

numerous commercial/oil facilities along the Hudson River, north of the regulated area, asking their cooperation in scheduling any vessel transits so as not to interfere with this event. Mariners are urged to use extreme caution when transiting the regulated area. The Coast Guard will issue a safety voice broadcast and this regulation will be published in the Local Notice to Mariners to advise the general public and commercial users on the Hudson River of the event.

Discussion of Comments

Interested parties were encouraged to comment on the proposed regulation. One comment was received. The sponsor of this event made several suggestions concerning the method by which vessels would be escorted through the regulated area. The sponsor suggested that vessels be required to transit the regulated area under escort at all times during the effective period. This change should not adversely impact the vessels that would normally be passing through this section of the river. It is being made so as to avoid incidents which might cause injury or damage to the transiting vessels, their occupants and the race course buoy system. The sponsor had previously agreed to provide vessels to escort other vessels through the regulated area during scheduled breaks between heats of the crew races. The sponsor will now provide this service while the buoy system is being set up, taken down and after each day of races. Vessels headed for or departing the Albany Yacht Club will also be required to transit the regulated area under escort. The sponsor will provide a contact person at the yacht club who will arrange for an escort patrol vessel. All vessels will be escorted along the eastern shore of the Hudson River. Tension cables will run from the race course to the north, south and west. The lack of cables to the east will allow transiting vessels to use the entire amount of charted depth of water to safely navigate their vessels through the regulated area. The sponsor has assured the Coast Guard that they will provide enough patrol vessels to ensure transiting vessels will not be unduly delayed while waiting for escort through the regulated area.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal

that a full regulatory evaluation is unnecessary. This event will draw a large spectator crowd along the shores of the Hudson River which should compensate certain area merchants for the inconvenience of having navigation restricted. Smaller craft will be allowed to transit the regulated area under escort at specified times throughout the effective period. A phone survey of commercial facilities who rely on the river to move their product indicates that there is not a lot of traffic which would be inconvenienced by this closure of the river. Only 7 commercial vessels passed through this portion of the river during a 7-day period in early June, 1984. Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulation

PART 100—[AMENDED]

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended by adding a temporary § 100.35-313 to read as follows:

§ 100.35-313 Empire State Regatta, Albany, New York.

(a) *Effective Dates:* This regulation will be effective from 6:00 a.m. on June 7, 1985 to 6:00 a.m. on June 10, 1985.

(b) *Regulated Area:* That section of the Hudson River between the Route 1-90 Interchange Bridge on the north and the northern end of Culver Dike on the south.

(c) *Special Local Regulations:* (1) The regulated area shall be intermittently closed to all vessel traffic from 6:00 a.m. June 7, 1985 to 6:00 a.m. June 10, 1985 except as specified below or as directed by the Coast Guard Patrol Commander.

(2) Vessels greater than 20 meters in length shall not transit the regulated area at any time during the effective period unless directed by the Coast Guard Patrol Commander.

(3) Vessels less than 20 meters in length may transit the regulated area under escort as specified in paragraphs (4)-(6) of this section. Unless otherwise directed by the Coast Guard Patrol Commander transiting vessels shall at all times: Proceed at no wake speeds, remain clear of the race course areas as marked by the sponsor-provided buoys, not interfere with races or any shells in the area, make no stops and keep to the eastern edge of the Hudson River.

(4) From 9:00 a.m. to 6:00 p.m. on both June 8 and 9, 1985 vessels permitted to transit shall be escorted by a sponsor provided patrol vessel at specified intervals (approximately every 2 hours) or as directed by the Coast Guard Patrol Commander.

(5) At times other than those specified in paragraph (4), vessels permitted to transit shall also do so under the escort of a sponsor provided patrol vessel. The sponsor shall ensure that these vessels are escorted through the regulated areas as expeditiously as possible.

