

and Bartlett Cove. The regatta consists of three races of two, nine-men racing shells. The event is expected to draw up to 100 spectator craft. The Coast Guard expects no significant difference in the race from years past. This proposal would give the race sponsors greater flexibility in scheduling race times around the prevailing tidal conditions.

#### Discussion of Proposed Amendments

The Coast Guard proposes to permanently amend the Special Local Regulation found in 33 CFR § 100.101 governing the Harvard-Yale Regatta. The existing regulation provides for an effective period of 10 a.m. until 1:30 p.m. for the regulated area. Because a race of this nature is dependent upon certain tidal conditions which differ in time from year to year, the Coast Guard proposes to delete the specific time period from the regulation. A provision allowing for annual notice of the race time would be made a part of the permanent regulation. This notice of specific race times for any given year would be published in a Local Notice to Mariners and the **Federal Register** prior to the event.

#### Regulatory Evaluation

This proposal 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 to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the limited duration of the race, the extensive advisories that have been and will be made to the affected maritime community, and the fact that the event is taking place in an area where the only commercial interests affected are a few marinas. This regulation also will allow vessels to transit to and from these affected marinas under Coast Guard escort or as otherwise directed by the Patrol Commander.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include

independently owned and operated small businesses that are not dominant in their fields and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

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

#### Federalism

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

#### Environment

The Coast Guard is considering the environmental impact of this proposal, and it is expected that preparation of an environmental impact statement will not be necessary. An Environmental Assessment and a Finding of No Significant Impact will be made available in the docket for inspection or copying where indicated under ADDRESSES.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

#### PART 100—[AMENDED]

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

**Authority:** 33 USC 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. In section 100.101 paragraph (b) is revised to read as follows:

**§ 100.101 Harvard-Yale Regatta, Thames River, New London, CT.**

\* \* \* \* \*

(b) *Effective period.* This regulation will be effective annually on the first or second Saturday in June at times to be determined and as published in the Coast Guard Local Notice to Mariners and a **Federal Register** Notice. In case

of postponement, this regulation will be in effect the following day.

\* \* \* \* \*

Dated: March 10, 1995.

**J.L. Linnon,**

*Rear Admiral, U.S. Coast Guard Commander,  
First Coast Guard District.*

[FR Doc. 95-10068 Filed 4-21-95; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 78-1-6814; FRL-5195-7]

### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Placer County Air Pollution Control District and Ventura County Air Pollution Control 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) for ozone which concern the control of oxides of nitrogen (NO<sub>x</sub>) from gas turbines and internal combustion engines. The intended effect of proposing approval of these rules is to regulate emissions of NO<sub>x</sub> 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 will incorporate these rules into the federally approved SIP. EPA has evaluated these rules and is proposing to approve them under provisions of the CAA regarding EPA actions on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas.

**DATES:** Comments on this proposed action must be received in writing on or before May 24, 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 9, 75 Hawthorne Street, San Francisco, CA 94105-3901. Please refer to document number CA 78-1-6814 in all correspondence.

Copies of the rules 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 rules are also available for inspection at the following locations:

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

Placer County Air Pollution Control  
District, 11464 B Avenue, Auburn, CA  
95603.

Ventura County Air Pollution Control  
District, 669 County Square Drive,  
Ventura, CA 93003.

**FOR FURTHER INFORMATION CONTACT:**

Duane F. James, Rulemaking Section  
(A-5-3), Air and Toxics Division, U.S.  
Environmental Protection Agency,  
Region IX, 75 Hawthorne Street, San  
Francisco, CA 94105-3901, Telephone:  
(415) 744-1191.

**SUPPLEMENTARY INFORMATION:**

**Applicability**

The rules being proposed for approval into the California SIP include: Placer County Air Pollution Control District's (PCAPCD) Rule 250, "Stationary Gas Turbines," and Ventura County Air Pollution Control District's (VCAPCD) Rule 74.9, "Stationary Internal Combustion Engines." These rules were submitted by the California Air Resources Board (ARB) to EPA on March 29, 1994 (Rule 74.9) and October 19, 1994 (Rule 250).

**Background**

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA) were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. The air quality planning requirements for the reduction of NO<sub>x</sub> emissions through reasonably available control technology (RACT) are set out in section 182(f) of the CAA. On November 25, 1992, EPA published a NPRM entitled, "State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule," (the NO<sub>x</sub> Supplement) which describes the requirements of section 182(f). The NO<sub>x</sub> Supplement should be referred to for further information on the NO<sub>x</sub> requirements and is incorporated into this document by reference.

Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO<sub>x</sub> ("major" as defined in section 302 and section 182(c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs), in moderate or above ozone nonattainment areas. The Placer County part of the Sacramento Metro Area is classified as serious, and the Ventura

County area is classified as severe;<sup>1</sup> therefore these areas were subject to the RACT requirements of section 182(b)(2), cited below, and the November 15, 1992 deadline.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC emissions (not covered by a pre-enactment control technologies guidelines (CTG) document or a post-enactment CTG document) by November 15, 1992. There were no NO<sub>x</sub> CTGs issued before enactment and EPA has not issued a CTG document for any NO<sub>x</sub> sources since enactment of the CAA. The RACT rules covering NO<sub>x</sub> sources and submitted as SIP revisions are expected to require final installation of the actual NO<sub>x</sub> controls by May 31, 1995, for those sources where installation by that date is practicable.

This document addresses EPA's proposed action for PCAPCD's Rule 250, "Stationary Gas Turbines," and VCAPCD's Rule 74.9, "Stationary Internal Combustion Engines." Rule 250 was adopted by the PCAPCD on October 17, 1994, and Rule 74.9 was adopted by the VCAPCD on December 21, 1993. These submitted rules were found to be complete on June 3, 1994 (Rule 74.9) and October 21, 1994 (Rule 250) pursuant of EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V<sup>2</sup> and are being proposed for approval into the SIP.

NO<sub>x</sub> emissions contribute to the production of ground level ozone and smog. Rule 250 controls NO<sub>x</sub> emission from gas turbines, and Rule 74.9 controls NO<sub>x</sub>, carbon monoxide (CO), and VOC emissions from internal combustion engines. The rules were adopted as part of PCAPCD's and VCAPCD's efforts to achieve the National Ambient Air Quality Standards (NAAQS) for ozone and in response to the CAA requirements cited above. The following is EPA's evaluation and proposed action for these rules.

**EPA Evaluation and Proposed Action**

In determining the approvability of a NO<sub>x</sub> 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 this action, appears in various EPA policy guidance documents.<sup>3</sup> Among these provisions is the requirement that a NO<sub>x</sub> rule must, at a minimum, provide for the implementation of RACT for stationary sources of NO<sub>x</sub> emissions.

For the purposes of assisting state and local agencies in developing NO<sub>x</sub> RACT rules, EPA prepared the NO<sub>x</sub> supplement to the General Preamble, cited above (57 FR 55620). In the NO<sub>x</sub> supplement, EPA provides guidance on how RACT will be determined for stationary sources of NO<sub>x</sub> emissions. While most of the guidance issued by EPA on what constitutes RACT for stationary sources has been directed towards application for VOC sources, much of the guidance is also applicable to RACT for stationary sources of NO<sub>x</sub> (see section 4.5 of the NO<sub>x</sub> Supplement). In addition, pursuant to section 183(c), EPA is issuing alternative control technique documents (ACTs), that identify alternative controls for all categories of stationary sources of NO<sub>x</sub>. The ACT documents will provide information on control technology for stationary sources that emit or have the potential to emit 25 tons per year or more of NO<sub>x</sub>. However, the ACTs will not establish a presumptive norm for what is considered RACT for stationary sources of NO<sub>x</sub>. In general, the guidance documents cited above, as well as other relevant and applicable guidance documents, have been set forth to ensure that submitted NO<sub>x</sub> RACT rules are fully enforceable and strengthen or maintain the SIP.

The California ARB has published a RACT/BARCT guidance document for gas turbines entitled, "Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for the Control of Oxides of Nitrogen from Stationary Gas Turbines" (May 18, 1992). The guidance document defines RACT as an emission limit of 42 parts per million volume (ppmv) for gas-fired units and an emission limit of 65 ppmv for oil-fired units. BARCT for gas-fired units is defined as an emission limit of 42 ppmv for 0.3 to 2.9 Megawatt (MW) units, 25 ppmv for 2.9 to 10 MW units, 9 ppmv for units greater than 10 MW using selective catalytic reduction (SCR), and

<sup>1</sup>The Sacramento Metro and Ventura County areas retained their designations of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 56 FR 56694 (November 6, 1991).

<sup>2</sup>EPA 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).

