

Authority: 33 U.S.C. 499; 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. § 117.317 is amended by revising paragraph (f) to read as follows:

§ 117.317 Okeechobee Waterway

* * * * *

(f) Florida East Coast Railroad bridge, mile 38.0, at Port Mayaca.

(1) The bridge is not constantly tended.

(2) The draw is normally in the fully open position displaying flashing green lights to indicate that vessels may pass.

(3) When a train approaches the bridge it will stop and a crewmember will observe the waterway for approaching vessels, which will be allowed to pass. Upon manual signal, the bridge lights will go to flashing red, and the horn will sound four blasts, pause, then repeat four blasts, then the draw will lower and lock, providing scanning equipment reveals nothing under the span.

(4) After the train has cleared, the draw will open, and the lights will return to flashing green.

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Dated: December 11, 1995.

Roger T. Rufe, Jr.,

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

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**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 52

[TN-134-1-6769a; FRL-5316-9]

**Approval and Promulgation of
Implementation Plans; Tennessee:
Revisions to Knox County Regulations
for Appeals, Violations, Monitoring,
Recording, and Reporting**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Knox County portion of the Tennessee State Implementation Plan (SIP) submitted by the State of Tennessee through the Tennessee Department of Environment and Conservation on June 28, 1994. This submittal included revisions to the current regulations concerning appeals, judicial review, and violations of the air pollution regulations in Knox County. This submittal also included revisions

which added requirements for enhanced monitoring compliance certification and enforcement. However, no action is being taken on these revisions at this time, due to the preliminary nature of the proposed federal requirements for enhanced monitoring and compliance assurance monitoring.

DATES: This final rule will be effective February 26, 1996, unless adverse or critical comments are received by January 25, 1996. 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 Karen Borel at the EPA Regional Office listed below. Copies of the 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. 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 Department of Environment and Conservation, Division of Air Pollution Control, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243-1531

Knox County Department of Air Pollution Control, City-County Building, Suite 339, 400 West Main Street, Knoxville, Tennessee, 37902.

FOR FURTHER INFORMATION CONTACT:

Interested persons wanting to examine documents relative to this action should make an appointment with the Region 4 Air Programs Branch at least 24 hours before the visiting day. To schedule the appointment or to request additional information, contact Karen C. Borel, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 EPA, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555, extension 4197. Reference file TN134-01-6769.

SUPPLEMENTARY INFORMATION: On June 28, 1994, the State of Tennessee through the Tennessee Department of Environment and Conservation submitted a revision to the Knox County portion of its SIP incorporating changes to regulations for appeals, judicial review, violations, and monitoring, recording and reporting. The SIP

revision consists of changes to sections 29.1.B, 29.3, 30.1.A, and 30.1.D, and the addition of section 26.6. EPA is not taking action on the addition of section 26.6 at this time, due to the preliminary nature of the proposed federal regulations for enhanced monitoring and compliance assurance monitoring. The revisions which are being approved are summarized as follows.

1. Section 29.1.B has been revised. This paragraph has been amended to change the phrase "citizen of Knox County" to the word "person" early in the first sentence, and to add the word "a" just prior to "public hearing" at the end of this paragraph.

2. Section 29.3 has been revised. This paragraph has been amended such that any ruling of the Air Pollution Control Board is now subject to judicial review in the State court, rather than in the Knox County Circuit Court.

3. Section 30.1.A has been revised. This paragraph now refers to "violations" rather than the singular "violation." It also calls for punishment of violations in accordance with Tennessee law, rather than the Tennessee Code Annotated.

4. Section 30.1.D has been deleted and replaced. The previous language described actual penalties for violations, such as fines or imprisonment. The replacement language states that civil penalties will be assessed as provided by Tennessee law.

Final Action

EPA is approving the aforementioned revisions contained in the State's June 28, 1994, submittal. 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 February 26 1996, unless, within 30 days of its publication, 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 February 26, 1996.