

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

\$39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Amendment 39- . Docket 96-NM-12-AD.

Applicability: Model 757 series airplanes; equipped with ram air turbine (RAT) deployment actuators having Boeing part number (P/N) S271N102-4 (Arkwin P/N 1211233-004) or Boeing P/N S271N102-5 (Arkwin P/N 1211233-005), and having a serial number of 00001 and subsequent; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the failure of the actuators used to deploy the ram air turbine (RAT), accomplish the following:

(a) Within 120 days after the effective date of this AD, revise the FAA-approved maintenance program to require verification that the shipping container and shipping sleeve assembly, as specified in Arkwin Industries Service Bulletin 1211233-29-21-4, Revision 3, dated February 7, 1997, was used in shipping the actuator to a location where it is to be installed.

Note 2: Once the maintenance program has been revised to include the procedures specified in this paragraph, operators are not required to subsequently record accomplishment each time that an actuator is shipped.

(b) Within 30 months after the effective date of this AD, inspect the identification plate on the deployment actuator of the RAT to determine the actuator serial numbers, in accordance with Arkwin Industries Service Bulletin 1211233-29-21-3, Revision 2, dated

June 17, 1994, or Revision 3, dated February 7, 1997.

(1) If the actuator bears Boeing part number (P/N) S271N102-4 (Arkwin P/N 1211233-004) or Boeing P/N S271N102-5 (Arkwin P/N 1211233-005), and has a serial number of 00001 through 00631 inclusive (with no "B" suffix): Prior to further flight, remove the RAT deployment actuator and repair or replace it, in accordance with the Arkwin Industries service bulletins previously referenced in paragraph (b) of this AD or in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note 3: Arkwin Industries Service Bulletin 1211233-29-21-3, Revision 2, dated June 17, 1994, or Revision 3, dated February 7, 1997, recommends that the actuator unit be returned to Arkwin Industries for modification, since specialized equipment is needed to perform the rework of the unit. However, any FAA-approved facility may modify the unit, provided that it has the appropriate equipment to successfully modify and test the unit in accordance with a method approved by the Manager, Seattle ACO, or in accordance with the Arkwin Industries service bulletins referenced in paragraph (b) of this AD.

(2) Prior to further flight, remove the RAT deployment actuator and repair or replace it, in accordance with Arkwin Industries Service Bulletin 1211233-29-21-3, Revision 2, dated June 17, 1994, or Revision 3, dated February 7, 1997, if the actuator:

(i) Has Boeing P/N S271N102-4 (Arkwin P/N 1211233-004) or Boeing P/N S271N102-5 (Arkwin P/N 1211233-005); and

(ii) Has a serial number of 00001 through 00631 inclusive, with a suffix letter "B;" or has a serial number of 00632 or subsequent; and

(iii) Has been removed previously from an airplane and shipped in the extended position and not in accordance with Arkwin Industries Service Bulletin 1211233-29-21-4, Revision 2, dated June 17, 1994, or Revision 3, dated February 7, 1997.

Note 4: Shipping records or tags may be reviewed to determine whether the actuator was shipped in accordance with Arkwin Industries Service Bulletin 1211233-29-21-4, Revision 2 or Revision 3.

Note 5: Arkwin Industries Service Bulletin 1211233-29-21-4, Revision 2 or Revision 3, provide procedures for proper identification of the necessary reusable shipping container and shipping sleeve assembly that is to be used when transporting or shipping the RAT deployment actuator assembly. Use of this container and sleeve will prevent damage to the assembly during shipping.

(3) No further action is required by paragraph (b) of this AD, if the actuator:

(i) Has Boeing P/N S271N102-4 (Arkwin P/N 1211233-004) or Boeing P/N S271N102-5 (Arkwin P/N 1211233-005); and

(ii) Has a serial number of 00001 through 00631 inclusive, with a suffix letter "B;" or has a serial number of 00632 or subsequent; and

(iii) Has not been removed previously from an airplane, or has been removed and shipped in the extended position, in

accordance with Arkwin Industries Service Bulletin 1211233-29-21-4, Revision 2, dated June 17, 1994, or Revision 3, dated February 7, 1997.

