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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX-73-1-7316a, FRL-5830-7]

Approval and Promulgation of Air Quality Plans, Texas; Alternate Reasonably Available Control Technology Demonstration for Bell Helicopter Textron, Incorporated; Bell Plant 1 Facility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving a site specific revision to the Texas State Implementation Plan (SIP) for Bell Helicopter Textron, Incorporated (Bell) of Fort Worth. This revision was submitted by the Governor on April 18, 1996, to establish an alternate reasonably available control technology (ARACT) demonstration to control volatile organic compounds (VOC) for the surface coating processes at the Bell Plant 1 facility. The EPA has determined that the control strategy, solvent and coating emission limits, submitted by Bell and the Texas Natural Resource Conservation Commission (TNRCC), demonstrate Reasonably Available Control Technology (RACT) for the Bell Plant 1 facility. This ARACT demonstration is approvable because Bell has demonstrated that it is not cost effective to control their VOC emissions to the presumptive norm set forth in the EPA's Control Technique Guidelines (CTG) document (EPA 450/2-78-015), and the alternate emission rate at the facility is the lowest that is economically reasonable and technically feasible.

DATES: This action is effective on July 29, 1997, unless notice is received by June 30, 1997 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the State's request and other information relevant to this action are available for inspection during normal hours at the following locations:

Environmental Protection Agency,
Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Suite 700,
Dallas, Texas 75202-2733.
Air and Radiation Docket and
Information Center, Environmental

Protection Agency, 401 M Street,
S.W., Washington, D.C. 20460.
Texas Natural Resource Conservation
Commission, Office of Air Quality,
12124 Park 35 Circle, Austin, Texas
78753.

Anyone wishing to review this petition at the EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Lt. Mick Cote, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7219.

SUPPLEMENTARY INFORMATION:

I. Background

Part D of the Clean Air Act (the Act) requires ozone nonattainment plans to include regulations providing for VOC emission reductions from existing sources through the adoption of RACT. The EPA defined RACT in a September 17, 1979, **Federal Register** notice (44 FR 53762) as:

The lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

Through the publication of CTG documents, EPA has identified pollution control levels that EPA presumes to constitute RACT for various categories of sources. Where the State finds the presumptive norm applicable to an individual source or group of sources, the State typically adopts requirements consistent with the presumptive norm. However, States may develop case-by-case RACT determinations. The EPA will approve these RACT determinations as long as the State demonstrates they will satisfy the Act's RACT requirements based on adequate documentation of the technical and economical circumstances of the particular source being regulated. Texas adopted the CTG, entitled *Miscellaneous Metal Parts and Products*, as the presumptive norm for VOC limits on aerospace surface coating processes.

These VOC limits were adopted as part of 30 TAC § 115.421, *Emission Specifications*. The presumptive norm for the exterior of aircraft in Dallas and Tarrant Counties is 6.7 pounds per gallon of solids delivered to the application system.

The EPA developed a guidance document entitled *Guidance for Developing an Alternate Reasonably Available Control Technology (RACT) Demonstration for the Tulsa Aerospace Industry*, dated October 2, 1989. This

document applies to the aerospace industry and was applicable to Bell's ARACT analysis as well. This document was issued for States and industries to follow in developing documents to justify deviation from the recommended CTG approach. The EPA has reviewed the Bell ARACT proposal based on this guidance.

Bell manufactures helicopters and helicopter parts for private, commercial, and military use at its Fort Worth, Texas facility, also known as Bell Plant 1. As part of its manufacturing operations, Bell coats helicopters, rotors, and helicopter parts with extreme performance coatings.

Bell was issued a Notice of Violation (NOV) by the TNRCC Region 4 Office on September 25, 1992, for exceeding 6.7 pounds of VOC per gallon of solids limit on an individual line basis. Bell submitted an ARACT application on December 22, 1993, as allowed under 30 TAC Chapter 115, section 115.423(a)(4) to resolve the NOV. An Agreed Order was signed on November 18, 1994, which requires Bell to obtain this ARACT. On April 18, 1996, the State of Texas submitted to the EPA its request for an ARACT approval for surface coating operations at the Bell Plant 1 facility. This site-specific SIP revision was submitted to meet RACT for Bell's surface coating operations. The EPA believes that Bell and the State of Texas have provided adequate documentation that the emission limits developed under this site-specific SIP revision are RACT based on consideration of economical reasonableness and technical feasibility. Since case-by-case RACT determinations are allowable under EPA's definition of RACT, Bell and the State opted for this ARACT approach to fulfill compliance requirements.

