

preamble to the Interim Final Rule. The Coast Guard has not received any complaints from the boating community on the new operating schedule of the Gilmerton drawbridge.

Regulatory Evaluation

This rule 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 rule 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 U.S. 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" 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). This rule does not require a general notice of proposed rulemaking and, therefore, is exempt from the regulatory flexibility requirements. Although exempt, the Coast Guard has reviewed this rule for potential impact on small entities.

Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rule will not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and

concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement and checklist have been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Final Regulations

In consideration of the foregoing, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Accordingly, the interim rule amending 33 CFR part 117 which was published at 59 FR 67630 on December 30, 1994, is adopted as a final rule without change.

Dated: June 15, 1995.

W.J. Ecker,

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

[FR Doc. 95-17873 Filed 7-19-95; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MI42-03-7123; FRL-5260-7]

Determination of Attainment of Ozone Standard by Grand Rapids and Muskegon, Michigan; Determination Regarding Applicability of Certain Reasonable Further Progress and Attainment Demonstration Requirements

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: On June 2, 1995 the USEPA published a direct final and proposed rulemaking determining that the Grand Rapids (Kent and Ottawa Counties) and Muskegon (Muskegon County), Michigan moderate ozone nonattainment areas were attaining the ozone National Ambient Air Quality Standard (NAAQS). Based on this determination, the USEPA also determined that certain reasonable further progress and attainment demonstration requirements, along with certain other related requirements, of part D of Title 1 of the Clean Air Act

(Act) are not applicable to the areas so long as the areas continue to attain the ozone NAAQS. The 30-day comment period concluded on July 3, 1995. During this comment period, the USEPA received two comment letters in response to the June 2, 1995 rulemaking. This final rule summarizes all comments and USEPA's responses, and finalizes the USEPA's determination that these areas have attained the ozone standard and that certain reasonable further progress and attainment demonstration requirements as well as other related requirements of part D of the Act are not applicable to these areas as long as these areas continue to attain the ozone NAAQS.

EFFECTIVE DATE: This action will be effective July 20, 1995.

ADDRESSES: Copies of the documents relevant to this action are available for inspection at the following address: (It is recommended that you telephone Jacqueline Nwia at (312) 886-6081 before visiting the Region 5 Office.) United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Jacqueline Nwia, Regulation Development Section (AT-18J), Air Toxics and Radiation Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 886-6081.

SUPPLEMENTARY INFORMATION:

I. Background Information

On June 2, 1995, the USEPA published a direct final rulemaking (60 FR 28729) determining that the Grand Rapids and Muskegon moderate ozone nonattainment areas have attained the NAAQS for ozone. In that rulemaking, the USEPA determined that the Grand Rapids and Muskegon ozone nonattainment areas have attained the ozone standard and that the requirements of section 182(b)(1) concerning the submission of a 15 percent reasonable further progress plan and ozone attainment demonstration and the requirements of section 172(c)(9) concerning contingency measures are not applicable to these areas so long as the areas do not violate the ozone standard. In addition, the USEPA determined that the sanctions clocks started on January 21, 1994, for these areas for failure to submit the section 182(b)(1) reasonable further progress requirements and section 172(c)(9) contingency measures would

be stopped since the deficiencies on which they are based no longer exist.

At the same time that the USEPA published the direct final rule, a separate notice of proposed rulemaking was published in the **Federal Register** (60 FR 28773). This proposed rulemaking specified that USEPA would withdraw the direct final rule if adverse or critical comments were filed on the rulemaking. The USEPA received two letters containing adverse comments regarding the direct final rule within 30 days of publication of the proposed rule and withdrew the direct final rule on July 19, 1995.

The specific rationale and air quality analysis the USEPA used to determine that the Grand Rapids and Muskegon ozone nonattainment areas have attained the ozone NAAQS and are not required to submit SIP revisions for reasonable further progress, attainment demonstration and related requires are explained in the direct final rule and will not be restated here.