(6) During the effective period vessels approaching or departing the Albany Yacht Club shall be escorted through this portion of the regulated area. Escort shall be arranged by contacting the sponsor's representative at the yacht club.

(7) No person or vessel shall anchor or remain in the regulated area during the effective period unless participating in the event or authorized by Coast Guard patrol personnel.

(8) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(9) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) \$500 for any person in charge of the navigation of a vessel.

(ii) \$500 for the owner of a vessel actually on board.

(iii) \$250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

(33 U.S.C. 1233; 49 U.S.C. 108(b); 49 CFR 1.46(b) and 33 CFR 100.35)

Dated: April 9, 1985.

P.A. Welling,

Captain, U.S. Coast Guard, Acting Commander, Third Coast Guard District.

[FR Doc. 85-9358 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Louisville, Ky., Regulation 85-10]

Safety Zone Regulations; Louisville, KY

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Ohio River mile 603.5 to 604.4. The zone is needed to protect all vessels and spectators observing the Kentucky Derby Festival from a safety hazard associated with launching of fireworks from a barge. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 8:30 p.m. on 28 April 1985. It terminates at 11:30 p.m. on 28 April 1985. Times given are local time.

FOR FURTHER INFORMATION CONTACT: LTJG Tunstall at (502) 582-5194.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making was not published for this regulation and it is being made effective in less than 30 days after *Federal Register* publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent possible damage to the vessels involved.

Drafting Information

The drafters of this regulation are LTJG Tunstall (502) 582-5194, Project Officer for the Captain of the Port, and LT Kilroy, Project Attorney, Second Coast Guard District Legal Office.

Discussion of Regulation

The event requiring this regulation will begin at 9:00 p.m. and end at 11:00, 28 April 1985. A display of fireworks will be launched from a tow/barge combination located at mile 604.0, Ohio River. The river closure is needed to protect river traffic and spectators.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation**PART 165—[AMENDED]**

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new 33 CFR 165.T0206 to read as follows:

§ 165.T0206 Safety Zone: All waters of the Ohio River from mile 603.5 to 604.4.

(a) *Location.* The following area is a safety zone: All waters of the Ohio River from mile 603.5 to 604.4.

(b) Regulations:

(1) In accordance with the general regulations in § 165.23 of this part, entry

into this zone is prohibited, unless authorized by the Captain of the Port.

(2) The Captain of the Port's representative may be contacted on VHF radio channel 16 during the race.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 160.5)

Dated: April 9, 1985.

L.J. Beach, LCDR.

Alternate Captain of the Port, Louisville, Kentucky.

[FR Doc. 85-9368 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP San Diego Regulation 85-05]

Safety Zone Regulations; San Clemente Island, CA, Pacific Ocean

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in the vicinity of West Cove, San Clemente Island, California. This safety zone is being established at the request of the United States Navy and is needed to protect an underwater cable array in that location from damage due to vessels anchoring in this location. Vessels may transit this zone without restriction, but are prohibited from anchoring in this zone.

EFFECTIVE DATES: This regulation becomes effective on April 18, 1985. It terminates on August 16, 1985.

FOR FURTHER INFORMATION CONTACT: LT Steven P. Mojonner, USCG, c/o U.S. Coast Guard Captain of the Port, 2710 N. Harbor Drive, San Diego, CA 92101, telephone (619) 293-5860.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) was not published for this regulation and it is being made effective in less than 30 days after *Federal Register* publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent damage to the underwater cable array.

