economic impact on a substantial number of small entities.

Collection of Information

This proposal does not provide for a collection of information requirement 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 proposed rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.e(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this proposed 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 proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 449; 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 117.822 is revised to read as follows:

§ 117.822 Beaufort Channel, NC.

The draw of the US 70 bridge, mile 0.1., at Beaufort, shall open as follows:

(a) From 6 a.m. to 10 p.m., the draw need only open every hour on the hour, twenty minutes past the hour and forty minutes past the hour; except that on weekdays the bridge need not open at 7:40 a.m., 8:40 a.m., 4:40 p.m. and 5:40 p.m.

(b) From 10 p.m. to 6 a.m., the bridge shall open on signal.

Dated: December 8, 1997.

Roger Rufe, Jr.,

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

[FR Doc. 97–32886 Filed 12–16–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ017–0006; FRL–5935–4]

Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a limited approval and limited disapproval of a revision to the Arizona State Implementation Plan (SIP) concerning the control of volatile organic compound (VOC) emissions from surface coating operations, Rule 336. The intended effect of proposing limited approval and limited disapproval of this rule is to regulate VOC emissions according to the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this proposal will incorporate this rule into the federally approved SIP. Using CAA provisions regarding EPA actions on SIP submittals and general rulemaking authority, EPA has evaluated this rule and is proposing a simultaneous limited approval and limited disapproval because, while strengthening the SIP, this revision does not fully meet the CAA provisions and regulatory Control Technique Guidelines regarding regulatory requirements for nonattainment areas.

DATES: Comments must be received on or before January 16, 1998.

ADDRESSES: Comments may be mailed to: Andrew Steckel, Rulemaking Office, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA, 94105–3901.

Copies of Rule 336 and EPA's evaluation report of the rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule are also available for inspection at the following locations:

Arizona Department of Environmental Quality, 3003 North Central Avenue, Phoenix, AZ 85012

Maricopa County Environmental Services Department, 2406 S. 24th Street, Suite E–214, Phoenix, AZ 85034

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, (415) 744–1226.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rule being proposed for limited approval (and limited disapproval) into the Arizona SIP is Maricopa County Rule 336, Surface Coating Operations. This rule was submitted by the Arizona Department of Environmental Quality (ADEQ) to EPA on February 26, 1997.

II. Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA or pre-amended Act), that included Maricopa County (see 43 FR 8964; 40 CFR 81.305). On March 19, 1979, EPA changed the name and modified the geographic boundaries of the ozone nonattainment area to the Maricopa Association of Governments (MAG) Urban Planning Area (see 44 FR 16391, 40 CFR 81.303). On February 24, 1984, EPA notified the Governor of Arizona, pursuant to section 110(a)(2)(H) of the pre-amended Act, that MAG's portion of the Arizona SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call, see 49 FR 18827, May 3, 1984). On May 26, 1988, again EPA notified the Governor of Arizona that MAG's portion of the SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies relating to VOC controls and the application of reasonably available control technology (RACT) in the existing SIP be corrected (EPA's second SIP-Call, see 53 FR 34500, September 7, 1988). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted (see Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q.) In amended section 182(a)(2)(A) of the CAA, Congress adopted statutorily the requirement that nonattainment areas fix their deficient RACT rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the

date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The MAG Urban Planning Area is classified as serious[2]; therefore, this area was subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of Arizona submitted RACT rule, Maricopa County, Rule 336—Surface Coating Operations, for incorporation into its SIP on February 26, 1997. This document addresses EPA's proposed action for Maricopa County's Rule 336, Surface Coating Operations. Maricopa County adopted Rule 336 on June 19, 1996. EPA found Rule 336 complete on June 5, 1997 pursuant to EPA's completeness criteria set forth in 40 CFR part 51 Appendix V[3]. Now, EPA proposes a limited approval and limited disapproval of Rule 336.

Rule 336, Surface Coating Operations, reduces volatile organic compound (VOC) emissions at industrial sites engaged in preparing and coating a variety of substrates such as metal, paper, film, fabric, vinyl, and plastic. The provisions of this rule apply to surface preparation and coating operations in the following industries: Metal can and coil, metal furniture, large appliances, miscellaneous metal parts and products, aerospace assembly items and other components, paper, film, fabric, vinyl, plastic, and other flexible parts and products. VOCs contribute to the production of ground-level ozone and smog. Rule 336 was adopted as part of Maricopa County's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. Rule 336 is a new rule adopted by Maricopa County to meet EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. EPA's evaluation and proposed action for Rule 336 follows below.

III. EPA Evaluation and Proposed Action

In reviewing a VOC rule for approval, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). EPA's interpretation of these requirements, forming the basis for today's action, appears in the various EPA policy guidance documents listed in footnote one. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

To assist state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify presumptive norms defining RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents and other Agency policy for requiring States to ''fix-up'' their RACT rules (see section 182(a)(2)(A)). The following CTGs are applicable to Rule 336:

—''Control of Volatile Organic Emissions from Existing Stationary Sources Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light Duty Trucks,'' USEPA, May 1977, EPA–450/2–77–008;

—''Control of Volatile Organic Emissions from Existing Stationary Sources Volume III: Surface Coating of Metal Furniture,'' USEPA, December 1977, EPA–450/2–77-032;

—''Control of Volatile Organic Emissions from Existing Stationary Sources Volume V: Surface Coating of Large Appliances,'' USEPA, December 1977, EPA–450/2–77–034; and,

—''Control of Volatile Organic Emissions from Existing Stationary Sources Volume VI: Surface Coating of Miscellaneous Metal Parts and Products,'' USEPA, June 1978, EPA–450/2–78–015.

