

US EPA ARCHIVE DOCUMENT

05' 47" W), or at the mouth of the Wilmington River and proceed to the Savannah River via the Intracoastal Waterway (ICW) and thence westerly to the Highway 17A bridge. All coordinates referenced use Datum: NAD 1983.

(b) *Effective date.* This section is effective at 6 p.m. and expires at 10 p.m. EDT on July 9, 1996, unless terminated sooner by the Captain of the Port, Savannah, GA.

(c) *Regulations.* In accordance with the general regulations in Section 165.23 of this part, entry into the zone is subject to the following requirements:

(1) This safety zone is closed to all marine traffic, except as may be permitted by the Captain of the Port or his representative.

(2) The "representative of the Captain of the Port" is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Savannah, GA, to act on his behalf regardless of the support platform.

(3) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port or his representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone shall comply with all directions given them by the Captain of the Port or his Representative.

(4) The Captain of the Port may be contacted by telephone via the Command Duty Officer at (912) 652-4353. Vessels assisting in the enforcement of the safety zone may be contacted on VHF-FM channels 16 or 81, or vessel operators may determine the restrictions in effect for the safety zone by coming alongside a vessel patrolling the perimeter of the safety zone.

(5) The Captain of the Port will issue a Marine Safety Information Broadcast Notice to Mariners to notify the maritime community of the safety zone and restrictions imposed. Coast Guard vessels enforcing the zones will have informational handouts. Information will also be available at local marinas.

4. A new temporary § 165.T07-078 is added to read as follows:

§ 165.T07-078 Safety Zone: Savannah River, Savannah, GA.

(a) *Location.* The following area is a safety zone: All waters within a 50 yards radius around a fireworks barge in the vicinity of Rousakis Plaza, Savannah River, Savannah, GA at an approximate position of 32°04'.55 N, 81°05'.27 W. All coordinates referenced use Datum: NAD 1983. The Savannah River will be

closed to all vessel transits, during the actual fireworks display.

(b) *Effective date.* This section is effective at 9:15 p.m. and expires at 11 p.m. EDT on July 4, 1996, unless terminated sooner by the Captain of the Port, Savannah, GA.

(c) *Regulations.* In accordance with the general regulations in Section 165.23 of this part, entry into the zone is subject to the following requirements:

(1) This safety zone is closed to all marine traffic, except as may be permitted by the Captain of the Port or his representative.

(2) The "representative of the Captain of the Port" is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Savannah, GA, to act on his behalf regardless of the support platform.

(3) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port or his representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone shall comply with all directions given them by the Captain of the Port or his representative.

(4) The Captain of the Port may be contacted by telephone via the Command Duty Officer at (912) 652-4353. Vessels assisting in the enforcement of the safety zone may be contacted on VHF-FM channels 16 or 81, or vessel operators may determine the restrictions in effect for the safety zone by coming alongside a vessel patrolling the perimeter of the safety zone.

(5) The Captain of the Port will issue a Marine Safety Information Broadcast Notice to Mariners to notify the maritime community of the safety zone and restrictions imposed. Coast Guard vessels enforcing the zones will have informational handouts. Information will also be available at local marinas.

Dated: April 23, 1996.
Roger T. Rufe, Jr.,
Rear Admiral, U.S. Coast Guard, Commander,
Seventh Coast Guard District.
[FR Doc. 96-10556 Filed 4-29-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IA 003-1003; FRL-5455-4]

Approval and Promulgation of Implementation Plans and Delegation of 112(l); State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On August 4, 1995, the EPA published a proposed rulemaking to approve Iowa's voluntary operating permit program to serve as an alternative for sources otherwise subject to Title V of the Clean Air Act (the Act). No adverse comments were received on the proposed rulemaking. The EPA is now taking final action to approve this program.

EFFECTIVE DATE: This rule will become effective on May 30, 1996.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and EPA Air & Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Christopher D. Hess at (913) 551-7213.

