for the air quality modeling analysis submitted by the State.

Michigan's January 1986 report (submitted February 4, 1986) on its implementation of USEPA's stack height regulations provided the State's determination that the Consumers Power J.H. Campbell plant's SO₂ emission limit was not based on stack height or dispersion credit greater than allowed by the stack height regulations. Based on the foregoing, the SO₂ SIP revision for the Consumer Power J.H. Campbell plant is consistent with USEPA's revised stack height regulations.

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 and finds that the analyses (1) are consistent with USEPA's modeling guidelines; and (2) indicate that the revised SO₂ emission limitations for the J.H. Campbell plant will not cause or contribute to a violation of the SO₂ NAAQS in Michigan or any other State and will protect the PSD increments in Ottawa County. USEPA is today approving this revision to the Michigan SO₂ SIP. 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.

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 March 13, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Sulfur oxides, Intergovernmental relations, Incorporation by reference.

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.

Dated: December 5, 1986.
 Lee M. Thomas,
 Administrator.

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

PART 52—[AMENDED]

Subpart X—Michigan

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1170, is amended by adding paragraph (c)(81) as follows:

§ 52.1170 Identification of plan.

(c) * * *

(81) On October 1, 1984, the State of Michigan submitted the Stipulation for Entry of Consent Order and Final Order, SIP No. 12-1984, between the Consumer Power Company's J.H. Campbell and the Michigan Air Pollution Control Commission as a revision to the Michigan SO₂ SIP. Consent Order No. 12-1984 provides a 3-year compliance date extension (January 1, 1985, to December 31, 1987) for the J.H. Campbell Units 1 and 2 to emit SO₂ at an allowable rate on a daily basis of 4.88 lbs/MMBTU in 1985, 4.78 lbs/MMBTU in 1986, and 4.68 lbs/MMBTU in 1987.

(i) Incorporation by reference.

(A) October 1, 1984, Stipulation for Entry of Consent Order and Final Order, SIP No. 12-1984, establishing interim daily average SO₂ emission limitations and quarterly average limits on percent sulfur is fuel fired.

[FR Doc. 87-458 Filed 1-9-87; 8:45 am]
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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6636

[AZ-940-07-4220-11; A-12954]

Arizona; Partial Revocation of Reclamation Project Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a reclamation project withdrawal affecting approximately 389.06 acres of national forest lands currently classified for exchange. After revocation of the withdrawal, the underlying lands will remain segregated from entry by a

pending Forest Service exchange application.

EFFECTIVE DATE: January 12, 1987.

FOR FURTHER INFORMATION CONTACT: John T. Mezes, BLM, Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011 (602) 241-5529.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and by an Act of Congress dated November 7, 1986, and a U.S. District Court order of November 25, 1986, it is ordered as follows:

1. Secretarial order of December 14, 1904, as interpreted by Order of May 19, 1964, which withdrew lands for the Horseshoe Reservoir Site, is hereby revoked insofar as it affects the following described land:

Gila and Salt River Meridian
 T. 5 N., R. 7 E.,
 Sec. 31, Lots 1, 2, 3, W½E½, E½NW¼,
 SE¼SE¼.

The area described contains 389.06 acres in Maricopa County.

2. Upon revocation of the withdrawal, the lands described above will immediately become available for a pending Forest Service exchange.

J. Steven Griles,
 Assistant Secretary of the Interior.
 January 5, 1987.
 [FR Doc. 87-545 Filed 1-9-87; 8:45 am]
 BILLING CODE 4310-32-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 160

[CGD 84-069a]

Lifesaving Equipment; Immersion Suits

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising the specifications for approval of exposure suits. Existing approvals for exposure suits under 46 CFR 160.071 will be terminated on the effective date of these regulations and new approvals will be issued for immersion suits under 46 CFR 160.171 after supplemental testing. Existing vessels may continue to use exposure suits approved under 46 CFR 160.071 as long as the suits remain serviceable. Ships, the construction or conversion of which started on or after July 1, 1986, will be required to have immersion suits approved under 46 CFR 160.171. The changes are needed to conform the regulations to the

International Convention for Safety of Life at Sea, 1974 (SOLAS 74), as amended.

EFFECTIVE DATE: April 13, 1987. The Director of the Office of the Federal Register has approved the material incorporated by reference as of April 13, 1987.

ADDRESS: The comments, final evaluation, and materials referenced in this notice will be available for examination and copying between 7:30 a.m. and 4 p.m., Monday through Friday, except holidays, at the Marine Safety Council (G-CMC/21), Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT: LCDR William M. Riley (202) 267-1444.

Drafting Information: The principal author of this final rule is LCDR William M. Riley, Office of Marine Safety, Security, and Environmental Protection, assisted by the Office of the Chief Counsel.

SUPPLEMENTARY INFORMATION: On June 17, 1983, the International Maritime Organization (IMO) adopted the Second Set of Amendments to SOLAS 74. These amendments, which enter into force on July 1, 1986, will require "immersion suits" to be carried on board certain vessels on an international voyage. Exposure suits approved under 46 CFR 160.071 are already required to be carried on U.S. vessels, and substantially meet the requirements for immersion suits. However, the specification for immersion suits contained in Regulation 33 of Chapter III of SOLAS 74 includes a number of requirements which differ from those contained in § 160.071. This final rule will bring the U.S. regulations into line with the treaty with respect to nomenclature, test subjects, donning over clothing, donning at low temperature, storage temperature, flame and oil exposure, impact resistance, water ingress, hand dexterity after immersion in cold water, freeboard, and righting.

Existing U.S. standards, which exceed the SOLAS 74 requirements, will be retained. In particular, the United States will continue to refuse approval of uninsulated and non-buoyant immersion suits, which are permitted by SOLAS 74. Uninsulated and non-buoyant suits do not provide an acceptable level of protection because they require layers of woolen clothing to be worn under the suit for warmth and a life preserver to be worn over the suit to provide flotation. The extra time required to don the clothing and life preserver may result in a loss of life.