Because Ocean City is in the height of the tourist season and because no comments were received about the bridge schedule change, good cause exists to make the final rule effective upon publication.

Regulatory Evaluation

This regulation 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 final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the U.S. Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. ''Small entities'' included independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this final rule to be minimal on the maritime industry, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that the rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended by 59 FR 38654, 29 July 1994), this final rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, the Coast Guard is amending part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues as follows

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.559 is revised to read as follows:

§ 117.559 Isle of Wight Bay

The draw of the US50 bridge, mile 0.5, at Ocean City, shall open on signal; except that, from October 1 through April 30 from 6 p.m. to 6 a.m., the draw shall open if at least three hours notice is given and from May 25 through September 15 from 9:25 a.m. to 9:55 p.m. the draw shall open at 25 minutes after and 55 minutes after the hour for a maximum of five minutes to let accumulated vessels pass, except that, on Saturdays from 1 p.m. to 5 p.m., the draw shall open on the hour for all waiting vessels and shall remain in the open position until all waiting vessels pass.

Dated: July 14, 1997.

Roger T. Rufe, Jr.,

Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 97–19224 Filed 7–18–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN159–1–9704(b); TN174–1–9726(b); TN175–1–9725(b); FRL–5859–5]

Approval of Source Specific Revisions to the Tennessee SIP Regarding Volatile Organic Compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this document, EPA is taking action on three source specific revisions to the Tennessee State Implementation Plan (SIP) which establish reasonably available control technology requirements (RACT) for the control of volatile organic compound (VOC) emissions from certain operations at Brunswick Marine Corporation, Outboard Marine Corporation, and Essex Group Incorporated. EPA is approving the operating permits for these sources into the SIP with the exception of the portion of one permit which allows the Tennessee Technical Secretary to determine RACT which is being disapproved. These permits were issued consistent with the alternate control plans which established RACT requirements in accordance with the provisions of the Tennessee SIP for developing VOC emission control requirements for major sources for which there is no regulation or guidance for determining RACT.

DATES: This action is effective September 19, 1997, unless adverse or critical comments are received by August 20, 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 William Denman at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Copies of 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 files TN159–01–9704, TN174–01–9726, and TN175–01–9726. 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), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. William Denman, 404/562–9030.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243–1531.

FOR FURTHER INFORMATION CONTACT: William Denman at 404/562–9030.

SUPPLEMENTARY INFORMATION: On December 20, 1995, Tennessee submitted a permit for Brunswick

Marine Corporation (permit number 743652P), and on June 3, 1996, Tennessee submitted permits for Outboard Marine Corporation (permit number 039845P & 044881P), and Essex Group Incorporated (permits numbers 045011P, 045012P, & 045013P). These operating permits were submitted to EPA for the purpose of establishing RACT requirements for certain VOC emitting operations at these facilities. These permits contain source specific RACT requirements which were established in accordance with Tennessee rule 1200–3–18–.79 ''Other Facilities that Emit Volatile Organic Compounds (VOC's) of One Hundred Tons Per Year.'' This rule contains presumptive RACT requirements for major sources not subject to an EPA control technique guideline (CTG). These requirements include meeting presumptive RACT emission limits for certain operations, installation and operation of an emission capture system which achieves 90 percent capture, certification of compliance, maintenance of records, and self reporting of exceedances. However, if the implementation of the presumptive RACT measures listed in the rule are determined to be either technically or economically infeasible this rule provides for the development of an alternate control plan. This alternative control plan must be approved into the SIP. For an alternate control plan to be approved into the SIP, the State must provide a demonstration that the presumptive RACT measures contained in rule 1200–3–18–.79 are either technically or economically infeasible for their application. The State provided to EPA a comprehensive demonstration that it was either technically or economically infeasible to implement the presumptive RACT requirements contained in rule 1200–3–18–.79 for certain sources at these three facilities. These demonstrations are part of the RACT determinations and are contained in the technical support document developed for this action. The demonstrations contain a comparison of control measures used at similar facilities and other potential RACT measures. Some alternatives investigated were technically infeasible and some were determined to be economically infeasible. For the fiberglass boat manufacturers the RACT determination is equivalent to the South Coast Air Quality Management District of California's production rule 1162. VOC reductions will be obtained through a combination of process modifications and material substitutions. For the lubricant application operation at the Essex Group facility, RACT was determined to be good housekeeping practices to reduce fugitive emissions, use of non-VOC dri-lubes as permitted by customers, and application of dri-lube through a proprietary wick process. EPA has determined that these demonstrations adequately proved that other RACT measures are infeasible and that the RACT measures established for these operations meet the Agency's requirements for alternative RACT. The specific RACT measures which were developed for certain sources at these three facilities are described below.