This final rule contained in this **Federal Register** addresses the comments which were received during the public comment period and announces USEPA's final action regarding these determinations.

II. Public Comments and USEPA Responses

Two letters were received in response to the June 2, 1995 direct final rulemaking. One was a joint letter from the Citizens Commission for Clean Air in the Lake Michigan Basin (Citizens Commission) and the American Lung Association of Michigan (American Lung) and the other from the New York State Department of Environmental Conservation (NYSDEC). The following discussion summarizes and responds to the comments received.

Citizens Commission and American Lung Comment

The commentator states that the rulemaking is an abuse of Agency discretion and violates sections 172(c)(9), 175A(c) and 182(b)(1) of the Act. The commentator believes that USEPA's action disregards Congress' stated purposes of Title I, section 101(b)(1), that it "protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population."

USEPA Response

The USEPA does not believe that the rulemaking violates any section of the Clean Air Act. The USEPA believes that since the areas have attained the ozone standard, they have achieved the stated

purpose of the section 182(b)(1) reasonable further progress and attainment demonstration requirements as well as the section 172(c)(9) contingency measure requirement. The rationale for that interpretation is explained in the May 10, 1995 memorandum from John Seitz, Director, Office of Air Quality Planning and Standards, and in the notice regarding Muskegon and Grand Rapids published on June 2, 1995 (60 FR 28729). The commentators have not offered any persuasive reasoning for USEPA to depart from the rationale spelled out in those documents.

The USEPA also does not agree with the commentators contention that this action violates section 175A(c) which provides that the requirements of part D remain in force and effect for an area until such time as it is redesignated. Section 175A(c) does not establish any additional substantive requirements; rather, it ensures that the requirements that do apply by virtue of other Act provisions continue to apply until an area is redesignated. If, however, an Act provision does not apply to an area or does not require that the particular area in question submit a SIP revision, section 175A(c) does not somehow add to the requirements with which the area must comply. In this instance, USEPA is interpreting the underlying substantive requirements at issue so as not to apply to areas for so long as they continue to attain the standard. This does not violate section 175A(c); it is an interpretation of the substance of other provisions of the Act, a matter that is not affected by section 175A(c). Other requirements that do not depend on whether the area has attained the standard, such as VOC RACT requirements, continue to apply, however, and section 175A(c) ensures that they continue to apply until the area is redesignated.

Furthermore, the USEPA disagrees with the commentators' contention that its action disregards the stated purpose of Title I, section 101(b)(1). The areas have attained the primary ozone standard, a standard designed to protect public health with an adequate margin of safety (see Act section 109(b)(1)). USEPA's action does not relax any of the requirements that have led to the attainment of the standard. Rather, its action has the effect of suspending additional requirements, above and beyond those that have resulted in attainment of the health-based standard.

Citizens Commission and American Lung Comment

The commentator states that suspending reasonable further progress,

attainment demonstration, and other Part D SIP requirements based on air quality data is particularly inappropriate when air quality data is distorted by unusually favorable meteorology. These areas benefited from unusually favorable meteorology during the 1992-1994 period. The commentator cites National Weather Service data which indicates that the 30 year average for days with maximum temperatures equal to or greater than 90° Fahrenheit is 10 per year. The commentator also presents the data that shows that between 1992 and 1994, the area benefited from unusually mild summer temperatures with number of days equal to or greater than 90° of 2, 7, and 5. The commentator further notes that the September 4, 1992 memorandum from John Calcagni, entitled *Procedures for Processing Requests to Redesignate Areas to Attainment* considers unusually favorable meteorology and suggests that it would not qualify as an air quality improvement due to permanent and enforceable emission reductions.

