or other ship owned or operated by the United States and used only in government non-commercial service.

(c) Paragraph (a) of this section does not apply in cases of an emergency relating to the safety of a ship and those on board or saving life at sea. Notice of an activity, otherwise prohibited under paragraph (a) of this section, undertaken in case of an emergency shall be reported immediately to the National Response Center (NRC) toll free number 800–424–8802.

Dated: April 4, 1997.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 97–9388 Filed 4–11–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN–176–2–9708a; FRL–5806–7]

Approval and Promulgation of Implementation Plans, Tennessee: Approval of Revisions to the Tennessee SIP Regarding Volatile Organic Compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this document, EPA is acting on revisions to the Tennessee State Implementation Plan (SIP) which were submitted to EPA by Tennessee, through the Tennessee Department of Air Pollution Control (TDAPC), on June 3, 1996. The submittal contains revisions to the VOC definition in the construction permits chapter, amends the stage II vapor recovery portion of the VOC chapter, and revises a conversion factor contained in the performance standards for continuous emissions monitoring chapter.

DATES: This final rule is effective June 13, 1997 unless adverse or critical comments are received by May 14, 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 file TN176–02–9708. 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, 615/532–0554.

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

SUPPLEMENTARY INFORMATION: On June 3, 1996, the Tennessee Department of Air Pollution Control (TDAPC) submitted a request to the EPA to incorporate revisions to chapters 1200–3–9 ''Construction and Operating Permits'' and 1200–3–18 ''Volatile Organic Compounds.'' The revisions to chapter 1200–3–9 amended the definition for volatile organic compounds in paragraph 1200–3–9–.01(4)(b)(29). The revision added acetone, parachlorobenzotrifluoride (PCBTF), and cyclic, branched, or linear completely methylated siloxanes (VMS) to its list of VOCs which have been determined to have negligible photochemical reactivity. The list of exempt compounds is contained in subparagraph 1200–3–9–.01(4)(b)(29)(I). The compounds PCBTF and VMS were added to the list of exempt VOC's on October 5, 1994, (59 FR 50693) and acetone was added to the list of exempt VOC's on June 16, 1995, (60 FR 31633). In addition, compounds CFC–113, HCFC–22, and HFC–23 were amended to be consistent with the federal definition.

The revisions to chapter 1200–3–18 amended sections 1200–3–18–.24 ''Gasoline Dispensing Facilities—Stage I and Stage II Vapor Recovery'' and 1200–3–18.86 ''Performance Specifications for Continuous Emissions Monitoring of Total Hydrocarbons.''

1200–3–18–.24: The revisions to 1200–3–18–.24(1)(d) added the dispensing of gasoline for only refueling of aircraft or marine vessels as an activity exempt from the requirements of 1200–3–18–.24(3)(c). This provision requires a vapor recovery system, certified by the California Air Resources Board, to be installed and operated to recover gasoline vapors. The revisions to 1200–3–18–.24(3)(c)(2)(I) were made to be consistent with EPA guidance to prevent the use of a dual-hose Stage II system at automobile assembly plants in lieu of coaxial hoses.

1200–3–18–.86: The revision to 1200–3–18–.86(11)(c) was made to correct the conversion factor which accounts for the conversion of units when calculating the total hydrocarbon concentration levels for the initial compliance certification. The correct conversion factor is 5.183×10^{-2}.

Final Action

The EPA is approving the aforementioned revisions because they are consistent with federal requirements. This rulemaking is being published without a prior proposal for approval 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 June 13, 1997 unless, by May 14, 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 then be addressed in a subsequent final rule based on the separate 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 June 13, 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

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 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 June 13, 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, Intergovernmental relations, Ozone.

Dated: March 25, 1997.

A. Stanley Meiburg,

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

§ 52.2219 [Removed and reserved]

2. Section 52.2219 is removed and reserved.

3. Section 52.2220 is amended by adding paragraph (c)(150) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

(150) Revisions to chapters 1200–3–9 ''Construction and Operating Permits'' and 1200–3–18 ''Volatile Organic Compounds'' were submitted by the Tennessee Department of Air Pollution Control (TDAPC) to EPA on June 3, 1996.

(i) Incorporation by reference.

(A) State of Tennessee regulation 1200–3–9 ''Construction and Operating Permits'', subpart 1200–3–9–.01(4)(b)(29)(i) effective on August 14, 1996.

(B) State of Tennessee regulation 1200–3–18 ''Volatile Organic Compounds'', subparts 1200–3–18–.24(1)(d), 1200–3–18–.24(3)(c)(2)(i) and 1200–3–18–.86(11)(c) effective August 10, 1996.

(ii) Other material. None.

[FR Doc. 97–9506 Filed 4–11–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OR–14–1–5535; FRL–5807–4]

Approval and Promulgation of State Implementation Plans: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve a revision to the State Implementation Plan (SIP) submitted by the State of Oregon for the purpose of bringing about the attainment of the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10). The implementation plan was submitted by the state to satisfy certain Federal requirements for an approvable moderate nonattainment area PM–10 SIP for the Klamath Falls, Oregon, PM–10 nonattainment area.

EFFECTIVE DATE: April 14, 1997.

ADDRESSES: Copies of the state's request and other information supporting this action are available for inspection during normal business hours at the following locations: EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101; EPA Oregon Operations Office, 811 SW Sixth Avenue, Third Floor, Portland, Oregon 97204; and the Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon 97204–1390.