respective day, all vessels may resume normal operations.

(c) *Effective Dates.* These regulations become effective on: (1) May 2, 1997 at 9:30 a.m. and terminate at 1:30 p.m. EDT, (2) May 3, 1997 at 9:30 a.m. and terminate at 5:30 p.m. EDT, (3) May 4, 1997 at 9:30 a.m. and terminate at 5:30 p.m. EDT.

Dated: April 4, 1997.

J.W. Lockwood,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 97–9540 Filed 4–11–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 151

[CGD 97–015]

RIN 2115–AF43

Antarctic Treaty Environmental Protection Protocol

AGENCY: Coast Guard, DOT.

ACTION: Direct final rule.

SUMMARY: By this direct final rule, the Coast Guard is establishing regulations to implement the Antarctic Science, Tourism, and Conservation Act of 1996. These regulations should guide U.S. owned and/or operated vessels to properly prepare for voyages in the Antarctic. This rule will harmonize U.S. regulations with international standards, and improve preparedness to respond to a spill.

DATES: This rule is effective on September 30, 1997, unless the Coast Guard receives written adverse comments or written notice of intent to submit adverse comments on or before June 30, 1997. If the effective date of this action is delayed due to adverse comments, timely notice will be published in the **Federal Register.**

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 97–015), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to room 3406 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Ray Perry, Project Manager, Office of Environmental Standards (G–MSO), telephone (202) 267–2714.

SUPPLEMENTARY INFORMATION:

Request for Comments

Any comments must identify the name and address of the person submitting the comment, specify the rulemaking docket (CGD 97–015) and the specific section of this rule to which each comment applies, and give the reason for each specific comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

Regulatory Information

The Coast Guard is publishing a direct final rule, the procedures of which are outlined in 33 CFR 1.05–55, because no adverse comments are anticipated. If no adverse comments or any written notice of intent to submit adverse comment are received within the specified comment period, this rule will become effective as stated in the **DATES** section. In that case, at least 30 days prior to the effective date, the Coast Guard will publish a notice in the **Federal Register** stating that no adverse comment was received and confirming that this rule will become effective as scheduled. However, if the Coast Guard receives written adverse comment or written notice of intent to submit adverse comment, the Coast Guard will publish a notice in the final rule section of the **Federal Register** to announce withdrawal of all or part of this direct final rule. If adverse comments apply to only part of this rule, and it is possible to remove that part without defeating the purpose of this rule, the Coast Guard may adopt as final those parts of this rule on which no adverse comments were received. The part of this rule that was the subject of adverse comment will be withdrawn. If the Coast Guard decides to proceed with a rulemaking following receipt of adverse comments, a separate Notice of Proposed Rulemaking (NPRM) will be published and a new opportunity for comment provided.

A comment is considered ''adverse'' if the comment explains why this rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment that requests additional rulemaking on this or another subject will not be treated as ''adverse.''

Background and Purpose

On October 2, 1996, the Antarctic Science, Tourism, and Conservation Act of 1996 became law (Pub. L. 104–227). This Act implements the Protocol on Environmental Protection to the Antarctic Treaty done at Madrid on October 4, 1991 (30 I.L.M. 1455). The Act authorizes three agencies to issue implementing regulations: The National Science Foundation (NSF), the EPA, and the Coast Guard. The Coast Guard is issuing this rule with the concurrence of the NSF in accordance with the Act. The Coast Guard may issue such regulations as are necessary and appropriate to implement Annex IV to the Protocol and Article 15 of the Protocol with respect to vessels. Annex IV to the Protocol, Prevention of Marine Pollution, resembles in many respects MARPOL 73/78. Article 15 of the Protocol, Emergency Response Action, requires that each party provide for prompt and effective response actions to such emergencies as might arise from activities in the Antarctic, and the establishment of contingency plans for response to incidents with potential adverse effects on the Antarctic environment. For the most part, the requirements under the Protocol are already implemented in the U.S. under the Act to Prevent Pollution from Ships (33 U.S.C. 1901, *et seq.*). However, two gaps between the existing regulations and the statutory requirements of the Act exist and are addressed in this rulemaking.

Discussion of Rules

These rules will require owners and operators of vessels under U.S. jurisdiction and operating in the waters below 60 degrees south latitude to comply with standards specified in the Protocol regarding sewage, and to amend their shipboard oil pollution emergency plans (SOPEP) to indicate the need to contact Antarctic stations that might be affected. This rule reflects international requirements under the Protocol. Changes to 33 CFR 151.26 would implement the provisions of Article 15 of the Protocol addressing response to pollution from vessels. A new section 151.79 is added to implement the provisions of Annex IV of the Protocol addressing prevention of pollution by sewage from vessels.