Drafting Information

The drafters of this regulation are LT Steven P. Mojonner, project officer for the Captain of the Port, and LT Catherine McNally, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Regulation

In September 1984, the U.S. Navy established an underwater cable array in West Cove, San Clemente Island. This cable array is highly susceptible to

damage from vessels anchoring in the area. Since the cable array was established, the operator of the cable array has had difficulty controlling vessels anchoring in the area. The U.S. Navy has requested that the U.S. Army Corps of Engineers establish a restricted area in this location, under the authority of section 1, Title 33, United States Code (U.S.C.) to protect the cable array. This rulemaking will take at least 4 months to accomplish. In the meantime, the U.S. Navy has requested that the Captain of the Port of San Diego establish a temporary safety zone in this location, under the authority of Title 33, Code of Federal Regulations, Part 165, to protect the cable array until the restricted area can be established. Vessels may transit this area without restriction, but are prohibited from anchoring in the zone unless authorized by the Captain of the Port or the operator of the cable array, Commander, Anti-Submarine Warfare Wing, U.S. Pacific Fleet, San Diego, California.

It is anticipated that this regulation will have no significant impact on vessel operators in the area of San Clemente Island. Sufficient alternate anchorage areas are available to accommodate the vessels now anchoring in this area. These alternate areas are as close to shore and as convenient to use as the area of this zone.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]**Regulation**

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new § 165.T1181 to read as follows:

§ 165.T1181 Safety Zone: San Clemente Island, California, Pacific Ocean.

(a) *Location:* The waters within the following boundaries are a safety zone:

Starting at a point on the shore of San Clemente Island at West Cove in position 33°00'52" N, 118°36'18" W, for a point of beginning thence southwesterly to 32°59'30" N, 118°37'30" W; thence southerly to 32°58'30" N, 118°36'40" W; thence northeasterly to 33°00'40" N, 118°35'27" W; thence generally westerly along the shore of San Clemente Island to the point of beginning.

(b) Special Regulations:

(1) All vessels may transit or navigate within the safety zone.

(2) No vessel may anchor within the safety zone without the permission of

the Captain of the Port or Commander, Anti-Submarine Warfare Wing, U.S. Pacific Fleet.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 160.5)

Dated: April 5, 1985.

E.A. Harmes,

Commander, U.S. Coast Guard, Captain of the Port, San Diego, California.

[FR Doc. 85-9361 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY-024; A-4-FRL-2821-1]

Approval and Promulgation of Implementation Plans, Kentucky; Variances for Volatile Organic Compound Sources

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today approving variances for two dry cleaning establishments in Mitchell and Cold Springs, Kentucky. The variances will allow the two dry cleaners to continue to emit at current uncontrolled levels. The revisions will not interfere with the "Reasonable Further Progress" toward attainment of the ozone standard in this area. The revisions are supported by economic considerations. This action was proposed in the *Federal Register* on October 12, 1984, and no comments were received.

DATE: This action is effective May 20, 1985.

ADDRESSES: Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

Public Information Reference Unit,
Library Systems Branch,

Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460
Kentucky Department for Environmental Protection, Fort Boone Plaza, Building 2, 18 Reilly Road, Frankfort, Kentucky 40601

Air Management Branch, EPA, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:

Cheryl Espy, Environmental Protection Agency, Region IV Air Management Branch, 345 Courtland Street NE., Atlanta, Georgia 30365, telephone 404/681-3016 (FTS: 257-3016).

SUPPLEMENTARY INFORMATION: The Commonwealth of Kentucky adopted Volatile Organic Compound Regulations as part of their ozone State Implementation Plan on June 5, 1979. Regulations 401 KAR 59:240 and 61:160 provide for the control of volatile organic compound emissions from perchloroethylene dry cleaning systems. Variance provisions contained in these regulations allow for sources, on a case-by-case basis, to be excused from complying with the established emission limits contained in the regulation. These requests must be supported by adequate technical information due to technological or economic circumstances. The following variances were granted based upon economic hardship in complying with Reasonably Available Control Technology (RACT). RACT is defined as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

Jiffy The Cleaners of Ft. Mitchell, Kentucky, a perchloroethylene dry cleaning plant, applied for a technical variance with the Kentucky Division of Air Pollution Control on April 27, 1983. A preliminary determination was made to grant the variance. A public hearing was held on August 17, 1983, and no comments were received. Under the provisions of Regulation 401 KAR 59:240, New Perchloroethylene Dry Cleaning Systems, Jiffy the Cleaners requested and received an economic variance from the Kentucky Division of Air Pollution Control. Kentucky submitted to EPA this proposed revision of the State Implementation Plan on August 12, 1984.