USEPA Response

The test of unusual meteorology may be applied in the context of a redesignation to demonstrate satisfaction of the section 107(d)(3)(E)(iii) requirement to demonstrate that the improvement in air quality is a result of permanent and enforceable emission reductions rather than unusually favorable meteorology. The June 2, 1995 rulemaking is not a redesignation and therefore, the test of improvement in air quality resulting from permanent and enforceable emission reductions rather than unusually favorable meteorology is not required in this rulemaking. Michigan has submitted a redesignation request to the USEPA which is currently undergoing USEPA's review and rulemaking process. USEPA notes, however, that permanent and enforceable emission reductions have in fact occurred in the Muskegon and Grand Rapids areas subsequent to their designation as nonattainment areas due to the imposition of control measures such as VOC RACT rules, fleet turnover to vehicles meeting more stringent federal motor vehicle standards and Federal low Reid vapor pressure gasoline regulations. Furthermore, other requirements of part D of Title I (such as VOC RACT requirements) must continue to apply at least until an area is redesignated to attainment, which cannot occur unless USEPA determines that the improvement in air quality is due to permanent and enforceable reductions. In any event, as the

determination made by USEPA that the reasonable further progress and related requirements do not apply is linked with the areas' continued attainment of the standard, the areas would need to adopt additional control measures in the event a violation occurred.

Citizens Commission and American Lung Comment

The commentor notes that the action is not based on statutory authority or case law but rationale presented in a May 10, 1995 memorandum from John Seitz, Director, of the Office of Air Quality Planning and Standards.

USEPA Response

As discussed in the May 10, 1995 memorandum from John Seitz entitled *Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard* and June 2, 1995 rulemaking action, the USEPA believes that it is reasonable to interpret the language of the pertinent statutory provisions so as not to require a submission of the section 182(b)(1) reasonable further progress plan and attainment demonstration and section 172(c)(9) contingency measures from an area that is attaining the standard for so long as the area continues to attain the standard because the purpose of reasonable further progress, as stated explicitly in section 171(1) of the Act is to ensure attainment by the applicable attainment date. Once an area has attained the standard, the stated purpose of the reasonable further progress requirement will have already been fulfilled. As explained in detail in those documents, this interpretation is based on the language of the pertinent statutory provisions. The commentor has not provided any rationale to persuade the USEPA that its interpretation is not reasonable.

Citizens Commission and American Lung Comment

The commentor states that suspension of reasonable further progress requirements based on a demonstration that the area is not momentarily violating the ozone standard does not ensure attainment of the standard in the future.

USEPA Response

This action is not intended to ensure maintenance of the ozone standard. In fact, suspension of these requirements is only valid so long as the area continues to attain the ozone standard. If the area violates the standard, the requirements of sections 182(b)(1) and 172(c)(9)

would have to be addressed since the basis for the determination that they do not apply would no longer exist. Maintenance plans, a required element of a redesignation request, must ensure maintenance of the standard for a period of 10 years following an area's redesignation to attainment. See section 107(d)(3)(E)(iv) and section 175A of the Act. Michigan has submitted a redesignation request to the USEPA which is currently undergoing USEPA's review and rulemaking process. USEPA also notes that this action does not relieve any existing control measures, which are the measures that have brought about attainment.

Citizens Commission and American Lung Comment

The commentor suggests that suspension of the attainment demonstration requirements relieves the USEPA from addressing available modeling that shows that urbanized areas in the Lake Michigan Basin area contribute to ozone formation and transport. In addition, the commentor contends that the nonattainment areas can use modeling results to avoid implementing control measures required by the Act when modeling in fact shows continued violations of the NAAQS. Specifically, the commentor notes that modeling being conducted by the Lake Michigan Air Directors Consortium (LADCO) shows that emissions originating in western Michigan are contributing to exceedances of the ozone standard elsewhere in the Lake Michigan Basin. Modeling submitted to the USEPA for June 20-21, 1991 (Episode 4), confirms that emissions from western Michigan contributed to exceedances of the ozone NAAQS. The commentor claims that western Michigan contributes to elevated ozone concentrations in Michigan City, Indiana which recently recorded three exceedances of the ozone standard within the last two years (June 16, 15 and 18, 1995). This commentor believes that this rule will likely necessitate USEPA to redesignate Michigan City, Indiana, an attainment area, to nonattainment.