Regulatory Evaluation

This proposal 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 not been reviewed 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This rule will affect approximately 23 vessels, all of which are greater than 400 gross tons.

Industry Costs

Regulations (33 CFR 151.26) already require SOPEP. Vessel owners and operators will face additional costs associated with amending their SOPEP for each vessel. The amount of cost incurred will vary depending on whether the vessel has a SOPEP currently developed. For 1997, there are approximately 13 privately owned vessels operating in Antarctica that would be addressed under these regulations. All 13 vessels are flagged from states requiring SOPEP. The amendments that need to be incorporated into a vessel's current SOPEP will be approximately 5 to 10 pages. It has been assumed that it will take no more than 5 days to write the amendments. The price per page of these additions is approximately $100 to $140 ($35/hr.*40hr./week)/10), with minimal additional photocopying expenses to provide duplicate copies to the appropriate people. Therefore, the estimated total cost for incorporating the new SOPEP amendments ranges from $500 to $1,400 per plan.

The SOPEP amendments do not require equipment to be carried. They simply require vessel owners to develop plans for a prompt and effective response to emergencies which might arise in the performance of their vessel activities in Antarctica. However, for the purpose of this estimate, the Coast Guard assumes that each vessel complying with the SOPEP amendments would most likely choose to carry one of the following:

Item	Cost per vessel *
1. 200 feet of sorbent boom	$782
2. 2 cases of sorbent pillows (approx. 50 pillows)	144
3. 200 feet of sorbent sweeps (approx. 30 lbs.)	136
4. 3 bags of geniesorb oil sorbent (approx. 120 lbs.)	60

* All costs are based on: 1995 World Catalog of Oil Spill Response Products, 5th Edition. These costs are purely optional and therefore have not been added to the estimated total industrial cost.

Government Costs

The Government will incur costs associated with the inclusion of public vessels in this rule. An agency whose public vessels travel to Antarctica will now also be required to develop a plan or update its vessels' current plan to reflect the new amendments. There are approximately 10 publicly owned vessels that operate in Antarctica during any one season. It is estimated that it will take no more than 15 days to create a plan from scratch. The total length of the plan (including the new amendments) should range from 15 to 30 pages. However, if the public vessel is only incorporating the new amendments to an existing plan, only approximately 5 to 10 pages of additional text would be expected. The price per page of text is approximately $100 to $140 (($35/hr. * 40hr./week) /10), with minimal additional copying expenses to provide duplicate copies to the appropriate people. Therefore, the estimated total cost for creating a new plan would range from $1,500 to $4,200 per plan. The estimated cost for incorporating the amendments to the preexisting plans ranges from $500 to $1,400 per plan.

These amendments do not require equipment to be carried. They simply require vessel owners to develop plans for a prompt and effective response emergencies which arise in the performance of their vessel activities in Antarctica. However, for the purpose of this estimate, the Coast Guard assumes that each vessel complying with the amendments would most likely choose to carry one of the following:

Item	Cost per vessel *
1. 200 feet of sorbent boom	$782
2. 2 cases of sorbent pillows (approx. 50 pillows)	144
3. 200 feet of sorbent sweeps (approx. 30 lbs.)	136
4. 3 bags of geniesorb oil sorbent (approx. 120 lbs.)	60

* All costs are based on: 1995 World Catalog of Oil Spill Response Products, 5th Edition. These costs are purely optional and therefore have not been added to the estimated total government cost.

Industry and Government Costs and Benefits

The total cost of this rule will depend on the number of plans developed to comply with this rulemaking. However, to satisfy every requirement the total cost of this DFR will still not exceed $60,200 (see table below).

Total cost	Number of vessels	Cost per plan
Industry Cost	13	$1,400
Government Cost	10	**4,200
Total Industry Cost: (13*$1,400)=$18,200		
Total Government Cost: (10*$4,200) = $42,000		
Total Cost: $60,200		

** This number represents the cost to originate a plan where no plan currently exists.

The primary benefit of this rulemaking is to harmonize U.S. regulations with international standards.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C.601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

The Coast Guard intends to implement the Protocol without dictating prescriptive requirements. All 13 privately owned vessels operating in Antarctica in 1995 and impacted by this rulemaking are small entities. The Coast Guard anticipates all privately owned vessels impacted will be small entities, and that they will meet the intent of these requirements without incurring a significant cost or bearing a competitive disadvantage. On this factual basis, the Coast Guard finds that this rule will not have a significant economic impact on a substantial number of small entities. Any comments submitted in response to this finding will be evaluated under the criteria described earlier in the preamble for comments.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, the Coast Guard will provide assistance to small entities to determine how this rule applies to them. If you are a small business and need assistance understanding the provisions of this rule, please contact

LCDR Ray Perry, Project Manager, Officer of Environmental Standards (G–MSO), telephone (202) 267–2714.

