

33 CFR Part 100**[CGD08-96-039]****RIN 2115-AE46****Special Local Regulations; Mississippi Blackhawks Water Ski Show Upper Mississippi River Mile 633.0-634.0, McGregor, IA****AGENCY:** Coast Guard, DOT.**ACTION:** Temporary final rule.

SUMMARY: Special local regulations are being adopted for the Mississippi Blackhawks Water Ski Show. This event will be held on August 31, 1996 at McGregor, Iowa. These regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations are effective from 1:30 p.m. to 4 p.m. local time on August 31, 1996.

FOR FURTHER INFORMATION CONTACT: SCPO J.R. Van Reese, U.S. Coast Guard, Marine Safety Detachment, P.O. Box 65428, St. Paul, MN 55165-0428. Tel: (612) 290-3991.

SUPPLEMENTARY INFORMATION:**Regulatory History**

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking for these regulations has not been published and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. Specifically, the details of the event were not finalized until August 5, 1996, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Background and Purpose

The marine event requiring this regulation is a water ski show consisting of large acts involving up to twenty performers. The event is sponsored by the McGregor Chamber of Commerce. Spectators are to maintain a safe distance which will be determined by event sponsor and controlled by Coast Guard patrol commander.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040;

February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because of the event's short duration.

Federalism Assessment

The Coast Guard has analyzed this action in accordance with the principles and criteria of Executive Order 12612 and has determined that this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Small Entities

The Coast Guard finds that because of the event's short duration the impact on small entities, if any, is not significant. Therefore, the Coast Guard under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*) certifies that this temporary rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*).

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.C. of Commandant Instruction M16475.1B, (as revised by 61 FR 13563; March 27, 1996) this rule is excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and Recordkeeping requirements, Waterways.

Temporary Regulations

In consideration of the forgoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46.

2. A temporary section 100.35-T08-039 is added to read as follows:

§ 100.T08-35-039 Upper Mississippi River near McGregor, Iowa.

(a) *Regulated Area.* Upper Mississippi River mile 633.0-634.0.

(b) *Special Local Regulation:* All persons and vessels not registered with the sponsors as participants or official

patrol vessels are considered spectators. "Participants" are those persons and vessels identified by the sponsor as taking part in the event. The "official patrol" consists of any Coast Guard, public, state or local law enforcement and sponsor provided vessels assigned to patrol the event.

(1) No spectators shall anchor, block, loiter in or impede the through transit of participants or official patrol vessels in the regulated area during effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed or signaled, by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given; failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life or property and can be reached on VHF-FM Channel 16 by using the call sign "PATCOM".

(c) *Effective Date:* This section is effective from 1:30 p.m. to 4 p.m. local time on August 31, 1996.

Dated: August 8, 1996.

T.W. Josiah,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 96-21932 Filed 8-27-96; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52****[CA 13-13-6749; FRL-5557-2]****Approval and Promulgation of Implementation Plans, California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution District**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing limited approval and limited disapproval of a revision to the California State Implementation Plan (SIP) proposed in the Federal Register on March 21, 1994. The revision concerns Rule 465.01 from the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). This final action will incorporate this rule into the federally approved SIP. The intended effect of finalizing this action is to regulate emissions of

volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The rule controls VOC emissions from steam-enhanced crude oil production well vents. Thus, EPA is finalizing a simultaneous limited approval and limited disapproval under CAA provisions regarding EPA action on SIP submittals and general rulemaking authority because this revision, while strengthening the SIP, also does not fully meet the CAA provisions regarding plan submissions and requirements for nonattainment areas. As a result of this limited disapproval, sanctions will be automatically imposed in accordance with EPA's Order of Sanctions rule unless the State submits and EPA approves corrections to the identified deficiencies within 18 months of the effective date of this disapproval. Moreover, EPA will be required to promulgate a Federal implementation plan (FIP) unless the deficiencies are corrected within 24 months of the effective date of this disapproval.

EFFECTIVE DATE: This action is effective on September 27, 1996.

ADDRESSES: Copies of the rule and EPA's evaluation report are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule are available for inspection at the following locations:

Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite #200, Fresno, CA 95814.

FOR FURTHER INFORMATION CONTACT:

Daniel A. Meer, Rulemaking Section, (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1185.

SUPPLEMENTARY INFORMATION:

Background

On March 21, 1994 in 59 FR 13289, EPA proposed granting limited approval and limited disapproval of SJVUAPCD's Rule 465.1, Steam-enhanced Crude Oil Production Well Vents, into the

California SIP. Rule 465.1 was adopted by SJVUAPCD on September 19, 1991. This rule was submitted by the California Air Resources Board (CARB) to EPA on January 28, 1992. This rule was submitted in response to EPA's 1988 SIP Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for the above rule and nonattainment area is provided in the notice of proposed rulemaking (NPRM) cited above.