The Kentucky Division of Air Pollution Control based its economic evaluation on the method of analysis as set forth in the applicable Control Techniques Guideline (CTG) document (EPA-450/2-78-050). This particular document is related to the control of volatile organic compounds (VOC), specifically perchloroethylene, from all dry cleaning systems which use this solvent. The average cost for controls in the CTG was adjusted to reflect 1981 cost and was \$448.00 per ton. Source control was then calculated based on the CTG, and cost calculations indicated the source would be required to spend \$1,052.00 per ton to control. Thus, a more than two to one cost differential would have been incurred by the source to comply with the CTG. Further, the total emissions of VOC resulting from this variance will be 1.75 tons/year (TPY) uncontrolled emissions compared to 0.875 TPY, had this variance not been granted.

Hiland Cleaners applied for an economic variance for an existing perchloroethylene dry cleaning facility. The Kentucky Division of Air Pollution Control made a preliminary determination to grant the variance. A public hearing was held and no comments were made. The final determination of the Division was to approve an economic variance as provided for in section 7 of Regulation 401 KAR 61.160, Existing Perchloroethylene Dry Cleaning Systems. The economic variance allows for a maximum annual usage of perchloroethylene not to exceed 118 gal/yr. (0.80 tons/yr). Total emissions of VOC from this action will be 0.8 tons/yr uncontrolled compared to 0.4 had this variance not been granted. Furthermore, it was determined that the cost (\$3,567.28/controlled ton of VOC's) was found to be beyond the range of reasonable available control technology cost.

It is the opinion of the Kentucky Division of Air Pollution Control that Jiffy The Cleaners and Hiland Cleaners are small and insignificant to the overall VOC control strategy in the northern Kentucky ozone nonattainment area. EPA agrees.

These variances were submitted to EPA as State Implementation Plan revisions on April 25, 1984. EPA proposed to approve them on October 12, 1984 (49 FR 40052); no comments were received.

Final Action

EPA agrees that application of the presumptive norm in the CTG is not appropriate for these two facilities. Therefore, EPA is today giving full approval to the State's variances for Jiffy The Cleaners and Hiland Cleaners. This action is effective May 20, 1985.

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 60 days from today. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

The Office of Management and Budget has exempted this rule from the requirement of section 3 of Executive Order 12291.

Incorporation by reference of the Kentucky State Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control.
Intergovernmental relations, Ozone.

Hydrocarbons, Incorporation by reference.

(Secs. 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: April 12, 1985.

Lee M. Thomas,
Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart S—Kentucky

Section 52.920 is amended by adding paragraph (c)(44) as follows:

§ 52.920 Identification of plan.

(c) The plan revisions listed below were submitted on the date specified.

(44) Variances for two dry cleaners, Jiffy The Cleaners and Hiland Cleaners, submitted on April 25, 1984, by the Kentucky Natural Resources Environmental Protection Cabinet.

[FR Doc. 85-9428 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[Region II Docket No. 52; A-2-FRL-2821-4]

Approval and Promulgation of Implementation Plans; Revision to the Commonwealth of Puerto Rico Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Environmental Protection Agency approval under the provisions of the Clean Air Act of a revision to the Commonwealth of Puerto Rico Implementation Plan concerning a visible emissions variance for two emission units at the Sun Oil Company's plant located at Yabucoa. The variance raises the visible emissions limit as regulated under Commonwealth Rule 403, "Visible Emission," from 20 percent to 45 percent opacity for the "crude" unit, and from 20 percent opacity to 35 percent opacity for the "hot oil/final lube" unit.

