§ 204.175 Lake Michigan: Small arms range adjacent to U.S. Naval Training Center, Great Lakes, Ill.

* * * * *

(b) *The regulations.* (1) When firing affecting the danger zone is in progress, the enforcing agency will post guards at such locations that the waters in the danger zone may be observed and arrange signals whereby these guards may stop the firing should any person or vessel be seen in the waters of the danger zone. When firing is in progress, the enforcing agency will cause red flags to be displayed on shore near the rifle butts, which may be readily discernible to a person in a vessel within the danger zone.

* * * * *

(3) If such flags are displayed it will indicate that firing is in progress, and that the waters in the danger zone are subject to impact by rounds missing or ricocheting off the impact berm and should not be entered until the flags are lowered.

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(5) Deleted.

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Authority.—(40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3).

Notes.—The Chief of Engineers has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and therefore, is not significant for the purposes of E.O. 12044. A regulatory analysis is not required.

Dated: November 7, 1979.

Forrest T. Gay III,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 79-35515 Filed 11-16-79; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1361-2]

State and Federal Administrative Orders Revising the Michigan State Implementation Plan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rule: Proposed Approval of Revision.

SUMMARY: U.S. Environmental Protection Agency (USEPA) proposes to approve Michigan Air Pollution Control Commission's request for a revision to the Michigan State Implementation PLan (SIP). The revision is a Final Order issued by the Michigan Air Pollution Control Commission (MAPCC). The Final Order was the result of the Stipulation and Consent Order entered into by the Consumers Power Company and the Air Quality Division of the Michigan Department of Natural Resources. The Order extends the date by which the Company is required to bring sulfur dioxide emissions from coal-fired boilers at its J.H. Campbell Plant located in the Township of Port Sheldon, Ottawa County, Michigan, into compliance with certain regulations contained in the federally approved Michigan State Implementation Plan (SIP). The Order extends the date for compliance from January 1, 1980 to January 1, 1985. Any Order which has been issued to a major source and extends the SIP compliance date for meeting the sulfur dioxide emission limitations must be approved by USEPA before it becomes effective as a SIP revision under the Clean Air Act. 42 U.S.C. 7410. If approved by USEPA, the extension will constitute a revision to the SIP. The purpose of this Notice is to invite public comment on USEPA's proposed approval of the MAPCC Order dated June 25, 1979.

DATE: Written comments must be received by December 19, 1979.

ADDRESSES: Please send comments to: Steve Rothblatt, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

The State Order, supporting material and public comment received in response to this notice may be inspected and copied (for appropriate charges) during normal business hours at the above address or at: Michigan Department of Natural Resources, Air Quality Division, State Secondary Complex, General Office Building, 7150 Harris Drive, P.O. Box 30028, Lansing, Michigan 48909.

FOR FURTHER INFORMATION CONTACT: Joel Morbito, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6059.

SUPPLEMENTARY INFORMATION: Consumers Power Company uses coal as fuel in its electrical generating facility, commonly known as the Campbell Plant, in the township of Port Sheldon, Ottawa County, Michigan.

On January 17, 1978 the Michigan Air Pollution Control Commission (Commission) received Consumers Power Company's (Consumers) request to defer compliance with the sulfur dioxide emission standards specified in Tables 3 and 4 of Rule 336.49 of the Commission's Rules and Regulations for Air Pollution Control. Consumers requested that compliance be deferred from January 1, 1980 to January 1, 1985.

Rule 336.49 sets sulfur dioxide emission limitations for power plants in the State of Michigan. Rule 336.49(1) allows for deferred compliance if power plant emissions do not create or contribute to an ambient level of sulfur dioxide in excess of the applicable air quality standards. Rule 336.49(2) prohibits exceptions to the limitations of Table 3 beyond January 1, 1980 unless authorization is granted by the Commission.

In accordance with Rule 336.49(2) Consumers applied for an extension of the January 1, 1980 compliance date for sulfur dioxide emissions. In its application Consumers requested that the compliance date be extended to January 1, 1985, and provided information and demonstrations which were required by Rules 336.141-147.