(c) As of 30 months after the effective date of this AD, no person shall install on any airplane a RAT deployment actuator assembly, having Boeing P/N S271N102-4 (Arkwin P/N 1211233-004) or Boeing P/N S271N102-5 (Arkwin P/N 1211233-005), and having serial number 00001 and subsequent; unless the conditions, as specified in both paragraphs (c)(1) and (c)(2) of this AD apply:

(1) The actuator assembly has been modified (repaired and reidentified) in accordance with Arkwin Industries Service Bulletin 1211233-29-21-3, Revision 2, dated June 17, 1994, or Revision 3, dated February 7, 1997; or the actuator is replaced with a new actuator from Arkwin Industries, Inc.; and

(2) Prior to installation, the actuator was shipped (i.e., to the place where installation is accomplished) in accordance with Arkwin Industries Service Bulletin 1211233-29-21-4, Revision 2, dated June 17, 1994, or Revision 3, dated February 7, 1997.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 6: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on October 20, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-28318 Filed 10-24-97; 8:45 am]

BILLING CODE 4910-13-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NH-7157b; FRL-5906-9]

Approval and Promulgation of Implementation Plans; New Hampshire

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The EPA is proposing action on State Implementation Plan (SIP) revisions submitted by the State of New Hampshire. The EPA is proposing

approval of New Hampshire's 1990 base year ozone emission inventories, 15 Percent Rate of Progress (ROP) and Contingency plans, and establishment of a Photochemical Assessment Monitoring Stations (PAMS) network, as revisions to the New Hampshire SIP for ozone. The inventory was submitted by the State of New Hampshire to satisfy a CAA requirement that those States containing ozone nonattainment areas classified as marginal to extreme submit inventories of actual ozone season emissions from all sources in accordance with EPA guidance. The 15% ROP and contingency plans were submitted to satisfy CAA provisions that require ozone nonattainment areas classified as moderate and above to devise plans to reduce VOC emissions by 1996 when compared to a 1990 baseline. The PAMS SIP revision was submitted to provide for the establishment and maintenance of an enhanced ambient air quality monitoring network by November 15, 1993.

In the final rules section of today's **Federal Register**, the EPA is approving the New Hampshire 1990 base year emission inventories and PAMS network as revisions to the New Hampshire SIP as a direct final rule without prior proposal, because the Agency views these as noncontroversial revision amendments and anticipates no adverse comments. A detailed rationale for each approval is set forth in the direct final rule. The EPA is not publishing a direct final rule for the New Hampshire 15 percent ROP and contingency plans. If no adverse comments are received on this direct final rule, no further activity is contemplated in relation to this proposed rule for these revisions. If EPA receives any material adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Public comments on this document are requested and will be considered before taking final action on this SIP revision. Comments on this proposed action must be post marked by November 26, 1997.

ADDRESSES: Written comments on this action should be addressed to Susan Studlien, Deputy Director, Office of Ecosystem Protection, Environmental Protection Agency, Region I, JFK Federal Building, Boston,

Massachusetts, 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours at the EPA Region I office, and at the New Hampshire Department of Environmental Services, Air Resources Division, 64 North Main Street, Caller Box 2033, Concord, NH 03302-2033. Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Robert F. McConnell, Air Quality Planning Unit, EPA Region I, JFK Federal Building, Boston, Massachusetts, 02203; telephone (617) 565-9266.

SUPPLEMENTARY INFORMATION: For supplementary information regarding the New Hampshire 1990 base year emission inventories or establishment of a PAMS network, see the information provided in the direct final action of the same title which is located in the rules section of today's **Federal Register**.

