

of the Main Street and US 50 drawbridges.

This proposed change to the existing regulations is intended to establish a schedule that will meet the reasonable needs of the waterway users and, at the same time, diminish delays to and improve the flow of motor vehicles crossing the bridge.

Based on this information, the Coast Guard believes these proposed regulations will not unduly restrict recreational and commercial vessels passage through these bridges since they can plan their transits around the periods of closures.

### Regulatory Evaluation

This proposed action 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 proposal 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 Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include 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 proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

### Collection of Information

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

### Federalism

The Coast Guard has analyzed this proposal under the principals and criteria contained in Executive Order 12612, and it has determined that this proposal will not have 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, this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement and checklist 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 to read as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

**Authority:** 33 U.S.C. 499, 49 CFR 1.46; 33 CFR 1.05-1(g)

2. Section 117.579 is revised to read as follows:

#### § 117.579 Wicomico River (North Prong).

The draws of the Main Street and US 50 bridges, mile 22.4, at Salisbury, Maryland shall open on signal, except:

- (a) From 7 a.m. to 9 a.m., from 12 noon to 1 p.m., and from 4 p.m. to 6 p.m., the draw need not be opened for the passage of vessels, except
- (b) for tugs with tows, if at least three hours advance notice is given, and the reason for opening during a closure period described in paragraph (a) of this section is due to delays caused by inclement weather or other emergency or unforeseen circumstances.

Dated: January 20, 1995.

#### M.K. Cain,

*Captain, U.S. Coast Guard, Commander, Fifth Coast Guard District, Acting.*

[FR Doc. 95-3432 Filed 2-9-95; 8:45 am]

BILLING CODE 4910-14-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Chapter I

[FRL-5153-2]

#### Notice and Open Meeting of the Negotiated Rulemaking Advisory Committee for Small Nonroad Engine Regulations

**AGENCY:** Environmental Protection Agency.

**ACTION:** FACA Committee Meeting—Negotiated Rulemaking on Small Nonroad Engine Regulations.

**SUMMARY:** As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), EPA is giving notice of the next meeting of the Advisory Committee to negotiate a rule to reduce air emissions from small nonroad engines. The meeting is open to the public without advance registration. The purpose of the meeting is to continue identification and discussion of issues, discuss interests of committee members, and hear reports from task groups.

**DATES:** The committee will meet on February 21 and 22, 1995 from 10 a.m. to 6 p.m.

**ADDRESSES:** The location of the meeting will be the Holiday Inn East, 3750 Washtenaw, Ann Arbor, MI 48104, (313) 971-2000.

#### FOR FURTHER INFORMATION CONTACT:

Persons needing further information on the technical and substantive matters of the rule should contact Betsy McCabe, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Rd., Ann Arbor, Michigan 48105, (313) 668-4344. Persons needing further information on committee procedes should call Deborah Dalton, Consensus and Dispute Resolution Program, Environmental Protection Agency, 401 M Street, S.W. Washington, DC 20460, (202) 260-5495, or the Committee's facilitator, Lucy Moore or John Folk-Williams, Western Network, 616 Don Gaspar, Santa Fe, New Mexico, 87501, (505) 982-9805.

Dated: February 6, 1995.

#### Chris Kirtz,

*Acting Designated Federal Official, Deputy Director, Consensus and Dispute Resolution Program.*

[FR Doc. 95-3462 Filed 2-9-95; 8:45 am]

BILLING CODE 6560-50-M

### 40 CFR Part 52

[OAQPS CA 102-4-6757; FRL-5152-3]

#### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) emissions from light

and medium duty motor vehicle assembly plants, from the surface coating of large appliances and metal furniture, from wood coating operations, and from air stripping and soil vapor extraction operations.

The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this notice of proposed rulemaking (NPRM) will incorporate these rules into the federally approved SIP. EPA has evaluated each of these rules and is proposing to approve them under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

**DATES:** Comments must be received on or before March 13, 1995.

**ADDRESSES:** Comments may be mailed to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

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

California Air Resources Board,  
Stationary Source Division, Rule  
Evaluation Section, 2020 "L" Street,  
Sacramento, CA 95814  
Bay Area Air Quality Management  
District, 939 Ellis Street, San  
Francisco, CA 94109

**FOR FURTHER INFORMATION CONTACT:**  
Nikole Reaksecker, Rulemaking Section  
(A-5-3), Air and Toxics Division, U.S.  
Environmental Protection Agency,  
Region IX, 75 Hawthorne Street, San  
Francisco, CA 94105-3901. (415) 744-  
1187.