I. Brunswick Marine Corporation Source Specific RACT Requirements

On April 13, 1994, the Tennessee Air Pollution Control Board approved an alternate control plan which established RACT requirements for certain VOC emitting operations at the Brunswick Marine Corporation facility located in Murfreesboro, Tennessee. On February 21, 1996, Tennessee issued operating permit number 743652P to Brunswick Marine containing the RACT requirements discussed above. EPA is approving this permit into the SIP with the exception of the phrase ''unless alternative factors can be established empirically and are approved by the Technical Secretary'' contained in permit condition #18(1)(f) which is being disapproved. The following RACT requirements were established in the operating permit for certain VOC emitting operations at Brunswick Marine facility.

1. *Decks and Hulls Production:*

a. In the laminating process of the decks only non-atomizing techniques shall be used. These techniques include the use of airless or air-assisted airless spray guns, which include wet out and ''chopper'' guns, and techniques such as use of pressure fed rollers.

b. Airless or air-assisted airless spraying equipment shall be utilized where possible during the gelcoat application. This equipment was installed and utilized for pigmented and clear gelcoats by January 1, 1995. However, during the application of polyflake gelcoats, air-atomized techniques may be used.

c. In the laminating process of hulls, the dry glass reinforcement shall be placed into the molds by hand and catalyzed resin shall be applied to the dry glass using non-atomizing techniques such as pressure fed rollers, wet out and ''chopper'' guns or bucket and brush techniques.

d. Mix gelcoats contain VOC's including styrene, MEKP and MMA. The MEKP content of gelcoat shall not exceed 2 percent by weight under normal operating conditions. A maximum of 2.5 percent MEKP may be used when necessary due to cold weather conditions.

e. The styrene content of lamination resins shall not exceed 37 percent by weight. The styrene content of gelcoat shall not exceed 48 percent by weight. The methyl methacrylate (MMA) content of gelcoat shall not exceed 10 percent by weight.

f. Emissions of styrene may be determined quantitatively by using the factors 18 percent by weight for spray operations and 10 percent weight for hand lay up operations.

g. The styrene content of the gelcoat used for tooling purposes shall not exceed 50 percent by weight, and shall be utilized only during the construction and repair of molds.

2. *Carpet Adhesive Application:* Adhesives containing solvents which are ozone depleting chemicals are being phased out of this operation because of the adverse environmental effect of release of these chemicals to the atmosphere. Adhesives containing volatile organic compounds (VOC) are currently the only known technically feasible materials, other than adhesives containing ozone depleting chemicals as solvents, that can be used for this operation. Therefore, adhesives containing VOC may be used in this operation. The allowable VOC content of adhesives used in this operation shall be 4.4 lbs VOC/gallon with a maximum usage rate of 313 gallons/month.

3. *Miscellaneous:* Total volatile organic compound (VOC) emissions from other VOC emitting operations which are subject to Rule 1200–3–18–.79 shall not be in excess of 3 percent of the total VOC emitted from all operations subject to this rule. Compliance with this requirement shall be on a calendar month basis.