As a result of Consumers' application a public hearing was held May 15, 1979 on proposed Consent Order APC No. 05-1979 entered into by Consumers and the Air Quality Division of Michigan's Department of Natural Resources. There was testimony that the proposed Order did not appear to contain any interim reduction for the twenty-four hour average of sulfur dioxide emissions, and that the air quality models and meteorological data did not take into account the gradient onshore and lake breeze fumigation effects. The Commission authorized the entrance of the Order with the provision that the problem with the air quality modeling study be resolved.

The Order extended the compliance date for meeting sulfur dioxide emission limitations to January 1, 1985. The Commission stated in the Order that if Consumers complied with the terms of the proposed Order, the extension would not interfere with the attainment or maintenance of the National Ambient Air Quality Standards for any pollutant. The proposed Order was thereafter stipulated on June 22, 1979 as a Consent Order between Consumers and the Air Quality Division of Michigan's Department of Natural Resources. On June 25, 1979 the Consent Order was issued by the Michigan Air Pollution Control Commission as the Commission's Final Order.

The Final Order rescinds and supersedes Performance Contract No. 973-10 and extends the compliance date for meeting the sulfur dioxide emission limitations of Commission Rule 336.49 to January 1, 1985. The Order also contains provisions by which it may be modified or revoked. Under the Order Consumers must comply with the following program and time schedule for the control of

sulfur dioxide emissions from the Campbell Plant:

A. Sulfur Dioxide Emission Limitations

(1) Beginning on January 1, 1980 and continuing to January 1, 1985, fuel burned at the Campbell Plant shall not:

(a) On an annual average exceed 3.05 percent sulfur content by weight at 12,000 Btu/pound of coal.

(b) Result in sulfur dioxide emissions greater than 490 tons on any calendar day. This emission limitation is the equivalent of burning coal which averages 3.82 percent sulfur content by weight at 12,000 Btu/pound of coal and 650 megawatts net load for 24 hours.

(c) On a daily average result in emissions of sulfur dioxide greater than a rate of 7.0 pounds per million Btu heat input.

(2) After January 1, 1985, emissions of sulfur dioxide from the Campbell Plant shall not exceed the levels prescribed in Tables 3 and 4 of Rule 336.49, unless an alternative date for compliance with the levels is established by the Commission.

B. Sulfur Dioxide Control Program

(1) By January 1, 1980, the Company shall submit to the Commission an acceptable control strategy which shall provide for compliance with Section A(2) of this Order.

(2) If the Company elects to burn low sulfur coal as the method of control, the Company shall be January 1, 1981, and by each January 1 for the following three (3) years:

(a) Notify the Commission that it has under contract or contract option the low sulfur coal necessary to meet the requirements of Section A(2) of this Order; or

(b) Notify the Commission, with acceptable explanation, that adequate quantities of low sulfur coal are available for acquisition for use in the Campbell Plant by January 1, 1985.

(3) If low sulfur coal is chosen as the method of control the Company shall notify the Commission of the signing of any contracts for such coal within thrity (30) days of their signing.

(4) If the Company elects a control strategy other than low sulfur coal burning, a report on the method of control (including increments of progress) shall be provided to the Commission by January 1, 1980. If a control strategy other than low sulfur coal burning is submitted, it is the intent of the Company and the Commission to incorporate the elements of the control strategy into either a new or amended order.

(5) By January 1, 1981, and by each January 1 for the following three (3) years, the Company shall submit to the Commission a report of the Company's progress toward complying with the order. Any developments which would preclude compliance with any provision of this Order shall be immediately reported in writing to the Commission.

C. Monitoring and Data Reporting

(1) The Company shall operate two (2) ambient sulfur dioxide monitors around the Campbell Plant in such manner and at such locations as reasonably specified by the Chief of the Air Quality Division of the Department of Natural Resources (hereinafter "Staff"). To measure the air quality impact of the Campbell Plant under lake breeze fumigation conditions, the Company shall operate an additional six (6) ambient sulfur dioxide monitors at such locations around the Campbell Plant as reasonably specified by the Staff.

(2) The Company shall perform a weekly sulfur analysis of fuel burned in the Campbell Plant in accordance with the procedures specified in Appendix A.

(3) The Company shall by January 1, 1980, install and place in operation stack gas emission monitor(s) for measuring sulfur dioxide that meets the performance specifications of Appendix B of 40 CFR Part 60 (1977).