<sup>3</sup>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).

15 ppmv for units greater than 10 MW not using SCR. The corresponding emission limits for oil-fired units are 65 ppmv, 65 ppmv, 25 ppmv, and 42 ppmv, respectively. PCAPCD's Rule 250 incorporates the BARCT limits for gas turbines and is consistent with all of the guidance's other requirements. The rule contains adequate recordkeeping requirements, and the appropriate test methods for compliance determinations are referenced. The exemptions provided in the rule are consistent with EPA guidelines. The rule requires final compliance by May 31, 1995. A more detailed discussion of the sources controlled, the controls required, and the justification for why these controls represent RACT can be found in the Technical Support Document (TSD) for Rule 250, dated November 28, 1994.

The NO<sub>x</sub> limits suggested by the California Air Resources Board (ARB) as RACT for IC engines rated at 50 brake horsepower or more are 50 ppmv (90% reduction) for rich-burn engines, 125 ppmv (80% reduction) for lean-burn engines, and 610 ppmv for diesel engines. These limits were recommended using information regarding average, actual, uncontrolled levels and previous regulatory control in Ventura County, the South Coast Basin, and Santa Barbara County. EPA agrees that these limits are consistent with the Agency's guidance and policy for making RACT determinations in terms of general cost-effectiveness, emission reductions, and environmental impacts.

VCAPCD's Rule 74.9 has already been incorporated into the SIP and its RACT limits are consistent with those recommended by the California ARB. However, this most recent submittal includes the following significant changes from the current SIP:

1. The provisions of the rule now apply to IC engines rated at 50 hp and above, operating on any gaseous fuel, including liquid petroleum gas (LPG) or diesel fuel.

2. The NO<sub>x</sub> emission standards for rich-burn engines and lean-burn engines have been reduced to 25 ppmv and 45 ppmv, respectively. Rich-burn engines and lean-burn engines that operate on waste gas are no longer exempt from the rule and must comply with the rule's old emission limits of 50 ppmv and 125 ppmv, respectively. An 80 ppmv standard for diesel engines and emission limits for CO and VOCs have also been added to the rule.

3. The rule prohibits the discharge of ammonia in excess of 20 ppmv from any emission control device.

4. The provisions allowing groups of operators to combine their engines and

resources and be considered a single operator have been deleted.

5. The provisions allowing the results from NO<sub>x</sub> control demonstration projects on lean-burn engines in other counties, to be used by sources in the VCAPCD to satisfy the requirements of the rule, have been deleted.

6. The Cost-Effectiveness Certification provision has been deleted since it is no longer necessary.

7. The rule now requires annual reports of fuel usage, source test results, and other operational data about each engine before permit renewal.

8. The Special Circumstances provisions that allow variances from the rule have been deleted. EPA Method 20 with the District's modifications is no longer used for compliance determinations.

9. The rule's definitions and exemptions have been updated.

The California ARB is in the process of adopting the more stringent emission standards of Rule 74.9 as BARCT for IC engines. A more detailed discussion of the sources controlled, the controls required, and the justification for why these controls represent RACT can be found in the Technical Support Document (TSD) for Rule 74.9, dated December 5, 1994.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations and EPA policy. Therefore, PCAPCD's Rule 250, "Stationary Gas Turbines," and VCAPCD Rule 74.9, "Stationary Internal Combustion Engines," are being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a), section 182(b)(2), section 182(f) and the NO<sub>x</sub> Supplement to the General Preamble.

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.<sup>4</sup>

#### Regulatory Flexibility

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

<sup>4</sup> VCAPCD's Rule 74.9 references California ARB Method 100, which has been cited for certain deficiencies by the Emissions Measurement Branch. The California ARB has committed to correcting these deficiencies, and final approval of Rule 74.9 is contingent on these corrections.

final rule on small entities. 5 U.S.C 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic 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 section 110 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, I certify that it does not have a significant impact on affected small entities. 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 regulatory 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 12, 1995.

**Felicia Marcus,**

*Regional Administrator.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### 43 CFR Parts 426 and 427

[IN: 1006-AA32]

#### Acreage Limitation and Water Conservation Rules and Regulations

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of public hearings on the proposed rulemaking.

**SUMMARY:** In response to a September 1993 contract for settlement of a lawsuit filed by the Natural Resources Defense Council, National Wildlife Federation, California Natural Resources Federation,