Collection of Information

This rule contains no new collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). However, owners and operators of privately owned vessels will incur an additional collection of information burden in amending their existing SOPEP. The total increase in burden hours over those previously approved by OMB under collection approval 2115–0595 will depend on the number of vessels operating in the Antarctic region. However, the additional burden hours will be relatively small, and are not dependent on the number of vessels each company owns since one plan can cover numerous vessels. The amount of time needed to update a SOPEP to meet the new requirements could be as minimal as 8 person hours.

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2.e(34) (a) and (d) of Commandant Instruction M16475.lB. (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. This rulemaking is intended to align existing regulations with the statutory requirements which address pollution from vessels and responses to pollution incidents. Based on the available data, this rulemaking is not expected to have a significant impact on the environment. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 151

Administrative practice and procedure, Oil pollution, Penalties, Reporting and recordkeeping requirements, Water pollution control, Sewage disposal, Vessels.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 151 as follows:

PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE, MUNICIPAL OR COMMERCIAL WASTE, AND BALLAST WATER

1. The authority citation for part 151 is revised to read as follows:

Authority: 33 U.S.C. 1321(j)(1)(C) and 1903(b); Pub. L. 104–227 (110 Stat. 3034), E.O. 12777, 3 CFR, 1991 Comp. p. 351; 49 CFR 1.46.

2. The heading to subpart A is revised to read as follows:

Subpart A—Implementation of MARPOL 73/78 and the Protocol on Environmental Protection to the Antarctic Treaty as it Pertains to Pollution from Ships

§ 151.01 [Amended]

3. In § 151.01, at the end of the paragraph preceding the note, add the sentence ''This subpart also implements the Antarctic Science, Tourism, and Conservation Act of 1996, and the Protocol on Environmental Protection to the Antarctic Treaty done at Madrid on October 4, 1991.''

§ 151.03 [Amended]

4. In § 151.03, at the end before the period, add the phrase ''unless otherwise indicated.''

5. Section 151.05 is amended by adding the following definition in alphabetical order to read as follows:

§ 151.05 Definitions.

* * * * *

Antarctica means the area south of 60 degrees south latitude.

* * * * *

6. In § 151.09, add a new paragraph(e), to read as follows:

* * * * *

(e) Section 151.26(b)(5) applies to all vessels subject to the jurisdiction of the United States and operating in Antarctica.

7. In § 151.26, paragraph(b)(1)(i), introductory text, is revised, paragraph(b)(3)(iii)(C) is added, and paragraph(b)(5) is revised to read as follows:

§ 151.26 Shipboard oil pollution emergency plans.

* * * * *

(b) * * *

(1) * * *

(i) Introductory text. The introductory text of the plan must contain the following language (For ships operating in Antarctica, the introductory text of the plan must contain the following language *and* explain that they are in accordance with the Protocol on Environmental Protection to the Antarctic Treaty):

* * * * *

(3) * * *

(iii) * * *

(C) For Antarctica, in addition to compliance with paragraph (b)(3)(iii)(B) of this section, reports shall also be directed to any Antarctic station that may be affected.

* * * * *

(5) *National and Local Coordination.*

(i) This section of the plan must contain information to assist the master in initiating action by the coastal State, local government, or other involved parties. This information must include guidance to assist the master with organizing a response to the incident should a response not be organized by the shore authorities. Detailed information for specific areas may be included as appendices to the plan.

(ii) For Antarctica, a vessel owner or operator must include a plan for prompt and effective response action to such emergencies as might arise in the performance of its vessel's activities.

(iii) To comply with paragraph (b)(5)(ii) of this section, an agency of the United States government may promulgate a directive providing for prompt and effective response by the agency's public vessels operating in Antarctica.

* * * * *

8. The sub-heading, ''GARBAGE POLLUTION'' under subpart A is revised to read as follows:

GARBAGE POLLUTION AND SEWAGE

9. New § 151.79 is added to read as follows:

§ 151.79 Operating requirements: Discharge of sewage within Antarctica.

(a) A vessel certified to carry more than 10 persons must not discharge untreated sewage into the sea within 12 nautical miles of Antarctic land or ice shelves; beyond such distance, sewage stored in a holding tank must not be discharged instantaneously but at a moderate rate and, where practicable, while the ship is en route at a speed of no less than 4 knots. For purposes of this section, ''sewage'' means:

(1) Drainage and other wastes from any form of toilets, urinals, and WC scuppers;

(2) Drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs, and scuppers located in such premises;

(3) Drainage from spaces containing living animals; or

(4) Other waste waters when mixed with the drainages defined above.

(b) Paragraph (a) of this section does not apply to a warship, naval auxiliary,

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