This notice is divided into the following four parts:

- I. Background
- II. Analysis of State Submission
- III. Proposed Action
- IV. Administrative Requirements

I. Background

Section 182(b)(1) of the CAA as amended in 1990 requires ozone nonattainment areas with classifications of moderate and above to develop plans to reduce area-wide anthropogenic VOC emissions by 15 percent from a 1990 baseline. The plans were to be submitted by November 15, 1993 and the reductions were required to be achieved within 6 years of enactment or November 15, 1996. The Clean Air Act also sets limitations on the creditability of certain types of reductions. Specifically, States cannot take credit for reductions achieved by Federal Motor Vehicle Control Program (FMVCP) measures (new car emissions standards) promulgated prior to 1990 or for reductions resulting from requirements to lower the Reid Vapor Pressure (RVP) of gasoline promulgated prior to 1990. Furthermore, the CAA does not allow credit for corrections to basic Vehicle Inspection and Maintenance Programs (I/M) or corrections to Reasonably Available Control Technology (RACT) rules as these programs were required prior to 1990.

In addition, section 172(c)(9) and 182(c)(9) of the CAA requires that contingency measures be included in the plan revision to be implemented if

an area misses an ozone SIP milestone, or fails to attain the standard by the date required by the CAA.

There are two serious ozone nonattainment areas in New Hampshire, and therefore the State is subject to the 15 Percent ROP requirements. The two areas are the Portsmouth-Dover-Rochester area, which includes all of Strafford County and portions of Rockingham County, and the New Hampshire portion of the Boston-Lawrence-Worcester area which includes portions of Hillsborough and Rockingham Counties. New Hampshire did not enter into an agreement with Massachusetts to do a multi-state 15 percent and contingency plan, and therefore submitted a plan to reduce emissions only in the New Hampshire portion of this area. EPA is taking action today only on the New Hampshire portion of the Boston-Lawrence-Worcester 15 percent plan.

New Hampshire submitted a 15% ROP plan for these two areas to the EPA on February 3, 1994, and revisions to the plan on May 16, 1994 and August 29, 1996. The state's submittal contained adopted rules for all of the VOC control measures identified within the plan.

II. Analysis of State Submission

The EPA has analyzed New Hampshire's submittal and believes that the proposed 15 Percent ROP and Contingency plans can be approved because they will strengthen the SIP by achieving reductions in VOC emissions, and because the State has correctly calculated its emission reduction obligations brought about by these requirements in accordance with the EPA's guidance. For a complete discussion of EPA's analysis of the New Hampshire 15 Percent ROP plan and Contingency Plan, please refer to the Technical Support Document for this action. A summary of the EPA's findings follows.

Emission Inventory

The base from which States determine the required reductions in the 15 Percent ROP and Contingency plans is the 1990 emission inventory. The EPA is approving the New Hampshire 1990 emission inventories in a direct final action included in the Rules section of today's **Federal Register**. The emission estimates used within the 15 Percent ROP calculations match those found in the State's 1990 base year emission inventories.

Calculation of Target Level Emissions

New Hampshire subtracted the non-creditable reductions from the FMVCP

from the 1990 inventory. No adjustment to the inventory to account for the RVP of gasoline sold in the state in 1990 was necessary. The modification to subtract non-creditable reductions from the FMVCP results in the 1990 adjusted inventory. The total emission reduction required to meet the 15 Percent ROP Plan requirements equals the sum of the following items: 15 percent of the adjusted inventory, reductions that occur from noncreditable programs such as the FMVCP program, reductions needed to offset any growth in emissions that takes place between 1990 and 1996, and reductions that result from corrections to the I/M or VOC RACT rules. Table 1 summarizes these calculations for the two serious ozone nonattainment areas in New Hampshire.