The following Alternative Control Techniques (ACT) document was consulted for its recommended emission limits and other applicable provisions:

—''Surface Coating of Automotive/Transportation and Business Machine Plastic Parts,'' USEPA, EPA 453/R–94–017.

Accordingly, Rule 336 was evaluated for consistency with the general RACT requirements of the Clean Air Act (CAA section 110 and part D). Further interpretations of EPA policy are found in the Blue Book, referred to in footnote one. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

There is no version of Rule 336—Surface Coating Operations in the SIP. The submitted rule includes the following provisions:

—A purpose statement,
—Definition of terms,
—Surface coating emission limits expressed in mass of VOC per unit volume of coating less water and non-precursor organic compounds,
—Emission control system, VOC clean-up, and VOC handling requirements,
—General and specific exemptions,
—Administrative requirements,
—Monitoring and record keeping requirements, and
—Compliance test methods.

Although Rule 336 strengthens the SIP, this rule contains deficiencies which were required to be corrected pursuant to the section 182(a)(2)(A) requirement of part D of the CAA. Rule 336's VOC emission limits conform to the respective CTG or ACT requirement and the rule contains adequate record keeping and test method provisions for monitoring the compliance of regulated facilities. However, several portions of the rule are unclear or contradict the subject CTG.

The following sections should be amended to be consistent with the applicable CTG and EPA policy:

—Section 306.4, Exemptions, Special Facilities/Operations,
—Section 306.5, Exemptions, Small Sources, and
—Section 402, Administrative Requirements, Minimal Use Days.

Sections 306.4 and 306.5 exempt some source categories in a manner inconsistent with their applicable CTG. Maricopa County should limit these exemptions to specific source categories consistent with their applicable CTG. Also, these sections are inconsistent with the Blue Book established applicability cut-off of three pounds per hour or fifteen pounds per day of VOC emissions. Two essential component concepts of the Blue Book's size cut-off policy are absent from the rule. First, a source's VOC emissions for comparison to the size cutoff should be determined

[1] 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** document,'' (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing Control Technique Guidelines (CTGs).

[2] The MAG Urban Planning Area retained its designations of nonattainment and was 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). On November 6, 1997, EPA published a final rule reclassifying the MAG Urban Planning Area from moderate to serious (62 FR 60001). This reclassification became effective on December 8, 1997.

[3] 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).

assuming no add-on controls. Second, once a source's VOC emissions exceed the size cutoff, that source is subject to the emission control requirements of the rule, even if those emissions later fall below the cutoff limit. A more detailed discussion of the rule's deficiencies can be found in the technical support document for Rule 336 available at the U.S. EPA, Region 9 office.

Given these deficiencies, the rule is not approvable pursuant to the section 182(a)(2)(A) of the CAA. Also, EPA cannot grant full approval of this rule under section 110(k)(3) and part D. Because the submitted rule is not composed of separable parts which meet all the applicable requirements of the CAA, EPA cannot grant partial approval of the rule under section 110(k)(3). However, EPA may grant a limited approval of the submitted rule under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP.

The approval is limited because EPA's action also contains a simultaneous limited disapproval. To strengthen the SIP, EPA is proposing a limited approval of Maricopa County's submitted Rule 336 under sections 110(k)(3) and 301(a) of the CAA. At the same time, EPA is proposing a limited disapproval of this rule because it contains deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rule does not fully meet the requirements of part D of the Act.

Under section 179(a)(2), if the Administrator disapproves a submission under section 110(k) for an area designated nonattainment, based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in section 179(b) unless the deficiency has been corrected within eighteen months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: highway funding and emission offsets. The eighteen month period referred to in section 179(a) will begin on the effective date of EPA's final limited disapproval. Also, the final disapproval triggers the Federal implementation plan (FIP) requirement under section 110(c). It should be noted that the rule covered by this proposed rule making has been adopted by Maricopa County and is in effect. EPA's final limited disapproval action will not prevent Maricopa County, the State of Arizona, or EPA from enforcing this rule.

Nothing in this action should be construed as permitting, 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.

IV. Administrative Requirements

A. Executive Order 12866

This action has been classified as a Table 3 action 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 (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).

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 proposed 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 Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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: December 5, 1997.

Felicia Marcus,

Regional Administrator.

[FR Doc. 97–32786 Filed 12–16–97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–27–1–5945, FRL–5935–3]

Approval and Promulgation of Air Quality State Implementation Plans (SIP); Texas; Disapproval of Texas Clean Fuel Fleet Program Revision to the State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of public comment period.

SUMMARY: The EPA is extending the public comment period from November 17, 1997, to January 16, 1998, on the proposed disapproval notice of the Texas Clean Fuel Fleet (CFF) SIP revision under the Clean Air Act. The proposed disapproval document was published in the **Federal Register** on