(4) The Company shall demonstrate the adequacy of the stack gas sulfur dioxide monitor(s) in accordance with the procedures specified in Appendix B of 40 CFR Part 60 (1977).

(5) For each calendar day during which the stack gas sulfur dioxide monitor(s) has been inoperative for 12 consecutive hours, the Company shall conduct a daily analysis of the coal burned at the Campbell Plant according to the procedures specified in Appendix A. This daily analysis shall be discontinued only after the stack gas sulfur dioxide monitor(s) has operated acceptably for 12 consecutive hours during a calendar day.

(6) The Company shall report to the Staff sulfur dioxide emissions in terms of pounds of sulfur dioxide per million Btu heat input in accordance with the procedures specified in Appendix B of 40 CFR Part 60 (1977).

(7) The Company shall submit to the Staff data from the aforementioned ambient air quality monitors, stack gas monitor(s) and fuel sulfur analysis in such format and at such intervals as reasonably specified.

(8) During 1979 and at approximately 18-month intervals thereafter, the Company shall conduct periodic particulate emission tests for each unit of the Campbell Plant. The tests shall be conducted in accordance with Commission approved procedures.

(9) The monitoring and reporting requirements specified in or pursuant to subsections C(1) through (8) shall be, upon request of the Company, reviewed by the Commission and modified if the Commission finds such modifications are justified.

D. Lake Breeze Fumigation Study

The Company shall conduct a lake breeze fumigation study to determine the effects of onshore wind flow upon ambient sulfur dioxide concentrations resulting from operation of the Campbell Plant. The study shall cover the period of April through September 1980, and shall be conducted in accordance with the scope description in Appendix B of this Order. A report of the preliminary results of the study shall be submitted to the Staff by April 1, 1981. A report of the final results of the study shall be submitted to the Staff by August 1, 1981.

Appendix A—Fuel Analysis Procedures

1. Weekly Fuel Analysis

a. A minimum of three equally spaced grab samples of the coal burned at the Campbell Plant shall be taken each calendar day.

b. A composite coal sample shall be prepared from the grab samples according to ASTM or equivalent methods for each calendar day that the daily fuel analysis is required.

c. The weekly composite coal sample shall be analyzed for sulfur and heat (Btu) content according to ASTM or equivalent procedures approved by the Chief of the Air Quality Division.

2. Daily Fuel Analysis

a. In the event the stack gas sulfur dioxide monitor(s) has been inoperative for a period of 12 consecutive hours, a minimum of two equally spaced grab samples of the coal burned at the Campbell Plant shall be taken during each eight hour work shift. This sampling procedure shall continue until the monitor has operated acceptably for a period of 12 consecutive hours.

b. A composite coal sample shall be prepared from the grab samples according to ASTM or equivalent methods for each calendar day that the daily fuel analysis is required.

c. The composite coal sample shall be analyzed for sulfur and heat (Btu) content according to ASTM or equivalent methods approved by the Chief of the Air Quality division.

Appendix B—Lake Breeze Fumigation Study—Scope Description

The lake breeze fumigation study shall consist of five phases as follows:

I. Meteorological Data Collection—Data shall be collected with an on-site

meteorological tower and an acoustic sounder. Descriptions of the data to be collected are included in Attachment I to this Appendix. This phase shall include meteorological data from June 1977 to September 1980.

II. Ambient Monitor Site Selection—The meteorological data collected in Phase I shall be used in conjunction with appropriate modeling studies to determine the location of the six ambient sulfur dioxide monitors required to measure maximum impact of the Campbell Plant during lake breeze fumigation conditions. The locations of the monitors shall be approved by the Air Quality Division.

III. Ambient Data Collection—Following the installation of the sulfur dioxide monitors, concurrent meteorological and ambient sulfur dioxide data shall be collected. Data collection shall begin, weather and equipment availability permitting, by April 1, 1980, and shall continue through September 30, 1980. Meteorological data shall consist of the data specified in Phase I above as well as the data obtained from an acoustic sounder located inland from the Campbell Plant site. Ambient sulfur dioxide data shall be obtained on a continuous basis from those sites identified in Phase II.