TABLE 1.—CALCULATION OF REQUIRED REDUCTIONS (TONS/SUMMER DAY)

	Por-Dov-Roc	Bos-Law-Wor
1990 Anthropogenic Emission Inventory	41.0	55.9
1990 Adjusted Inventory	35.6	48.0
15% of Adjusted Inventory	5.3	7.2
Non-creditable Reductions	5.4	7.9
1996 Target	30.3	40.8
1996 ¹ Projected, Uncontrolled Emissions	37.4	52.7
Required Reduction ²	7.1	11.9

¹ 1996 emissions for on-road mobile sources were calculated using an emission factor that reflected the level of control achieved by the FMVCP in 1996.

² Required Reductions obtained by subtracting 1996 target from the 1996 projected uncontrolled inventory.

Measures Achieving the Projected Reductions

New Hampshire has provided a plan to achieve the emissions reductions required for the Portsmouth-Dover-Rochester nonattainment area and the New Hampshire portion of the Boston-Lawrence-Worcester nonattainment area. The EPA agrees with the emission reductions projected in the State submittals from the control measures identified within these plans. The following is a description of each control measure New Hampshire used to achieve emission reduction credit within its 15% ROP plans.

A. Point Source Emission Reductions

RACT Controls. New Hampshire projects that a 2.1 tons per summer day (tpsd) emission reduction will occur within the Por-Dov-Roc area, and a 2.6 tpsd emission reduction will occur within the Bos-Law-Wor area from the

implementation of VOC Reasonably Available Control Technology (RACT) on point sources, and from plant shutdowns.

Section 182(b)(2)(B) of the CAA requires that moderate and above ozone nonattainment areas adopt rules to require RACT for all VOC sources in the area covered by any *Control Technique Guideline* (CTG) issued before the date of the enactment of the Clean Air Act amendments of 1990. New Hampshire imposed new RACT controls on facilities involved in the processes covered by a CTG to meet this requirement {these controls are referred to as "RACT Catchups"}.

New Hampshire submitted VOC RACT catch-up regulations to the EPA on December 21, 1992, and June 28, 1996. EPA has not acted on these rules, but intends to by the time final action is taken on the New Hampshire 15 percent plans. Emission reductions from these rules are creditable toward the ROP requirement. The State has documented the level of emission reductions claimed from point sources. The State's 15% ROP plans contain a discussion of the emission reductions expected from individual point sources, and a table which lists each point source in the State from which emission reductions are anticipated by 1996. While EPA agrees that these RACT rules achieves the level of emission reductions New Hampshire is claiming in its 15% plan, EPA is not making any finding in this proposal whether the rules are otherwise consistent with all CAA requirements.

Plant Closures: New Hampshire's 15% plan identifies facilities that will cease operations between 1990 and 1996. The State has used the emission reductions generated from these plant closures as part of its 15 percent ROP plans. The emission reductions generated from these plant closures cannot, therefore, be used for other purposes, such as to meet the emissions offset provisions of the new source review program or as a source of a tradeable emission commodity.

B. Area Source Controls

Stage I: Emissions from underground tank filling operations at gasoline service stations can be reduced by the use of a vapor balance system, which is termed Stage I vapor control. New Hampshire has adopted a Stage I gasoline vapor recovery regulation, and submitted the rule to the EPA as a SIP revision. EPA has not acted on this rule, but intends to by the time final action is taken on the New Hampshire 15 percent plans. The data used to derive the anticipated emission reduction from

implementation of this rule are documented within the NH 15% ROP plans. The EPA agrees with the level of emission reductions projected by the State. While EPA agrees that the Stage I rule achieves the level of emission reductions New Hampshire is claiming in its 15% plan, EPA is not making any finding in this proposal whether the rule is otherwise consistent with all CAA requirements.

Underground Tank Breathing: New Hampshire's Stage I rule contains a requirement that a pressure vacuum (PV) valve be installed on vents located on underground tanks at service stations. The EPA agrees with the emission reductions claimed by the State due to this provision of the Stage I rule.