II. Outboard Marine Corporation Source Specific RACT Requirements

On April 13, 1994, the Tennessee Air Pollution Control Board approved an alternate control plan which established RACT requirements for certain VOC emitting operations at the Outboard Marine Corporation's boat manufacturing facility located in Murfreesboro, Tennessee. On July 27, 1995, and May 31, 1996, Tennessee issued two operating permits (permit number 039845P & 044881P) to Outboard Marine containing the RACT requirements for certain sources. EPA is approving these operating permits into the SIP for the purpose of establishing federally enforceable RACT measures. The RACT requirements contained in

the operating permit which were established for certain VOC emitting operations at Brunswick Marine are as follows.

1. *Decks and Hulls Production:*

a. In the laminating process of decks larger than 21 feet in length, only non-atomizing resin application techniques such as a flow coater or pressure feed roller shall be used to apply the catalyzed resin to wet the glass fibers and mold surfaces. In the laminating process of decks smaller than 21 feet in length, techniques such as airless or air-assisted airless spray guns, which include wet out and ''chopper'' guns, and pressure fed rollers and flow coaters shall be used.

b. Only airless or air-assisted airless spraying equipment shall be used for pigmented gelcoat application.

c. In the laminating process of hulls, the dry glass reinforcement shall be placed into the molds by hand and catalyzed resin shall be applied to the dry glass using non-atomizing resin application techniques such as a flow coater or pressure fed roller.

d. Mixed gelcoat may contain the VOC's styrene, methyl methacrylate (MMA) and MEKP. The MEKP content of gelcoat shall not exceed 2 percent by weight under normal operating conditions. A maximum of 2.5 percent MEKP may be used when necessary due to cold weather conditions.

e. The styrene content of lamination resins shall not exceed 35 percent by weight. The combined styrene and MMA content of pigmented gelcoat shall not exceed 47 percent by weight and of the metal flake clear gelcoat 53 percent by weight.

f. Emissions of styrene shall be calculated based on 18 percent by weight for atomized spray operations and 10 percent weight for hand lay up operations.

g. For tooling purposes only the styrene content of gelcoat and resin shall not exceed 50 percent by weight, and shall be used only for the purpose of building and repairing molds.

h. Tooling gelcoat shall be used only for the purpose of building and repairing molds.

2. *Carpet Adhesive Application:* The VOC's emitted from this source shall not exceed 1.2 pounds per gallon of glue applied. Glue usage at this source shall not exceed 240 gallons per day.

3. *Miscellaneous:* Total VOC emissions from other VOC emitting operations which are subject to Rule 1200–3–18–.79 shall not be in excess of 3 percent of the total VOC emitted from all operations subject to this rule. Compliance with this requirement shall be on a calendar month basis.

III. Essex Group Inc. Source Specific RACT Requirements

On April 13, 1994, the Tennessee Air Pollution Control Board approved an alternate control plan which established RACT requirements for VOC emission control on the lubricant application to enameled wire at Essex Group, Incorporated's Franklin, Tennessee, Magnet Wire coating facility. On May 31, 1996, Tennessee issued three operating permits (permit number 045011P, 045012P & 045013P) to Essex Group containing the RACT requirements for its magnet wire coating processes. In addition to providing for RACT requirements pursuant to the Tennessee regulation for the coating of magnet wire, the permits also contain source specific RACT requirements for the lubrication application process. EPA is approving these operating permits into the SIP for the purpose of establishing federally enforceable RACT measures for the lubrication application process. The specific RACT requirements contained in the operating permit to control VOC emissions from the lubrication application process are as follows.

1. Lubricant shall be applied by wick applicator only.

2. The VOC content of the lubricant shall not exceed 5.87 pounds per gallon, as applied and excluding water and exempt compounds.

