

without the permission of the Patrol Commander.

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(c) *Effective periods.* This regulation is effective annually for the duration of each marine event listed in Table 1, or as otherwise specified in the Coast Guard Local Notice to Mariners and a **Federal Register** notice. The Coast Guard Patrol Commander will announce by Broadcast Notice to Mariners the specific time periods during which the regulations will be enforced.

Table 1 of § 100.519

Chincoteague Power Boat Regatta

Sponsor: Chincoteague Chamber of Commerce

Date: Third Saturday and Sunday in June

Pony Penning Swim

Sponsor: Chincoteague Volunteer Fire Department

Date: Last Wednesday in July and the following Friday

Dated: July 14, 1997.

Roger T. Rufe, Jr.,

Vice Admiral Commander, Fifth Coast Guard District.

[FR Doc. 97-20564 Filed 8-4-97; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN-150-01-9711a; FRL-5866-1]

Approval and Promulgation of Implementation Plans, Tennessee: Approval of Revisions to Maintenance Plan for Knox County, Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Knox County portion of the State Implementation Plan regarding the Ozone Maintenance Plan and associated projections of future emissions submitted on January 18, 1995, by the Tennessee Department of Environment and Conservation. The purpose of this action is to establish an emissions budget in Knox County in accordance with the Transportation Conformity provisions promulgated on November 24, 1993.

DATES: This final rule is effective October 6, 1997, unless adverse or

critical comments are received by September 4, 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 Benjamin Franco 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 file TN150-01-9711. 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. Benjamin Franco, (404)-562-9039.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, L&C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243-1531. Telephone: (615) 532-0554.

Knox County Department of Air Pollution Control, City County Building, Suite 339, 400 West Main Street, Knoxville, Tennessee, 37902. Telephone: (615) 521-2488.

FOR FURTHER INFORMATION CONTACT: Benjamin Franco at 404/562-9039.

SUPPLEMENTARY INFORMATION: Section 176(c)(2)(A) of the Clean Air Act specifically requires conformity determinations to show that "emissions expected from implementation of such plans and programs are consistent with estimates of emissions from motor vehicles and necessary emissions reductions." SIP demonstrations of reasonable further progress, attainment, and maintenance contain these emission estimates and "necessary emission reductions." The emissions budget is the mechanism EPA has identified for carrying out the demonstration of consistency.

The emissions budget may be revised at any time through the standard SIP revision process, provided the SIP demonstrates that the revised emission

budget will not threaten attainment and maintenance of the standard or any milestone in the required timeframe. The State may choose to revise its SIP emission budgets in order to reallocate emissions among sources or among pollutants and precursors.

Section 51.456(b) of the Transportation Conformity Rule (58 FR 62232) provides that in cases where a SIP submitted prior to November 24, 1993, does not have an explicit emissions budget but quantifies a "safety margin" by which emissions from all sources are less than the total emissions that would be consistent with attainment, the State may submit a SIP revision which assigns some or all of this safety margin to highway and transit mobile sources for the purpose of conformity. Such a SIP revision, once it is endorsed by the Governor and has been subject to a public hearing, may be used for the purposes of transportation conformity before it is approved by EPA.

On August 26, 1992, the Tennessee Department of Environment and Conservation (TDEC) submitted an Ozone Maintenance Plan for Knox County that included a 1990 base year emission inventory and emissions projections. EPA published in the **Federal Register** on September 27, 1993, a notice approving the maintenance plan and emission projections. These emission projections were approved before the conformity rule was finalized on November 24, 1993. Therefore, the approved emission projections became the area's emission budget for conformity purposes.

On May 25, 1994, the Department of Environment and Conservation proposed a revision to the maintenance plan and emission projections. This revision provides a more accurate and practical budget for transportation planning conformity. The final conformity rule allows for areas to revise their emission projections as long as it does not affect attainment or the maintenance of the air quality standards. Section 51.456 of the final conformity rule allows an area to reallocate safety margins to highway and transit mobile sources for the purposes of transportation conformity. The State revision has allocated the safety margin in their emission projection to the mobile portion of the emissions budget. The following is the revised emission budget for Knox County submitted by the State.