Stage II: New Hampshire has adopted an air pollution control rule that will limit VOC emissions from automobile refueling activity, commonly referred to as Stage II emissions. The rule was submitted to the EPA on December 21, 1992. EPA has not acted on this rule, but intends to by the time final action is taken on the New Hampshire 15 percent plans. The EPA agrees with the emission reduction credit claimed by the state due to the implementation of this program. While EPA agrees that the Stage II rule achieves the level of emission reductions New Hampshire is claiming in its 15% plan, EPA is not making any finding in this proposal whether the rule is otherwise consistent with all CAA requirements.

Surface Cleaning Controls: New Hampshire adopted a VOC RACT rule that controls emissions from open top and cold cleaning degreasing operations. The State determined that area source emissions would also be reduced by this rule, which is consistent with EPA guidance. The emission reductions claimed by the State from this rule are therefore creditable towards the 15% ROP plan.

Automobile Refinishing: On November 29, 1994, EPA issued a final guidance memorandum that allowed States to assume a 37 percent control level for this source category without adopting a State rule due to a pending National rule. New Hampshire used this guidance to determine the magnitude of emission reductions expected to occur within its two ozone nonattainment areas. The EPA agrees with the level of emission reductions projected by the State.

Commercial and Consumer Products: On June 22, 1995, EPA issued a final guidance memorandum that allowed States to assume a 0.8 pound per capita emission reduction for this source category without adopting a State rule

due to a pending National rule. New Hampshire used this guidance to determine the magnitude of emission reductions expected to occur within its two ozone nonattainment areas. The EPA agrees with the level of emission reductions projected by the State.

Architectural Coatings: In a memo dated March 22, 1995, EPA provided guidance on the expected reductions from a pending national rulemaking on AIM coatings. The memo projects that emissions would be reduced by 20 percent for both architectural coatings and industrial maintenance coatings. New Hampshire used this guidance to determine the magnitude of emission reductions expected to occur within its two ozone nonattainment areas. The EPA agrees with the level of emission reductions projected by the State.

(C) On-Road Mobile Source Controls

Reformulated Gasoline (RFG): Section 211(k) of the Clean Air Act requires that after January 1, 1995 in severe and above ozone nonattainment areas, only reformulated gasoline be sold or dispensed. This gasoline is reformulated to burn cleaner and produce fewer evaporative emissions. The state of New Hampshire contains two "serious" ozone nonattainment areas and one "marginal" area, and therefore is not required to sell reformulated fuels. However, on October 28, 1991 the State submitted a letter from the Governor requesting that New Hampshire participate in the reformulated fuels program. This request was published in the **Federal Register** on December 23, 1991, 56 FR 66444. The EPA agrees with the emission reductions calculated by the state due to the use of reformulated gasoline in on-road vehicles.

Tier I Federal Motor Vehicle Control Program (FMVCP): The EPA promulgated standards for 1994 and later model year light-duty vehicles and light-duty trucks (56 FR 25724, June 5, 1991). Since the standards were adopted after the CAA amendments of 1990, the resulting emission reductions are creditable toward the 15 percent emission reduction goal. The EPA agrees with the emission reductions calculated by New Hampshire due to the Tier I motor vehicle controls.

Non-road mobile source controls: As previously discussed, New Hampshire has opted in to the reformulated gasoline program. In addition to reducing VOC emissions from on-road motor vehicles, the sale of this gasoline will also reduce VOC emissions from non-road equipment. The EPA agrees with the emission reductions projected by New Hampshire to occur due to the

sale of reformulated gasoline in the state.

Table 2 summarizes the emission reductions contained within the New Hampshire 15% ROP plan. New Hampshire allocated between the two nonattainment areas the anticipated reductions from control measures using the same methodology that determined the allocation of its 1990 base year inventory emissions.