EPA has evaluated the above rule for consistency with the requirements of the CAA and EPA regulations and EPA's interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM. EPA is finalizing the limited approval of this rule in order to strengthen the SIP and finalizing the limited disapproval requiring the correction of the remaining deficiencies. The rule contains deficiencies which were required to be corrected pursuant to the section 182(a)(2)(A) requirement of part D of the CAA. Rule 465.1 lacks clarity in specifying rule applicability, lacks sufficient recordkeeping requirements, and includes an unapprovable provision which exempts certain equipment from New Source Review (NSR) requirements. Section III.G. of Rule 465.1 states that if a new incineration device is required solely to comply with the requirements of Rule 465.1 for existing cyclic wells, then the device will not be subject to New and Modified Source Review requirements, provided the device includes best available control technology for all air contaminants and is under a District permit. This provision is unapprovable and in order to correct the deficiency, section III.G. must be amended to be consistent with the memorandum entitled, "Pollution Control Projects and New Source Review Applicability" issued by John Seitz, Office of Air Quality Planning and Standards, on July 1, 1994. In addition, any emissions previously allowed under this NSR exemption must be offset. A detailed discussion of the rule provisions and evaluation have been provided in the NPRM and in the technical support document (TSD) available at EPA's Region IX office.

Response to Public Comments

A 30-day public comment period was provided in NPRM at 59 FR 13289. EPA received one comment letter on the

NPRM from the Independent Oil Producers' Agency (IOPA). The comment letter has been evaluated by EPA and a summary of the comment and EPA's response are set forth below.

Comment: In the TSD for SJVUAPCD Rule 465.1, EPA stated that no data were submitted to justify the exemption in Section III.F. The IOPA asked why EPA is questioning the small producer exemption for exempting 10 wells responding to another operator's steam injection when the emissions from the 100 cyclic wells in III.B exemption were not considered significant.

Response: Data submitted by SJVUAPCD demonstrate that emissions from the cyclic wells (exempted by section III.B) were not significant. However, emissions from non-cyclic wells tend to be much higher than from cyclic wells. SJVUAPCD did not submit sufficient data to show that the emissions from non-cyclic wells (exempted by section III.F) were also insignificant.

Comment: There is no need to require small producers to keep production records because oil producers always keep production records in order to monitor production levels.

Response: The EPA believes that recordkeeping, as outlined in the "Blue Book" is necessary to ensure that the sources are complying with the rule. If the producers are already keeping production records, there should be no difficulties in complying with the recordkeeping requirement.

Comment: According to the commenter, the word "county" was purposely left in the small production definition to delineate between the Kern County and Fresno County oilfields.

Response: EPA recognizes the point raised by the commenter. However, since the SJVUAPCD is comprised of eight counties, the word district is more appropriate to use, particularly for the applicability of promulgating rules and regulations.

EPA Action

EPA is finalizing a limited approval and a limited disapproval of the above-referenced rule. The limited approval of this rule is being finalized under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited in the sense that the rule strengthens the SIP. However, the rule does not meet the section 182(a)(2)(A) CAA requirement because of the rule deficiencies which were discussed in the NPRM. Thus, in order to strengthen the SIP, EPA is granting limited approval of this rule under

sections 110(k)(3) and 301(a) of the CAA. This action approves the rule into the SIP as federally enforceable.

At the same time, EPA is finalizing the limited disapproval of this rule because it contains deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rule does not fully meet the requirements of Part D of the Act. As stated in the NPRM, upon the effective date of this NFRM, the 18 month clock for sanctions and the 24 month FIP clock will begin. Sections 179(a) and 110(c). If the State does not submit the required corrections and EPA does not determine within 18 months of the effective date of the NFRM that the State has corrected the deficiency, sanctions will be imposed in accordance with EPA's Order of Sanctions rule. See 59 FR 39832 (Aug. 4, 1994), to be codified at 40 CFR 52.31. It should be noted that the rule covered by this NFRM has been adopted by SJVUAPCD and is currently in effect in the SJVUAPCD. EPA's limited disapproval action will not prevent the SJVUAPCD, or the EPA from enforcing this rule.

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

Regulatory Process

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 October 28, 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)).

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, 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 state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rule being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. 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, local, or tribal governments in the aggregate or to the private sector.

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a major rule as defined by 5 U.S.C. 804(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 FR 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 (OMB) has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

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

Dated: August 9, 1996.

Felicia Marcus,

Regional Administrator.

Subpart F of 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 F—California

2. Section 52.220 is amended by adding paragraph (c)(187)(i)(A)(6) to read as follows:

§ 52.220 Identification of plan.

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(c) * * *

(187) * * *

(i) * * *

(A) * * *

(6) Rule 465.1, adopted on September 19, 1991.

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BILLING CODE 6560-50-W

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7647]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the third column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., room 417, Washington, DC 20472, (202) 646-3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return,