USEPA Response

At the outset, USEPA notes that the issue of transported emissions is not relevant to this rulemaking action. The purpose of the requirements of section 182(b)(1) concerning reasonable further progress and attainment demonstrations and the contingency measure requirements of section 172(c)(9) as they apply to Grand Rapids and Muskegon is not to address emissions from those two areas that may cause or contribute to air

quality problems in areas downwind of Grand Rapids and Muskegon. The purpose of those requirements as they apply to Grand Rapids and Muskegon is to achieve attainment of the standard in those two areas. The issue of transported emissions is dealt with by other provisions of the Act, provisions that are not the subject of this rulemaking action. USEPA has authority, and the state has an obligation, under section 110(a)(2)(A) (in the case of intrastate areas) and section 110(a)(2)(D) (in the case of interstate areas), to address transported emissions from upwind areas that significantly contribute to air quality problems in downwind areas. The determination being made in this rulemaking is that, as Grand Rapids and Muskegon have attained the ozone standard, certain additional Act requirements whose purpose is to achieve attainment in the area concerned do not apply to them for so long as they continue to attain the standard. That determination does not mean that those areas might not have to achieve additional reductions pursuant to other provisions of the Act if it is determined in the future that such reductions are necessary to deal with transport from the Muskegon and Grand Rapids areas to downwind areas.

The commentors' contention that nonattainment areas in the region can use modeling results to avoid implementation of control measures required by the Act when modeling shows continued violations of the ozone standard is unclear, and not relevant to this action.

The USEPA acknowledges that the Lake Michigan States of Michigan, Wisconsin, Illinois and Indiana are conducting urban airshed modeling (UAM) which is being coordinated by LADCO. The modeling will be used for purposes of demonstrating attainment throughout the Lake Michigan region. Preliminary modeling results indicate that the Grand Rapids and Muskegon areas are recipients of transported ozone and that the areas may contribute to ozone concentrations in downwind areas. The modeling, however, is not complete and is being further refined. The USEPA recognizes the importance of the modeling effort and subsequent results. The USEPA would like to note that the Lake Michigan States are participating in the Phase I/Phase II analysis as provided for within the March 2, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, entitled *Ozone Attainment Demonstrations*. Phase II of the analysis would assess the need for regional control strategies and refine the

local control strategies. Phase II would also provide the States and USEPA the opportunity to determine appropriate regional strategies to resolve transport issues including any impacts the Grand Rapids and Muskegon areas may have on ozone concentrations in their downwind areas. The USEPA has the authority under sections 110(a)(2)(A) and 110(a)(2)(D) of the Act to ensure that the required and necessary reductions are achieved in the Grand Rapids and Muskegon areas should subsequent modeling become available, such as the modeling that will be available through completion of the Phase II analysis, or any other subsequent modeling data.

The possible impact of ozone and ozone precursor emissions originating from Grand Rapids and Muskegon on elevated ozone concentrations recently recorded in Michigan City, Indiana, is not relevant to this rulemaking. As discussed above, ozone transport will be addressed at the conclusion of the Phase II modeling efforts currently under way in the Lake Michigan area. For clarification, the 1995 ozone monitoring data cited by the commentor has not been quality assured and is subject to change. The USEPA is aware that preliminary data from the Michigan City, Indiana monitor shows exceedances of the ozone standard on June 15 and June 18, 1995. However, the USEPA is unaware of an ozone exceedance in Michigan City on June 16, 1995. USEPA does not expect this rulemaking to have an impact on the likelihood of Michigan City's being designated to nonattainment.

Citizens Commission and American Lung Comment

The commentor asserts that suspending adoption, submittal and approval of contingency measures under section 172(c)(9) presages a maintenance plan lacking similar contingency measures in the context of a redesignation.

USEPA Response

The rulemaking specifically suspends the contingency measure requirements of section 172(c)(9) which are intended to ensure reasonable further progress and attainment by an applicable attainment date (57 FR 13564; and September 4, 1992 Calcagni memorandum). The rulemaking, however, does not suspend or dismiss the contingency measures required by section 107(d)(3)(E)(iv) and 175A(d) whose purpose is to assure that future violations of the standard will be promptly corrected after an area has been redesignated to attainment.