SUPPLEMENTARY INFORMATION: At 60 FR 39907, dated August 4, 1995, the EPA published a proposed rulemaking to approve Iowa's voluntary operating permit program as part of the State Implementation Plan (SIP) and pursuant to section 112(l) of the Act. This program serves as an alternative for sources which might otherwise be subject to Title V. In Section V of the August 4, 1995, Federal Register document proposing approval of Iowa's program, the EPA cited four regulatory deficiencies for the state to correct in order for EPA to proceed with final rulemaking. These four deficiencies concerned the definition of 12-month rolling period; fugitive emissions; eligibility for a voluntary permit; and a requirement that permit limitations, controls, and requirements be enforceable as a practical matter. The state adopted these changes and submitted them to the EPA under the signature of Larry Wilson, Director, Iowa Department of Natural Resources, on February 16, 1996. For further information on these items, the reader should consult the proposed rulemaking and the technical support document.

In a subsequent matter not contemplated in the proposed rulemaking, the state has made one regulatory change concerning when a source shall apply for a voluntary operating permit. In the original rule, the date of March 1, 1995, was specified. However, due to the delay in receiving approval of the program, the state revised its rule at 22.203(1)a(1) to read that applications are due 90 days after approval of the state's Title V program (October 1, 1995).

This change became effective on February 24, 1995, and was submitted to the EPA under the Director's signature on February 27, 1996. This change is approvable by the EPA because it is noncontroversial and it precludes sources from the tenuous position of applying for a program not yet approved (which the original rule did not anticipate).

EPA Action

The EPA is taking final action to approve revisions submitted on December 8, 1994; February 16, 1996; and February 27, 1996, for the state of Iowa. This action makes the state's program a federally enforceable part of the SIP, and also makes such permits federally enforceable for hazardous air pollutants by means of EPA's approval under section 112(l).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

SIP approvals under section 110 and subchapter I, Part D of the Clean Air Act (CAA) do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the federal SIP approval does not impose any new requirements, the EPA certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 2214-

2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the EPA must undertake various actions in association with proposed or final rules that include a federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to state, local, or tribal governments in the aggregate.

Through submission of this SIP, the state has elected to adopt the program provided for under section 110 of the CAA. These rules may bind state and local governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being finalized for approval by this action will impose new requirements, sources are already subject to these regulations under state law. Accordingly, no additional costs to state or local governments, or to the private sector, result from this final action. The EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to state or local governments in the aggregate or to the private sector. The EPA has determined that these rules result in no additional costs to tribal government.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 1, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. 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

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 25, 1996.

William Rice,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

Subpart Q—Iowa

2. Section 52.820 is amended by adding paragraph (c)(63) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

(63) On December 8, 1994; February 16, 1996; and February 27, 1996, the Director of the Iowa Department of Natural Resources submitted revisions to the State Implementation Plan (SIP) to create a voluntary operating permit program as an alternative to Title V. These revisions strengthen maintenance of established air quality standards.

(i) Incorporation by reference.

(A) "Iowa Administrative Code," sections 567-22.200-22.208, effective December 14, 1994. These rules create the voluntary operating permit program.

(B) "Iowa Administrative Code," sections 567-22.201(1)"a" and 22.206(1)"h", effective January 11, 1995.

(C) "Iowa Administrative Code," section 567-22.203(1)"a"(1), effective February 24, 1995.

(D) "Iowa Administrative Code," sections 567-20.2; 22.200; 22.201(1)"a" and "b"; 22.201(2)"a"; and 22.206(2)"c", effective October 18, 1995.

(ii) Additional material.

(A) Letter from Allan E. Stokes, Iowa Department of Natural Resources, to William A. Spratlin, U.S. EPA, dated February 16, 1995. This letter outlines various commitments by the state to meet requirements outlined by the EPA. [FR Doc. 96-10568 Filed 4-29-96; 8:45 am]

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40 CFR Part 52

[CA153-2-7274a FRL-5459-3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Ventura County Air Pollution Control District; Sacramento Metropolitan Air Quality Management Division; Placer County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).