

vessel is scheduled to arrive in less than two weeks.

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 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the limited duration of the moving security zone, the extensive advisories that will be made to the affected maritime community and the minimal restrictions the regulations will place on vessel traffic. These regulations will be in effect for a total of approximately four hours per port call for the vessel.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "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).

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities because of the short duration of the disruption to regular navigation.

Collection of Information

These regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

Federalism

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

Environmental Assessment

The Coast Guard has considered the environmental impact of this proposal and has concluded under paragraph 2.B.2.e(34)(g) of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), that this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Temporary Final Regulation

In consideration of the foregoing, the Coast Guard amends Subpart C of Part 165 of Title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. A new section 165.T07-035 is added to read as follows:

§ 165.T07-035 Security Zone: Port Canaveral Entrance Channel, Port Canaveral, FL.

(a) *Regulated Area.* A moving security zone is established in the following area:

(1) The waters around HMS Vigilant when entering Port Canaveral in an area 200 yards in all directions, beginning at the Port Canaveral Ship Channel, Approach Channel Lighted Whistle Buoy #3, (LLN 8640), position 28°31'50" N, 080°22'31" W and continues until the vessel is safely moored at the Port Canaveral East Turning Basin. All coordinates referenced use datum: NAD 83.

(2) The waters around HMS Vigilant when the vessel leaves her berth at the Port Canaveral East Turning Basin in an area 200 yards in all directions, until it exits the Port Canaveral Ship Channel, Approach Channel Lighted Whistle Buoy #3, (LLN 8640), position 28°31'50"N, 080°22'31"W. All coordinates referenced use datum: NAD 83.

(b) *Regulations.*

(1) No person or vessel may enter, transit, or remain in the security zone unless authorized by the Captain of the Port, Jacksonville, Florida, or a Coast

Guard commissioned, warrant, or petty officer designated by him.

(2) Vessels encountering emergencies which require transit through the moving security zone should contact the security zone patrol craft on VHF Channel 16. In the event of an emergency, the security zone patrol craft may authorize a vessel to transit through the security zone with a designated escort.

(3) All persons and vessels shall comply with the instructions of on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state law enforcement officials may be present to inform vessel operators of this regulation and other applicable laws.

(c) *Effective Dates.* These regulations become effective at 7 a.m. on July 31, 1997, and terminate at 7 a.m. on November 1, 1997, unless terminated earlier by the Captain of the Port.

Dated: July 23, 1997.

Donald S. Lewis,

Captain, U.S. Coast Guard, Captain of the Port, Jacksonville, FL.

[FR Doc. 97-20335 Filed 7-29-97; 4:37 pm]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ME47-01-7002a; A-1-FRL-5867-8]

Approval and Promulgation of Air Quality Implementation Plans; Maine; (Hancock and Waldo Counties Ozone Maintenance Plan Revision—Motor Vehicle Emissions Budgets)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maine. This revision establishes explicit year 2006 motor vehicle emissions budgets [Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO_x)] for the Hancock and Waldo counties ozone maintenance area to be used in determining transportation conformity. This action is being taken in accordance with the Clean Air Act (CAA or the Act). **DATES:** This action will become effective on September 30, 1997, unless EPA receives adverse or critical comments by September 2, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA; and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME.

FOR FURTHER INFORMATION CONTACT: Donald O. Cooke, (617) 565-3508.

SUPPLEMENTARY INFORMATION: On June 24, 1997, the State of Maine submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of explicit year 2006 motor vehicle emissions budgets (VOC and NO_x) for the Waldo and Hancock counties ozone maintenance area as a SIP revision.

I. Summary of SIP Revision

When the Maine Department of Environmental Protection submitted their redesignation request for Hancock and Waldo counties nonattainment area to attainment for the National Ambient

Air Quality Standard for Ozone in May of 1996, they did not include explicit motor vehicle emissions budgets for use in transportation conformity determinations. Therefore, in accordance with EPA's Transportation Conformity Rule, EPA interpreted the motor vehicle emissions projections for the year 2006 (the last year of the submitted ten-year maintenance plan) to be the motor vehicle emissions budgets. These 2006 motor vehicle emissions budgets established at 5.779 tons per summer day of VOC, and 8.195 tons per summer day of NO_x then serve as a cap or ceiling of allowed highway and transit vehicle emissions for all transportation conformity determinations made during the 1997-2006 ten-year maintenance period. Approximately eight years into this ten-year maintenance plan, the State of Maine will develop a second ten-year maintenance plan to cover the ten-year period, 2007 through 2016, and will establish motor vehicle emissions budgets for the transportation conformity determinations made during the second maintenance period. Under all circumstances, transportation conformity must be analyzed out to the last year of the area's twenty-year transportation plan.