II. Alternate RACT Analysis

Bell investigated the options available for reducing emissions from its surface coating operations. Among those were coating reformulation, enhanced application techniques that would improve transfer efficiency, facility redesign, and add-on control equipment to reduce VOC emissions.

Bell has evaluated control options for the ARACT sources. Bell has already put VOC emissions control devices on two booths which are the most reasonable sources to be controlled. Bell installed a carbon incineration system (KPR), which achieves an overall VOC destruction efficiency of 90 percent, to control the VOC emissions from the Blade Paint Shop (see Provision 17). The emissions from the Blade Paint Shop, if released uncontrolled to the

atmosphere, would represent nearly half of the total ARACT source VOC emissions. The controlled VOC emissions from this shop now represent only 7.7 percent of the total ARACT source VOC emissions. In addition to the KPR system, Bell installed four carbon canisters in the Rotor Touch-Up Booth, which has a manufacturer guaranteed minimum VOC removal efficiency of 85 percent. The emissions from Rotor Touch-Up Booth are small compared to the emissions from the Blade Paint Shop, but in case of KPR failure, the work load from the Blade Paint Shop will be routed through the Rotor Touch-Up Booth and the emissions will be controlled by the carbon canisters.

Bell has submitted a cost summary for a number of add-on control options for further add-on controls. The least expensive option for an individual painting booth is estimated to have an annualized cost of \$22,424 per ton of VOC emissions reduced, and therefore, considered cost prohibitive. Besides the add-on control options, Bell also evaluated several facility redesign options such as, the recirculation of exhausts, the reduction of air flows and the consolidation of ARACT sources, which all turned out to be technically or economically infeasible at this time.

Bell has, and will continue to, investigate and test compliant coatings to replace currently utilized non-compliant coatings and implement them when feasible. To date, Bell has found some possible substitutes in lacquers, epoxy primers and urethane enamels coating categories and has been successful in its efforts to replace epoxy primers, which represents 20 percent of the total coatings used at Bell, with water-based primers.

Bell has demonstrated in their application that the coatings being used at the facility have the lowest feasible VOC contents. Safety, performance and specifications prevent Bell using all compliant coatings at their facility. The coating operation which has the largest VOC emission rate is the Adhesive Prime Booth, in which coating materials are used to hold the helicopter's metal rotor blades together. These coatings must have special physical properties in order to ensure the safety of helicopters. Bell's helicopters are required to have a specific operating temperature range from -67°F to 180°F which very few commercially-available coatings meet. Finally, most of the coating activities at Bell are conducted in support of the military production line and coating parameters are strictly regulated by military specifications.

The VOC limitations on each coating are governed by Provision 11 and Table II of the State submittal. As this ARACT must be reviewed every two years, EPA or TNRCC may, at that time, request information on any new, lower VOC coatings that may have been developed during the interim.

III. Other Measures To Reduce Emissions

Bell will be implementing several equipment, coatings and solvent changes to reduce VOC emissions as far as possible without more add-on controls. Bell will purchase and install 10 enclosed gun cleaners for the washing of ARACT source spray equipment within three months of the final ratification of this ARACT. Bell will also purchase and install plural component mixing systems at the Conveyor Prime and Blade Paint Shop within six months of the final ratification of this ARACT. These mixing systems will replace both the existing pressure pot system at the Conveyor Prime Booth and the prime and topcoat pressure pot systems at the Blade Paint Shop. The new mixing systems will provide substantial savings in both paint and thinner use. Bell indicated in their application that high transfer efficiency application equipment is used to apply the coatings at their facility when feasible. Bell currently uses high volume/low pressure, electrostatic and air brush application equipment all with a transfer efficiency of at least 60 percent which reduces the amount of coatings used, and subsequently reduced the VOC emissions.