Michigan has submitted a redesignation request to the USEPA which is currently undergoing USEPA's review and rulemaking process. It should be noted that the request does contain a maintenance plan with contingency measures including an enhanced motor vehicle inspection and maintenance program, Stage II gasoline vapor recovery, and Reid Vapor Pressure reductions to 7.8 psi. That maintenance plan will have to satisfy the requirements of sections 107(d)(3)(E)(iv) and 175A(d) in order for it and the redesignation request to be approved.

Citizens Commission and American Lung Comment

The commentor notes that the irony of the rulemaking is emphasized by the ozone levels observed throughout the Lake Michigan basin in June 1995. The commentor cites ozone values at monitors in Muskegon, Holland and Ludington, Michigan.

USEPA Response

This action is premised on the determination that both the Grand Rapids and Muskegon areas have attained the ozone standard during the period 1992-1994. As explained in the June 2, 1995 rulemaking, these determinations are contingent on the continued monitoring and continued attainment and maintenance of the ozone NAAQS in the affected areas. No violations in the affected areas have occurred as of this time. If a violation of the ozone NAAQS is monitored in the Grand Rapids and Muskegon areas (consistent with the requirements contained in 40 CFR Part 58 and recorded in AIRS), USEPA will provide notice to the public in the **Federal Register**. Such a violation would mean that the area would thereafter have to address the requirements of section 182(b)(1) and section 172(c)(9) since the basis for the determination that they do not apply would no longer exist.

NYSDEC Comment

The NYSDEC objects to the rulemaking because it exempts the area from certain requirements of Title I of the Act and fails to establish any limit on emission growth of ozone precursors. The commentor states that downwind areas such as New York State need reductions in incoming ozone precursor concentrations during ozone episodes. The commentor is opposed to actions that would provide relief to such areas until it is demonstrated/determined that emissions from this area have "no significant impact" on ozone levels in New York and other downwind Northeast states.

USEPA Response

The determination that certain Title I requirements, namely section 182(b)(1) reasonable further progress and attainment demonstration requirements, and section 172(c)(9) contingency measure requirements, do not apply is based on ambient air quality data demonstrating that the area has attained the standard. This rulemaking is merely a determination that the aforementioned Title I requirements are not applicable so long as the affected areas continue to attain the ozone standard. While the rulemaking does not establish any limit on emission growth of ozone precursors, the USEPA does not believe that this determination will cause emissions of ozone precursors to grow since it is not relaxing control measures currently being implemented in the areas. Furthermore, USEPA does not believe it necessary to establish a limit on the growth of ozone precursors in this rulemaking since USEPA's determination that the areas need not make certain submissions is contingent on the areas' continued attainment of the ozone NAAQS. As noted earlier, if a violation occurs the area would have to address the requirements of sections 182(b)(1) and 172(c)(9).

With respect to the commentor's opposition to such actions until it is demonstrated that emissions from this area have "no significant impact" on ozone levels in New York and other downwind Northeast states, the USEPA would note that such a process is underway within the Lake Michigan area. The Lake Michigan States of Michigan, Wisconsin, Illinois and Indiana are conducting UAM which is being coordinated by LADCO. The modeling will be used for purposes of demonstrating attainment throughout the Lake Michigan region. Moreover, the Lake Michigan States are participating in the Phase I/Phase II analysis as provided for within the March 2, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, entitled Ozone Attainment Demonstrations. Phase II of the analysis would assess the need for regional control strategies and refine the local control strategies. Phase II would also provide the States and USEPA the opportunity to determine appropriate regional strategies to resolve transport issues including any impacts the Grand Rapids and Muskegon areas may have on ozone concentrations in their downwind areas. As discussed above, the control of transported emissions is not the purpose of the Act requirements at issue in this rulemaking but is the subject of other Act provisions. The

USEPA has the authority under section 110(a)(2)(D) of the Act to ensure that the required and necessary reductions are achieved in the Grand Rapids and Muskegon areas should subsequent modeling become available, such as the modeling that will be available through completion of the Phase II analysis, or any other subsequent modeling data. This determination, therefore, does not preclude the area from future imposition of additional control measures to achieve additional emission reductions.

