

Vessel					Number	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
*	*	*	*	*	*	*
USS PORTER					DDG 78	1.92 meters.
*	*	*	*	*	*	*

3. Table Four, Paragraph 16 of § 706.2 is amended by adding, in numerical order, the following entry for USS PORTER:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

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Vessel					Number	Obstruction angle relative ship's headings
*	*	*	*	*	*	*
USS PORTER					DDG 78	102.00 thru 112.50°.
*	*	*	*	*	*	*

4. Table Five of § 706.2 is amended by adding, in numerical order, the following entry for USS PORTER:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

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TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Foward masthead light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. annex I, sec. 3 (a)	Percentage horizontal separation attained
*	*	*	*	*	*
USS PORTER	DDG 78	X	X	X	13.8
*	*	*	*	*	*

Approved:
R.R. Pixa,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty).
Dated: October 26, 1998.
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DEPARTMENT OF TRANSPORTATION
Coast Guard
33 CFR Part 117
[CGD05-98-114]
Drawbridge Operation Regulations; New Jersey Intracoastal Waterway, Manasquan River
AGENCY: Coast Guard, DOT.
ACTION: Notice of temporary deviation from regulations.
SUMMARY: The Commander, Fifth Coast Guard District has issued a temporary

deviation from the regulation governing the operation of the Brielle Railroad Bridge across the New Jersey Intracoastal Waterway, Manasquan River at mile 0.9 in Point Pleasant, New Jersey. Beginning at 8 a.m. on March 1 through March 12, 1999, this deviation allows the bridge to remain closed to navigation between the hours of 8 a.m. and 4 p.m., Monday through Friday. This closure is necessary to facilitate extensive repairs and maintain the bridge's operational integrity while still providing for the reasonable needs of navigation.

DATES: The deviation is effective from 8 a.m. on March 1, 1999 until 4 p.m. on March 12, 1999.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administration, Fifth Coast Guard District, at (757) 398-6222.

SUPPLEMENTARY INFORMATION: The Brielle Railroad Bridge is owned and operated by New Jersey Transit (NJ Transit). A letter was forwarded to the Coast Guard by NJ Transit requesting a temporary deviation from the normal operation of the bridge to implement extensive structural steel repairs. Presently, the draw is required to open on signal at all times. This requirement is included in the general operating regulations at 33 CFR 117.5. The repairs entail replacement or reinforcement of stringers, floor beams, laterals and bearings. Disassembling parts of the bridge and maintaining the drawbridge span in the closed position is necessary to complete the repairs.

The Coast Guard has informed the known users of the waterway of the bridge closure so that these users can arrange their transits to avoid being negatively impacted by the temporary deviation.

From March 1 until March 12, 1999, this deviation allows the draw of the Brielle Railroad Bridge to remain closed to vessels between the hours of 8 a.m. and 4 p.m., Monday through Friday and open on signal at all other times.

Dated: January 11, 1999.

Roger T. Rufe Jr.,

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

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA 061-5039; FRL-6218-5]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Approval of Source Specific VOC RACT for Tuscarora Incorporated

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision requires Tuscarora Incorporated, a major source of volatile organic compounds (VOCs), to implement reasonably available control technology (RACT). The intended effect of this action is to grant

approval of a source-specific Consent Agreement submitted by the Commonwealth of Virginia to impose RACT requirements in accordance with the Clean Air Act.

DATES: This final rule is effective on March 23, 1999, without further notice, unless EPA receives adverse comments by February 22, 1999. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be addressed to David Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Virginia Department of Environmental Quality, P.O. Box 10009, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Janice M. Lewis, (215) 814-2185, at the EPA Region III address above, or via e-mail at lewis.janice@epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the EPA Region III address above.

SUPPLEMENTARY INFORMATION:

I. Background

On July 12, 1996, the Commonwealth of Virginia, Department of Environmental Quality (VADEQ) submitted a source-specific VOC RACT determination for Tuscarora Incorporated located in Loudoun County. Loudoun County is in the Northern Virginia portion of the Metropolitan Washington D.C. serious ozone nonattainment area. Within this nonattainment area, all sources of VOC with the potential to emit 50TPY or more are considered major sources and subject to RACT. Because Tuscarora Incorporated is not subject to RACT under Virginia's category-specific regulations developed for industrial categories covered by Control Technique Guidelines (CTGs), it is termed a non-CTG source. Therefore, VADEQ has determined and imposed RACT via a Consent Agreement (Registration No. 71814) to meet the

requirements of section 182 of the Clean Air Act.

II. Summary of the SIP Revision

Tuscarora Incorporated, a manufacturer of custom molded, foam plastic packing, structural components and material handling products, had pre-RACT uncontrolled VOC emissions of 105.2 TPY. These emissions emanate from plant operations using the primary resin expandable polystyrene (EPS) and from the occasional use of a polystyrene/polyethylene copolymer known as ARCEL. The VADEQ determined that RACT for the facility is the use of low and reduced VOC content EPS and ARCEL beads. The Consent Agreement (Registration No. 71814) requires, among other things, that the EPS monthly weighted average percentage of VOC shall not exceed 4.5% and that the ARCEL monthly weighted average percentage of VOC shall not exceed 8.5%. The use of low and reduced VOC concentrations in EPS and ARCEL beads reduces potential VOC emissions by 31%. The Consent Agreement requires that Tuscarora Incorporated keep a daily detailed material log which documents the percentage of VOC contained in the EPS and ARCEL material processed at the facility. The log must provide sufficient information to determine compliance with the conditions of the Consent Agreement. The log must be available on site and must be current for the most recent five years. Additional details of the RACT determination may be found in VADEQ's submittal and the technical support document (TSD) prepared to support this rulemaking. Copies of these materials are available, upon request, from the EPA Regional office listed in the **ADDRESSES** section of this document.

EPA is approving Consent Agreement No. 71814 issued by VADEQ to Tuscarora Incorporated to impose RACT for VOCs as a revision to the Virginia SIP.

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) "privilege" for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the