Bell will substitute low vapor pressure solvents for the higher vapor pressure solvents currently used for the wipedown of parts and assemblies in some of the booths, where feasible. Bell will begin production testing of low vapor pressure (<5 mmHg) solvents as soon as Permit R-1996 is approved. The EPA Aerospace National Emission Standards for Hazardous Air Pollutants (NESHAP) for Aerospace Manufacturing and Rework Facilities allows wipe solvents up to 45 mmHg vapor pressure to be used. Bell will be expected to comply with the primer, topcoat, and operating practices included in this NESHAP (60 FR 45948).

IV. Final Rulemaking Action

The EPA has reviewed the information developed by Bell and agrees that the majority of the costs should not be considered cost effective in this situation relative to the cost effectiveness assumed in the CTG for miscellaneous metal parts and products.

The EPA's review of the information submitted by both the State of Texas and Bell indicates that, at this time, low VOC coatings for certain applications and processes are not commercially available. Furthermore, the cost effectiveness of controls on emissions from certain processes at this facility are not economically feasible. The EPA finds that the requirements in the recommended CTG are not reasonable for certain processes and that the proposed source specific alternate RACT determinations in the SIP submittal should be considered RACT in this case.

In this final action, EPA is approving the revision to the Texas SIP and adopting the Bell site-specific SIP revision as RACT for the Bell Plant 1 facility. This revision was submitted by the Governor to EPA by letter dated April 18, 1996.

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.

V. Administrative Requirements

A. Executive Order (E.O.) 12866

This action has been classified 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 has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

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. See 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.

The SIP approvals under section 110 and subchapter I, part D of the Act 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 any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. See *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

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 this rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. § 804(2).

E. Petitions for Judicial Review

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 July 29, 1997. 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) of the Act.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental regulations, Ozone, Reporting and recordkeeping, and Volatile organic compounds.

Dated: February 12, 1997.

Jerry Clifford,

Acting Regional Administrator.

40 CFR part 52 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 SS—Texas

2. Section 52.2270 is amended by adding paragraph (c) (100) to read as follows:

§ 52.2270 Identification of Plan.

* * * * *

(c) * * *

(100) A revision to the Texas State Implementation Plan (SIP) to adopt an alternate control strategy for the surface coating processes at the Bell Helicopter Textron, Incorporated (Bell) Plant 1 Facility.

(i) Incorporation by reference.

(a) Texas Natural Resource Conservation Commission Agreed Order for Docket No. 95-1642-SIP, issued and effective April 2, 1996, for Bell's Plant 1 facility.

(b) A letter from the Governor of Texas dated April 18, 1996, submitting to the EPA the Agreed Order and the site-specific SIP revision for Bell.

(ii) Additional material.

(a) The site-specific revision to the Texas State Implementation Plan for Bell, dated January 16, 1996.

(b) The alternate reasonably available control technology demonstration prepared by Bell, dated December 1995.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN-160-9624a; FRL-5831-7]

Approval and Promulgation of Air Quality Implementation Plans, Tennessee; Approval of Revisions to Permit Requirements, Definitions, Exemptions, and Internal Combustion Engines Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the permit requirements for major sources of air pollution, definitions, exemptions, and internal combustion engine regulations for the Nashville/Davidson County portion of the Tennessee State Implementation Plan (SIP). On December 28, 1995, the State submitted revisions to the Nashville/Davidson portion of the Tennessee SIP on behalf of Nashville/Davidson County. These were revisions to the permit requirements for major sources of air pollution, including revisions to the general definitions, the permit requirements, and the exemption sections. Also included was a revision to the regulations for internal combustion engines. The purpose of these amendments was to satisfy the requirements of the 1990 Clean Air Act Amendments and the comments made by EPA on previous SIP submittals. EPA is approving all of the submitted revisions, except those which were withdrawn, as noted in the paragraphs below.

DATES: This final rule is effective July 29, 1997 unless adverse or critical comments are received by June 30, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Karen C. Borel at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file TN160-01-9624. The Region 4 office may have additional background documents not available at the other locations.

Air and Radiation Docket and Information Center (Air Docket 6102),