EFFECTIVE DATE: This action will be effective June 17, 1985, unless notice is received by May 20, 1985, that someone wishes to submit adverse or critical comments.

ADDRESSES: All comments should be addressed to: Christopher J. Daggett,

Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the SIP revision are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,
Region II Office, Air Programs Branch,
Room 1005, 26 Federal Plaza, New
York, New York 10278

Environmental Protection Agency,
Public Information Reference Unit, 401
M Street SW., Washington, D.C. 20460

The Office of the Federal Register, 1100
L Street NW., Room 8401,
Washington, D.C. 20408

Environmental Quality Board, 204 Del
Parque Street, Santurce, Puerto Rico
00910.

FOR FURTHER INFORMATION CONTACT:
William S. Baker, Chief, Air Programs
Branch, Environmental Protection
Agency, Room 1005, 26 Federal Plaza,
New York, New York 10278, (212) 264-
2517.

SUPPLEMENTARY INFORMATION: On September 6, 1983, the Environmental Protection Agency (EPA) received from Puerto Rico a proposed revision to the Commonwealth's Implementation Plan. The Commonwealth requested that EPA approve a visible emissions variance which it issued to the Sun Oil Company plant located in Yabucoa under the provisions of Rule 301, "Variances Authorized," of its "Regulation for the Control of Atmospheric Pollution." The effect of this variance is to establish a maximum opacity limit of 45 percent for the crude unit at this plant and 35 percent for the hot oil/final lube unit.

Stack test data submitted in support of this variance showed that the 0.3 pounds of particulate matter per million British thermal units of heat input (1b/10⁶ BTU) emissions limit contained in the Commonwealth's Regulation (Rule 406) would be met with these revised opacity limits. However, because of the nature of the Puerto Rico Implementation Plan, EPA determined that additional information in the form of an air quality impact analysis was needed. This was because, at these revised opacity limits, emissions were in excess of the amounts assumed in the air quality attainment demonstration for particulate matter which EPA approved on November 3, 1980 (45 FR 72655). In this dispersion modeling demonstration a particulate matter emissions rate of 0.08 grains per dry standard cubic foot (g/scf) was assumed to be approximately equivalent to the 20 percent opacity requirement of Rule 403,

Section A.1. Rule 117 requires that if two emission limitations apply to a source, the more stringent of the two would be the controlling limit. In this case the 20 percent opacity (or 0.08 g/scf) is the more stringent and thus the controlling limit.

EPA notified the Puerto Rico Environmental Quality Board of the need for the additional analysis on December 30, 1983. In response, on April 5, 1984 a document entitled "Yabucoa Sun Oil Company Petition for Variance from Rule 403 of the RCAP, amended version" was submitted.

EPA has determined that the crude unit at the Yabucoa Sun Oil facility will meet a 0.08 g/scf emissions limitation the proposed 45 percent opacity limit. However, this emissions limitation would be exceeded by the hot oil/final lube unit at the requested opacity of 35 percent. In this latter case, the applicant performed, and EPA verified, an air quality dispersion analysis which demonstrated that the two units would not cause or contribute to any air quality violations if the requested revised opacity limits were approved. On these bases EPA is today approving the requested opacity variances for the crude and hot oil/final lube units. In addition, to these revised limitations the source will still remain subject to the opacity limit of Rule 403(A)(2), which allows a 60 percent opacity for a period or periods of no more than four minutes in any 30 minute interval. It should be noted that the Sun Oil Yabucoa plant is located in an area of Puerto Rico classified under section 107(d) of the Clean Air Act as attainment for all pollutants.

This notice is issued as required by section 110 of the Clean Air Act, as amended. The Administrator's decision regarding the approval of this plan revision is based on its meeting the requirements of section 110 of the Clean Air Act and 40 CFR Part 51.

EPA is approving this SIP revision request without prior proposal because it is viewed as noncontroversial and no adverse comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.