**SUPPLEMENTARY INFORMATION:**

**Applicability**

The rules being proposed for approval into the California SIP include: Bay Area Air Quality Management District (BAAQMD), Regulation 8, Rule 13 (Rule 8-13), Light and Medium Duty Motor Vehicle Assembly Plants; Regulation 8, Rule 14 (Rule 8-14), Surface Coating of Large Appliances and Metal Furniture; Regulation 8, Rule 23 (Rule 8-23), Coating of Flat Wood Paneling and Wood Flat Stock; and Regulation 8, Rule 47 (Rule 8-47), Air Stripping and Soil Vapor Extraction Operations. These rules were submitted by the California

Air Resources Board (CARB) to EPA on September 28, 1994.

**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 the San Francisco Bay Area. 43 FR 8964; 40 CFR 81.305. Because this area was unable to meet the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. (40 CFR 52.222) On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the pre-amended Act, that the above district's portion of the California SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. 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 statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (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.<sup>1</sup> EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The San Francisco Bay Area is classified as moderate;<sup>2</sup> therefore, this area was subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules for

<sup>1</sup> 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** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs).

<sup>2</sup> The San Francisco Bay Area retained its designation 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 55 FR 56694 (November 6, 1991).

incorporation into its SIP on September 28, 1994, including the rules being acted on in this document. This document addresses EPA's proposed action for BAAQMD's Rules 8-13, 8-14, 8-23, and 8-47. BAAQMD adopted Rule 8-14 on June 1, 1994, and adopted Rules 8-13, 8-23 and 8-47 on June 15, 1994. These submitted rules were found to be complete on November 22, 1994 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V<sup>3</sup> and are being proposed for approval into the SIP.

Rule 8-13 controls VOC emissions from light and medium duty motor vehicle assembly plants. Rule 8-14 controls VOC emissions from the surface coating of large appliances and metal furniture. Rule 8-23 controls VOC emissions from the coating of flat wood paneling and wood flat stock. Rule 8-47 limits VOC emissions from new and modified air stripping and soil vapor extraction equipment used for the treatment of contaminated groundwater and soil. VOCs contribute to the production of ground level ozone and smog. The rules were adopted as part of the District'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. The following is EPA's evaluation and proposed action for these rules.

**EPA Evaluation and Proposed Action**

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 1. 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.

For the purpose of assisting 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 the presumptive norms for what is RACT

<sup>3</sup> 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).

for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to BAAQMD's Rule 8-13 is entitled "Control of Volatile Organic Emissions from Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks", EPA-450/2-77-008. The CTGs applicable to BAAQMD's Rule 8-14 are entitled "Control of Volatile Organic Emissions from Existing Stationary Sources—Volume V: Surface Coating of Large Appliances", EPA-450/2-77-034, and "Control of Volatile Organic Emissions from Existing Stationary Sources—Volume III: Surface Coating of Metal Furniture", EPA-450/2-77-032. The CTG applicable to BAAQMD's Rule 8-23 is entitled "Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VII: Factory Surface Coating of Flat Wood Paneling", EPA-450/2-78-032. Rule 8-47 controls emissions from a source category for which EPA has not developed a CTG. Consequently, Rule 8-47 was evaluated against the general RACT requirements of the Clean Air Act (section 110 and part D), 40 CFR part 51, and other EPA policy including the EPA Region IX/CARB document entitled, *Guidance Document for Correcting VOC Rule Deficiencies*, April 1991. Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 1. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

BAAQMD's submitted Rule 8-13 includes the following significant changes from the current SIP:

- deletes exemptions for miscellaneous coatings and constrained coating lines,
- incorporates applicable coating limits from two other BAAQMD rules (Rules 8-19 and 8-31) into Rule 8-13,
- establishes VOC limits on a "solids-applied basis",
- adds and changes several definitions,
- develops a new compliance schedule,
- revises recordkeeping section to require monthly records instead of annual records,
- adds recordkeeping requirements for air pollution abatement equipment,
- includes EPA Test Methods 24 and 24A as test methods that can be used to determine compliance.

BAAQMD's submitted Rule 8-14 includes the following significant changes from the current SIP:

- reduces low usage coating exemption amount to 55 gallons,
- adds a definition for key system operating parameter,
- adds recordkeeping requirements for air pollution abatement equipment,
- includes EPA suggested language referencing EPA Test Methods 25 and 25A as test methods that can be used to determine compliance.

BAAQMD's submitted Rule 8-23 includes the following significant changes from the current SIP:

- mandates that air pollution abatement equipment have an abatement device efficiency of at least 90% and meet the requirements of Regulation 2, Rule 1,
- requires persons operating air pollution abatement equipment to record key system operating parameters on a daily basis,
- includes EPA suggested language referencing EPA Test Methods 25 and 25A as test methods that can be used to determine compliance.