NYSDEC Comment

NYSDEC also request additional time to perform a detailed review and analysis of the issues related to this proposed determination and requests a copy of the analysis that supports this action.

USEPA Response

The public was afforded 30 days to comment on this rulemaking action. The USEPA does not believe that any extension of time is necessary as an adequate comment period has already been provided.

III. Final Rulemaking Action

The USEPA is making a final determination that the Grand Rapids and Muskegon ozone nonattainment areas have attained the ozone standard and continue to attain the standard at this time. As a consequence of this determination, the requirements of section 182(b)(1) concerning the submission of the 15 percent reasonable further progress plan and ozone attainment demonstration and the requirements of section 172(c)(9) concerning contingency measures are not applicable to the area so long as the area does not violate the ozone standard.

The USEPA emphasizes that these determinations are contingent upon the continued monitoring and continued attainment and maintenance of the ozone NAAQS in the affected area. When and if a violation of the ozone NAAQS is monitored in the Grand Rapids or Muskegon nonattainment areas (consistent with the requirements contained in 40 CFR Part 58 and recorded in AIRS), the USEPA will provide notice to the public in the **Federal Register**. Such a violation would mean that the area would thereafter have to address the requirements of section 182(b)(1) and section 172(c)(9) since the basis for the determination that they do not apply would no longer exist.

As a consequence of the determination that these areas have

attained the NAAQS and that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and contingency measure requirement of section 172(c)(9) do not presently apply. These are no longer requirements within the meaning of 40 CFR 52.31(c)(1). Consequently, the sanctions clocks started by USEPA on January 21, 1994, for failure to submit SIP revisions required by the provisions of the Act, are hereby stopped.

The USEPA finds that there is good cause for this action to become effective immediately upon publication because a delayed effective date is unnecessary due to the nature of this action, which is a determination that certain Act requirements do not apply for so long as the areas continue to attain the standard. The immediate effective date for this action is authorized under both 5 U.S.C. § 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule "grants or recognizes an exemption or relieves a restriction" and § 553(d)(3), which allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule."

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA 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, USEPA may certify that the rule will not have a significant economic 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. Today's determination does not create any new requirements, but suspends the indicated requirements. Therefore, because this notice does not impose any new requirements, I certify that it does not have a significant impact on small entities affected.

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the USEPA must prepare a budgetary impact statement to accompany any proposed or final rulemaking that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Section 203 requires the USEPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule. Under section

205, the USEPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements.

The USEPA has determined that today's final action 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 imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

Under section 307(b)(1) of the Act, petitions for judicial review of this final action determining that the Grand Rapids and Muskegon ozone nonattainment areas have attained the NAAQS for ozone and that certain reasonable further progress and attainment demonstration requirements of sections 182(b)(1) and 172(c)(9) no longer apply must be filed in the United States Court of Appeals for the appropriate circuit by September 18, 1995. 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, Nitrogen oxides, Ozone, Volatile organic compounds.

Dated: July 12, 1995.

Valdas V. Adamkus,
Regional Administrator.

Part 52, chapter I, title 40 of the 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 X—Michigan

2. Section 52.1174 is amended by adding new paragraph (k) to read as follows:

§ 52.1174 Control Strategy: Ozone.

* * * * *

(k) Determination—USEPA is determining that, as of July 20, 1995, the

Grand Rapids and Muskegon ozone nonattainment areas have attained the ozone standard and that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act do not apply to the areas for so long as the areas do not monitor any violations of the ozone standard. If a violation of the ozone NAAQS is monitored in either the Grand Rapids or Muskegon ozone nonattainment area, the determination shall no longer apply for the area that experiences the violation.