KNOX COUNTY EMISSION BUDGET
[Tons/Day]

Year	Area	Nonroad	Biogenic	Mobile	Point	Total
Volatile Organic Compounds						
1990	28.82	9.81	32.43	41.16	8.06	120.28
1993	29.25	9.96	32.43	29.28	8.64	109.56
2000	30.29	10.31	32.43	*37.37	9.88	120.28
2004	30.90	10.52	32.43	*35.94	10.49	120.28
Nitrogen Oxides						
1990	3.66	9.77	0	41.73	8.96	64.12
1993	3.72	9.92	0	41.20	9.54	64.38
2000	3.85	10.27	0	*38.99	11.01	64.12
2004	3.92	10.48	0	*38.21	11.51	64.12
Carbon Monoxide						
1990	7.54	68.89	0	296.32	3.00	375.75
1993	7.65	69.93	0	245.90	3.34	326.82
2000	7.92	72.41	0	220.72	3.67	304.72
2004	8.08	73.87	0	203.60	3.84	289.39

* Safety margin emission were reallocated to mobile sources. A safety margin is produced when the emissions from all sources are less than the total emissions that would be consistent with attainment.

Final Action

The Agency has reviewed this request for revision of the Federally-approved State implementation plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements.

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 October 6, 1997, unless, by September 4, 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 October 6, 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.

I. 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 Regional 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).

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 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.

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 section 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 October 6, 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, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

Dated: July 9, 1997.

Michael V. Payton,

Acting Regional Administrator.

Chapter I, title 40, 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)(151) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

(151) A Revision to Knox County Ozone Maintenance plan and emission projections submitted by the Tennessee Department of Environment and Conservation on January 18, 1995.

(i) Incorporation by reference.
(A) Knox County Ozone Maintenance plan and emission projections adopted on November 21, 1994.

(ii) Other material. None.

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[FR Doc. 97-20578 Filed 8-4-97; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-17

RIN 3090-AF94

Assignment and Utilization of Space

AGENCY: Public Buildings Service, General Services Administration.

ACTION: Interim Rule with Request for Comments.

SUMMARY: This interim rule, initially published in the **Federal Register** March 7, 1996, began the process of replacing Part 101-17 of the Federal Property Management Regulations (FPMR). The rule repealed the outdated and superseded permanent FPMR Part 101-17 and provided new guidance concerning the location of Federal facilities in urban areas. The rule expired March 7, 1997. This supplement extends the interim rule indefinitely.

DATES: Effective date: March 8, 1997.

Comment date: September 4, 1997.

ADDRESSES: Comments should be submitted to the General Services Administration, Public Buildings Service, Office of Property Acquisition and Realty Services (PE), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Alan Waldron, Acting Assistant Commissioner, Office of Property Acquisition and Realty Services, at (202) 501-1025.

SUPPLEMENTARY INFORMATION: The purpose of this interim rule is to provide new, permanent FPMR guidance regarding the location of Federal facilities in urban areas.

On August 16, 1978, President Carter issued Executive Order 12072, which directs Federal agencies to give first consideration to centralized community business areas when filling federal space needs in urban areas. The objective of the Executive order is that Federal facilities and Federal use of space in urban areas serve to strengthen the nation's cities and make them attractive places to live and to work.

This regulation serves to reaffirm this Administration's commitment to Executive Order 12072 and its goals.

The General Services Administration (GSA) has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866.

This rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) An initial regulatory flexibility analysis has therefore not been performed.

The Paperwork Reduction Act does not apply to this action because the proposed changes to the Federal Property Management Regulations do not impose reporting, recordkeeping or information collection requirements which require the approval of the Office of Management and Budget pursuant to 44 U.S.C. 3501, *et seq.*

List of Subjects in 41 CFR Part 101-17

Administrative practices and procedures, Federal buildings and facilities, Government real property management.

Authority: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c).

In 41 CFR Chapter 101, the following Interim Rule D-1 is added to the appendix at the end of Subchapter D to read as follows:

Federal Property Management Regulations; Interim Rule D-1

Supplement 1

To: Heads of Federal Agencies

Subject: Assignment and Utilization of Space

1. *Purpose.* This interim rule, initially published in the **Federal Register** March 7, 1996, began the process of replacing Part 101-17 of the Federal Property Management Regulations (FPMR). The rule repealed the outdated and superseded permanent FPMR Part 101-17 and provided new guidance concerning the location of Federal facilities in urban areas. The rule expired on March 7, 1997. This supplement extends the interim rule indefinitely.

2. *Effective date.* March 8, 1997. Comments should be submitted on or before 30 calendar days following publication in the **Federal Register**.

3. *Comments.* Comments should be submitted to the General Services Administration, Public Buildings Service, Office of Property Acquisition and Realty Services (PE), Washington, DC 20405.

4. *Effect on other directives.* This interim rule amends 41 CFR Part 101-17 by deleting all subparts and sections in their entirety and by adding a new §101-17.205 entitled "Location of Space."