3. In addition to satisfying the requirements of paragraphs 1200–3–18–.03 (1) and (3) of the Tennessee Air Pollution Control Regulations, records shall be maintained of the quantity of lubricant used per calendar month. Each record shall be kept for at least 3 years after the date the record is created, and shall be made available to the Technical Secretary upon request.

4. By March 31 of each year, a report shall be submitted to the Technical Secretary of results of research and development in reducing VOC emissions from the lubricant application operation (such as by reformulation of the lubricant, improvement in application efficiency, process changes to reduce or eliminate the need for lubricant application, and installation of emission control systems), and of reductions achieved by implementation of new emission reduction methods.

Final Action

The EPA is approving these revisions to the Tennessee SIP with the exception of the phrase ''unless alternative factors can be established empirically and are approved by the Technical Secretary'' contained in condition number 18 of permit number 743652P which is being disapproved as discussed in the supplementary section of this document. The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective September 19, 1997 unless, by August 20, 1997, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective September 19, 1997.

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.

Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) 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. 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 section 110 and subchapter I, part D of the Clean Air 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, the Administrator certifies 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 CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2) and 7410(k)(3).

The portion disapproved only affects one source, Brunswick Marine Corporation. Therefore, it does not have a significant impact on a substantial number of small entities. Furthermore, as explained in this document, the portion of the request disapproved does not meet the requirements of the CAA and EPA cannot approve the request. Therefore, EPA has no option but to disapprove this portion of the submittal.

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), 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 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.

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 pre-existing requirements under State or local law, and imposes no new 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 the 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 19, 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).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: July 3, 1997.

Michael V. Peyton,

Acting Regional Administrator.

Part 52 of chapter I, title 40, 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 RR—Tennessee

2. Section 52.2220, is amended by adding paragraph (c)(156) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

(156) Addition of six operating permits containing source specific VOC RACT requirements for certain VOC sources at Brunswick Marine Corporation, Outboard Marine Corporation, and Essex Group Incorporated submitted by the Tennessee Department of Environment and Conservation on December 20, 1995 and June 3, 1996.

(i) Incorporation by reference.

(A) Marine Group Brunswick Corporation operating permit number 743652P issued February 21, 1996, (conditions number 2, 3, and 18).

(B) Stratos Boat Incorporated, D.B.A. Javelin Boats operating permit number 039845P issued on July 27, 1995, (conditions number 2 and 3), and permit number 044881P issued on May 31, 1996, (conditions number 2, 9, and 10).

(C) Essex Group Incorporated operating permit numbers 045011P, (conditions 5, 10, 13, and 15), 045012P, (conditions 5, 10, 13, and 15) and 045013P, (conditions 5 and 16) issued on May 31, 1996.

(ii) Other material. None.

[FR Doc. 97–19084 Filed 7–18–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA040–5017 & VA009–5017; FRL–5846–5]

Approval and Promulgation of Air Quality Implementation Plans; Virginia: Approval of Group III SIP and Coke Oven Rules for Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving two State Implementation Plan (SIP) revisions submitted by the Commonwealth of Virginia. Approval of Virginia's Group III SIP establishes an ambient air quality standard for particulate matter smaller than 10 micrometers in diameter (PM–10); provides regulatory definitions for ''particulate matter,'' ''particulate matter emissions,'' ''PM10,'' ''PM10 emissions,'' and ''total suspended particulate matter'' (TSP); and modifies rules regarding air pollution episodes to include PM–10 as well as TSP action levels. Approval of the coke oven provisions provides for limits on mass emissions, opacity, and fugitive dust from nonrecovery coke works. This action is a result of existing particulate matter planning requirements and is not related to current EPA rulemaking regarding proposed revisions to National Ambient Air Quality Standards (NAAQS) for particulate matter. There are no PM–10 nonattainment areas in the Commonwealth of Virginia. This action is being taken under section 110 of the Clean Air Act.

DATES: This action is effective September 19, 1997 unless within August 20, 1997, adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Makeba A. Morris, Chief, Technical