

List of Subjects in 33 CFR Part 164

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways, Incorporation by reference.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 164 as follows:

PART 164—NAVIGATION SAFETY REGULATIONS

1. The authority citation for part 164 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. 2103, 3703; 49 CFR 1.46. Sec. 164.13 also issued under 46 U.S.C. 8502 sec. 4114(a), Pub.L. 101-380, 104 Stat. 517 (46 U.S.C. 3703 note). Sec. 164.61 also issued under 46 U.S.C. 6101.

2. Section 164.03 paragraph (b) is revised to read as follows:

§ 164.03 Incorporation by Reference

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(b) The materials approved for incorporation by reference in this part and the sections affected are:

- International Maritime Organization (IMO)*
4 Embankment, London, SE1 7SR, U.K.
Recommendation on Performance Standards for Automatic Pilots, Resolution A.342(IX), adopted November 12, 1975 164.13
- Radio Technical Commission For Maritime Services (RTCM)*
655 Fifteenth St., N.W., Suite 300, Washington, D.C. 20005
Minimum Performance Standards (MPS) Marine Loran C Receiving Equipment, RTCM Paper 12-78/DO-100, 1977 164.41
- RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.1, RTCM Paper 194-93/SC 104-STD, 1994* 164.43
- International Telecommunication Union Radiocommunication Bureau (ITU-R)*
Place de Nations CH-1211 Geneva 20 Switzerland
Optional Expansion of the Digital Selective-Calling System for use in the Maritime Mobile Service, ITU-R Recommendation 821, 1992 164.43
- Characteristics of a Transponder System using Digital Selective-Calling Techniques for use with Vessel Traffic Services and Ship-to-Ship Identification, ITU-R Recommendation 825, 1992* 164.43

Dated: March 30, 1995.

G.A. Penington,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation Safety and Waterway Services. [FR Doc. 95-9713 Filed 4-19-95; 8:45 am]

BILLING CODE 4910-14-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 144-3-6972a; FRL-5194-1]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) emissions from semiconductor manufacturing.

The intended effect of proposing approval of this rule is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this notice of proposed rulemaking (NPRM) will incorporate these rules into the federally approved SIP. EPA has evaluated each of these rules and is proposing to approve them under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: Comments must be received on or before May 22, 1995.

ADDRESSES: Comments may be mailed to: 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 94105-3901.

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

- Environmental Protection Agency, Air Docket 6102, ANR 443, 401 "M" Street, S.W., Washington 20460.
- California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.
- South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182.

FOR FURTHER INFORMATION CONTACT: Helen Liu, 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) 744-1199.

SUPPLEMENTARY INFORMATION:

Applicability

The rule being proposed for approval into the California SIP is the South Coast Air Quality Management District (SCAQMD) Rule 1164—Semiconductor Manufacturing. This rule was submitted by the California Air Resources Board (CARB) to EPA on February 24, 1995.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA or pre-amended Act), that included the Los Angeles-South Coast Air Basin Area (South Coast Area). 43 FR 8964; 40 CFR 81.305. Because this area was unable to meet the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. [40 CFR 52.222] On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the pre-amended Act, that the above district's portion of the California SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies. Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.¹ EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment

¹ Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice" (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs).

areas. The South Coast Area has been designated as extreme²; therefore, this area was subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules for incorporation into its SIP on February 24, 1995, including the rule being acted on in this document. This document addresses EPA's proposed action for SCAQMD Rule 1164. SCAQMD adopted Rule 1164 on January 13, 1995. This submitted rule was found to be complete on March 10, 1995 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V³ and are being proposed for approval into the SIP.

SCAQMD Rule 1164 controls the VOC emissions during the operations of semiconductor manufacturing. VOCs contribute to the production of ground-level ozone and smog. This rule was adopted as part of the SCAQMD's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and proposed action for this rule.

EPA Evaluation and Proposed Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT

for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). EPA has not yet developed a CTG to outline control requirements for the semiconductor manufacturing source category. Therefore, interpretations of EPA policy are found in the Blue Book, referred to in footnote 1, and the Region IX/CARB document entitled, *Guidance Document for Correcting VOC Rule Deficiencies*. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

SCAQMD Rule 1164—Semiconductor Manufacturing includes the following significant changes from the current SIP:

- Section (b)(1) includes an appropriate definition for *approved emission control system* which requires the system to have an overall efficiency of at least 90 percent.
- Section (b)(14) includes an equation to determine VOC composite partial pressure.
- Other definitions were added or altered for clarity.
- Sections (e)(1) and (e)(2) list the test methods for determining VOC content of any VOC-containing materials or vapors. These methods include EPA Test Method 24, SCAQMD Method 303, SCAQMD Method 304, SCAQMD Method 308.
- Section (e)(3) includes test methods for determining the efficiency of the emission control systems. These methods include the EPA method cited in 55 **Federal Register** 26865, EPA Test Methods 25, 25A, 18, ARB 422, or SCAQMD Method 25.1.
- Section (e)(4) ensures that a violation of any requirement of this rule established by any one of the specified test methods shall constitute a violation of the rule when more than one test method is specified for any testing.

EPA has evaluated the submitted rule and has determined that it is consistent with the CAA, EPA regulations, and EPA policy. Therefore, SCAQMD Rule 1164 is being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D.

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 the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 301 and subchapter I, part D of the 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, 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 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).

The OMB has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

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

Dated: April 11, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 95-9709 Filed 4-19-95; 8:45 am]

BILLING CODE 6560-50-W

40 CFR Part 372

[OPPTS-400092; FRL-4946-2]

Monosodium Methanearsonate and Disodium Methanearsonate; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Denial of petition.

²The South Coast Area retained its designation of nonattainment and classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991).

³EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).