Projected VMT growth for Hancock and Waldo Counties is expected to outpace the benefits of lower vehicle emission rates (cleaner cars and mobile source strategies) resulting in increased motor vehicle emissions after the year 2006. Hence, the State of Maine has allocated additional emissions to the motor vehicle component of the 2006 emissions budgets for transportation conformity purposes.

The new 2006 motor vehicle emissions budgets are now established for the Hancock and Waldo counties ozone maintenance area at 6.44 tons per summer day of VOC, and 8.85 tons per summer day of NO_x. These established levels of VOC and NO_x are acceptable because when these levels of emissions are added to all the other components of the 2006 emission inventory (the 2006 other mobile [off-road] emissions, the 2006 stationary source emissions, and the 2006 area source emissions) the results are levels of emissions below the 1993 attainment year emission inventory. Please see the table below which adds the new VOC and NO_x motor vehicle emissions budget to the other unchanged components of the 2006 emissions inventory, and then compares the total 2006 emissions with the 1993 attainment year emission inventory.

EMISSIONS FOR MAINE'S HANCOCK AND WALDO COUNTIES OZONE MAINTENANCE AREA

Emission Category	1993 Attainment year VOC emissions (in tons per summer day)	2006 maintenance plan VOC emissions (in tons per summer day)
Motor Vehicle Emissions (On-road + Transit Emissions)	7.010	6.440
Other Mobile Emissions	1.327	0.946
Point Source Emissions	1.412	1.500
Area Source Emissions	5.902	5.989
Total Emissions	15.651	14.875

Emission category	1993 attainment year NO _x emissions (in tons per summer day)	2006 maintenance plan NO _x emissions (in tons per summer day)
Motor Vehicle Emissions (On-road + Transit Emissions)	10.010	8.850
Other Mobile Emissions	0.979	1.126
Point Source Emissions	5.721	5.128
Area Source Emissions	0.543	0.485
Total Emissions	17.253	15.589

This action, to establish new motor vehicle emission budgets into the Maine SIP, will make it easier to demonstrate future transportation conformity with the SIP. This action will not change conformity's beneficial effect on air quality as the new motor vehicle emissions budgets have been

demonstrated to be consistent with EPA's ozone attainment redesignation (see 62 FR 9081 (February 28, 1997) and the Hancock and Waldo counties ozone maintenance plan. No additional emissions reductions are anticipated with the approval of the 2006 VOC and NO_x motor vehicle emissions budgets.

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, EPA is proposing to approve the SIP revision should adverse

or critical comments be filed. This action will be effective September 30, 1997 unless adverse or critical comments are received by September 2, 1997.

If the EPA receives such comments, this action will be withdrawn before the effective date by simultaneously publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a 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 on September 30, 1997.

II. Final Action

EPA is approving the establishment of the year 2006 motor vehicle emissions budgets for the Hancock and Waldo counties ozone maintenance area at 6.44 tons per summer day of VOC, and 8.85 tons per summer day of NO_x.

III. Administrative Requirements

A. Executive Order 12866

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 the 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 proposed 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 section 801(a)(1)(A) of the Regulatory Flexibility Act 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 section 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 September 30, 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).) EPA encourages interested parties to comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: July 20, 1997.

John P. DeVillars,

Regional Administrator, Region I.

Part 52 of 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 U—Maine

2. Section 52.1036 is amended by adding paragraph (e) to read as follows:

§ 52.1036 Emission inventories.

* * * * *

(e) On June 24, 1997 the Maine Department of Environmental Protection submitted a revision to establish explicit year 2006 motor vehicle emissions budgets [6.44 tons per summer day of VOC, and 8.85 tons per summer day of NO_x] for the Hancock and Waldo counties ozone maintenance area to be used in determining transportation conformity.

[FR Doc. 97-20366 Filed 7-31-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC-82-9728(a); FRL-5863-6]

Approval and Promulgation of Revisions to North Carolina SIP Involving Open Burning and Other Miscellaneous Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On August 16, 1996, North Carolina submitted, through the Department of Environment, Health,