[FR Doc. 95-17763 Filed 7-19-95; 8:45 am]
BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-15]

Radio Broadcasting Services; Pago Pago, American Samoa

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final regulation document which was published Monday, June 19, 1995 (60 FR 32917) concerning radio broadcasting services in Pago Pago, American Samoa.

EFFECTIVE DATE: July 20, 1995.

FOR FURTHER INFORMATION CONTACT:

Barbara Chappelle, Publications Branch, (202) 418-0310.

SUPPLEMENTARY INFORMATION:

Need of Correction

As published, the final regulation document contains an error in the closing date.

Correction of Publication

Accordingly, the publication on June 26, 1995 of the final regulations, which were the subject of FR Doc. 95-15477 is corrected as follows:

On page 32917, in the second column, in the **DATES** section, the closing date for filing applications should be September 5, 1995 in lieu of September 4, 1995.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

[FR Doc. 95-17727 Filed 7-20-95; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 94-111; RM-8519]

Radio Broadcasting Services; Ingalls, KS

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final regulation document which was published Monday, June 19, 1995 (60 FR 32917) concerning radio broadcasting services in Ingalls, KS.

EFFECTIVE DATE: July 20, 1995.

FOR FURTHER INFORMATION CONTACT:

Barbara Chappelle, Publications Branch, (202) 418-0310.

SUPPLEMENTARY INFORMATION:

Need of Correction

As published, the final regulation document contains an error in the closing date.

Correction of Publication

Accordingly, the publication on June 26, 1995 of the final regulations, which were the subject of FR Doc. 95-15478 is corrected as follows:

On page 32917, in the third column, in the **DATES** section, the closing date for filing applications should be September 5, 1995 in lieu of September 4, 1995.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

[FR Doc. 95-17728 Filed 7-20-95; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-271]

Organization and Delegation of Powers and Duties; Delegations of Authority to the Maritime Administrator

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation (Secretary) hereby delegates to the Maritime Administrator authority from the Administrator of General Services for the enforcement of laws and protection of persons and property at the United States Merchant Marine Academy located in Kings Point, New York. This amendment revises language in subparagraph 1.66(q) to reflect current delegation of authority.

EFFECTIVE DATE: This rule becomes effective July 20, 1995.

FOR FURTHER INFORMATION CONTACT:

Richard Weaver, Chief, Division of Management and Organization, Maritime Administration, MAR-318, Room 7225, 400 Seventh Street, SW., Washington, DC, 20590, (202) 366-2811 or Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement (C-50), Department of Transportation, Room 10424, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9306.

SUPPLEMENTARY INFORMATION: The Maritime Administration (MARAD) has been delegated authority for law enforcement and protection of persons and property at the U.S. Merchant Marine Academy (USMMA) since 1967, when the Secretary of Commerce re delegated to MARAD authority delegated by the Administrator of General Services. At that time, MARAD was assigned to the Department of Commerce (DOC). In 1981, Public Law 97-31 transferred MARAD to the Department of Transportation. Section 9(a) of that act provided "(a) All orders, determinations, rules, regulations, permits, grants, contracts, agreements, certificates, licenses, and privileges—(1) Which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act to the Secretary of Transportation or the Department of Transportation, and (2) which are in effect at the time this Act takes effect shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Transportation, or other authorized official, a court of competent jurisdiction, or by operation of law." Thus, the delegation by GSA and redelegation to MARAD continued in effect, through the Secretary of Transportation, until such time as it was amended or revoked by subsequent action. The Secretary of Transportation re delegated the authority to MARAD (49 CFR 1.66(q), 46 FR 47460, 9/28/81, effective 8/6/81), based on Public Law 97-31. On March 15, 1995, DOC requested the General Services Administration to revise DOC's delegation to reflect a number of changes, including the fact that the USMMA was no longer a responsibility of DOC. Accordingly, MARAD requested GSA to formalize the delegation of authority to the Secretary