BAAQMD's Rule 8-47 is a new rule which was adopted to limit the VOC emissions from air stripping and soil vapor extraction equipment used for the treatment of contaminated groundwater and soil. The rule strengthens the SIP by:

- regulating a previously unregulated source,
- requiring any air stripping and soil vapor extraction operations which emit benzene, vinyl chloride, perchloroethylene, methylene chloride and/or trichloroethylene to be vented to a control device which reduces emissions to the atmosphere by at least 90% by weight,
- mandating that any air stripping and soil vapor extraction operations with a total organic compound emission greater than 15 pounds per day be vented to a control device which reduces emissions to the atmosphere by at least 90% by weight,
- requiring sources to apply for permits and/or to provide written notification of intention to operate and to maintain records of water analysis and vapor monitoring results,
- providing test methods for air stripper water samples, organic compound concentration in the water, and the determination of emissions,
- exempting small operations, air stripping and soil vapor extraction operations with total emissions of less than one pound per day, sewage treatment facilities, and industrial wastewater treatment facilities.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore,

BAAQMD's Rule 8-13, Light and Medium Duty Motor Vehicle Assembly Plants, Rule 8-14, Surface Coating of Large Appliances and Metal Furniture, Rule 8-23, Coating of Flat Wood Paneling and Wood Flat Stock, and Rule 8-47, Air Stripping and Soil Vapor Extraction Operations, are being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

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.

### Regulatory Process

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 sections 110 and 301 and subchapter I, part D of the CAA 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, 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 regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

The OMB has exempted this action from review under Executive Order 12866.

### 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: February 1, 1995.

**John Wise,**

*Acting Regional Administrator.*

[FR Doc. 95-3376 Filed 2-9-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[TN-139-1-6667b; FRL-5141-1]

#### Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Revision to New Source Review, Construction and Operating Permit Requirements

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Tennessee for the purpose of bringing the State's new source review (NSR) regulations into compliance with the 1990 amendments to the Clean Air Act (CAA) and the Federal regulations. In the final rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** To be considered, comments must be received by March 13, 1995.

**ADDRESSES:** Written comments should be addressed to: Ms. Karen Borel, at the Regional Office Address listed.

Copies of the material submitted by the State of Tennessee may be examined during normal business hours at the following 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 Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Tennessee Division of Air Pollution Control, 701 Broadway, Customs House,

4th floor, Nashville, Tennessee 37247-1531.

**FOR FURTHER INFORMATION CONTACT:** Ms. Karen Borel, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555, ext 4197. Reference file TN-139-1-6667b.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: January 9, 1995.

**Patrick M. Tobin,**

*Acting Regional Administrator.*

[FR Doc. 95-3333 Filed 2-9-95; 8:45 am]

BILLING CODE 6560-50-F

#### 40 CFR Part 300

[FRL-5152-2]

#### National Oil and Hazardous Substance Contingency Plan; National Priorities List Update

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete Wilson Concepts Site from the National Priorities List (NPL); request for comments.

**SUMMARY:** EPA, Region IV, announces its intent to delete the Wilson Concepts Superfund Site (Site) in Pompano Beach, Broward County, Florida, from the NPL and requests public comment on this action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Florida (State) have determined that all appropriate response actions under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State have determined that the remedial actions conducted at the Site to date have been protective of public health, welfare, and the environment.

**DATES:** Comments on the proposed deletion from the NPL should be submitted no later than March 13, 1995.

**ADDRESSES:** Comments may be mailed to Olga Perry, Remedial Project Manager, South Superfund Remedial Branch, Waste Management Division, U.S.

Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, GA 30365.

Comprehensive information on this Site is available through the EPA Region IV public docket, which is located at EPA's Region IV office and is available for viewing by appointment from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. Requests for appointments or copies of the background information from the regional public docket should be directed to the EPA Region IV docket office.

The address for the regional docket office is Ms. Debbie Jourdan, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, telephone No.: (404) 347-5059, ext. 6217.

Background information from the regional public docket is also available for viewing at the Site information repository located at the Broward County Main Library, Government Documents, 100 South Andrews Avenue NE., Fort Lauderdale, Florida 33301.

**FOR FURTHER INFORMATION CONTACT:** Ms. Olga Perry, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 347-2643, ext. 6249.

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletions

#### I. Introduction

EPA, Region IV, announces its intent to delete the Site from the NPL, which constitutes Appendix B of the NCP, and requests comments on this proposed deletion. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed Remedial Actions in the unlikely event that conditions at the site warrant such action.

EPA will accept comments concerning this Site until March 13, 1995.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the Site meets the deletion criteria.