IV. Model Validation—The concurrent meteorological and ambient data collected in Phase III shall be used to validate the lake breeze fumigation model used in the site selection phase. If necessary, modifications based on this validation shall be made to the model to assure it is representative of lake breeze dispersion conditions existing in the vicinity of the Campbell Plant site.

V. Impact Assessment—The validated model shall be used in conjunction with the meteorological data of Phase III and any other pertinent information to determine the impact of the Campbell Plant on ambient sulfur dioxide levels during lake breeze fumigation conditions.

The Company shall review each phase of the above program with the staff of the Air Quality Division and advise the staff of the progress of the study. Hourly meteorological data collected during the study as well as the data summaries described in Attachment I shall be provided to the Air Quality Division.

Attachment 1 to Appendix B Data Descriptions

1. Meteorological Tower Data

A. Wind direction and speed at heights of 10, 60 and 90 meters;

B. Temperature and dew point temperature at 10 meters; and

C. Differential temperature between the heights of 10 and 60 meters and between 10 and 90 meters.

2. Accoustic Sounder Data

A. Mixing height

B. Stability class

C. Degree of turbulence

Data Summaries

1. The following summaries are made of the meteorological tower data on a quarterly basis:

A. Wind frequency distribution at each height and among 16 wind direction sectors;

B. Stability wind roses for each of the seven Pasquill stability categories; and

C. Persistence of wind speed among 16 wind direction sectors.

2. The following summaries are made of acoustic sounder data on a quarterly basis:

A. Hourly values of mixing height;

B. Stability class (in a general classification scheme consisting of stable, unstable and neutral); and

C. Degree of turbulence (qualitative as to weak, moderate, strong).

The Final Order was formally submitted on June 26, 1979 as a proposed revision to the Michigan State Implementation Plan (SIP). USEPA reviewed the Order as a proposed SIP revision and concluded that the proposed revision meets notice and hearing procedural requirements of CFR 51.4 and 51.6 and will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards. Pursuant to Section 110 of the Clean Air Act, the Administrator of the United States Environmental Protection Agency must approve the Final Orders which extend compliance dates as revisions to the State Implementation Plans before they may become effective. 42 U.S.C. 7410. Today's action proposes approval of the Michigan Air Pollution Control Commission's Final Order dated June 26, 1979, as a revision to the Michigan SIP.

All interested persons are invited to submit written comments on the proposed SIP revision. Written comments received by the date specified above will be considered in determining whether EPA will approve the revision. After the public comment period, the Administrator of EPA will publish in the Federal Register the Agency's final action on the proposed SIP revision.

Attachment A

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels proposed regulations, "specialized." I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979 by the Administrator and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(42 U.S.C. 7410)

Dated: October 2, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 79-35561 Filed 11-16-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 180

[PP 6F1860/P122; FRL 1360-5]

Proposed Tolerances for the Pesticide Chemical Thiabendazole

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This notice proposes that tolerances be established for residues of the fungicide thiabendazole on sugar beets at 6 parts per million (ppm) and in eggs and the meat, fat, and meat byproducts of poultry at 0.1 ppm. The proposal was submitted by Merck & Co. This amendment would establish maximum permissable levels for residues of thiabendazole in or on sugar beets; eggs; and the meat, fat, and meat byproducts of poultry.

DATE: Comments must be received on or before December 19, 1979.

ADDRESS: Send comments to: Mr. Henry Jacoby, Product Manager (PM) 21, EPA, Office of Pesticide Programs, Registration Division (TS-767), 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Jacoby, PM 21, at the above address (202/755-2562).

SUPPLEMENTARY INFORMATION: On October 7, 1976, notice was given (41 FR 44213) that Merck & Co., Inc., Rahway, NJ 97965, had filed a petition (PP 6F1860) with the EPA. This petition proposed to amend 40 CFR 180.242 by increasing the established tolerance for residues of the fungicide thiabendazole (2-(4-thiazolyl)benzimidazole) in or on the raw agricultural commodity sugar beets without tops (preharvest) from 0.25 ppm to 4 ppm. No comments were received in response to this notice of filing.

Subsequently, the petitioner amended the petition by increasing the proposed tolerance from 4 ppm (preharvest) to 6 ppm (pre- and postharvest) and by expanding the proposed tolerance to inoude combined residues of thiabendazole and its metabolite 5-hydroxythiabendazole in eggs and the