TABLE 2.—SUMMARY OF EMISSION REDUCTIONS: NEW HAMPSHIRE SERIOUS OZONE NONATTAINMENT AREAS (Tons/Day)

Nonattainment area	Por-Dov-Roc	Bos-Law-Wor
Required Reduction ..	7.10	11.90
Point Source Reductions	2.10	2.60
Stage I	1.25	2.09
Stage II	1.28	2.14
Underground Tank		
Breathing	0.11	0.18
Surface Cleaning	0.30	0.50
Auto Refinishing	0.41	0.69
Consumer & Com.		
Prod.	0.19	0.32
Architectural Coatings Reform (On-road),	0.38	0.63
Tier 1	2.60	3.90
Reform, Off-road	0.20	0.20
Total	8.82	13.25

Contingency Measures: Ozone nonattainment areas classified as moderate or above must submit to the EPA, pursuant to section 172(c)(9) and 182(c)(9) of the CAA, contingency measures to be implemented if an area misses an ozone SIP milestone or does not attain the national ambient air quality standard by the applicable date. The General Preamble to Title I, (57 FR 13498) states that the contingency measures should, at a minimum, ensure that an appropriate level of emission reduction progress continues to be made if attainment or RFP is not achieved and additional planning by the State is needed. The EPA interprets this provision of the CAA to require States with moderate and above ozone nonattainment areas to submit sufficient contingency measures so that upon implementation of such measures, additional emission reductions of three percent of the adjusted base year inventory (or a lesser percentage that will make up the identified shortfall) would be achieved in the year after the failure has been identified. States must show that their contingency measures can be implemented with minimal further action on their part and with no

additional rulemaking actions such as public hearings or legislative review.

Surplus Emission Reduction from 15 Percent Plan: New Hampshire's 15 percent ROP plans achieve more emission reductions than required. This is illustrated within Table 2 above. New Hampshire's contingency obligations for its two ozone nonattainment areas are 1.1 tpsd for the Por-Dov-Roc area, and 1.4 tpsd for the New Hampshire portion of the Bos-Law-Wor area. The surplus credit generated by the control measures in the 15 Percent ROP plans is sufficient to accommodate the 3 percent emission reduction requirement for contingency plans for the State's two serious ozone nonattainment areas. EPA notes that the State's SIP indicates that a 0.1 tpsd surplus exists in the New Hampshire portion of the Bos-Law-Wor area after accounting for contingency reductions. However, the data presented in Table 2 indicates a minor shortfall of 0.05 exists after accounting for the 1.4 tpsd contingency obligation for this area. Given the large number of inventory and emission reduction calculations used to derive the data provided in Table 2, EPA considers the minor shortfall of 0.05 tpsd to be within an acceptable range of error. EPA proposes to determine that New Hampshire has met the contingency measure requirement for both of its nonattainment areas.

III. Proposed Action

The EPA has evaluated these submittals for consistency with the CAA, EPA regulations, and EPA policy. The New Hampshire 15 Percent ROP plans will achieve the required quantity of emission reductions to meet the 15 percent ROP requirements of section 182(b)(1) of the CAA. In addition, the New Hampshire contingency plan will achieve enough emission reductions to meet the three percent reduction requirement under 172(c)(9) and 182(c)(9) of the CAA. Therefore, the EPA is proposing approval of these plan revisions under Section 110(k)(3) and Part D.

Transportation Conformity Budgets

In recognition of the proposed approval of the 15 percent ROP plans, EPA also proposes approval of motor vehicle emission budgets for VOCs and NO_x. Final approval of the 15 percent plan will eliminate the need for the transportation conformity emission reduction tests, which are the build/no build test and the less than 1990 emissions test, for these pollutants.

A control strategy SIP is required to establish a motor vehicle emission budget which places a cap on emissions that cannot be exceeded by predicted

highway and transit vehicle emissions. EPA is proposing to utilize the on-road mobile emissions provided in the 15 percent plan SIP submissions as the motor vehicle emission budgets for transportation conformity purposes. The 1996 projected on-road mobile emission estimates contained within the State's 15 percent plans are shown in the following table:

TABLE 3.—1996 MOTOR VEHICLE EMISSION BUDGETS

	Por-Dov-Roc area	NH portion of Bos-Law-Wor area
VOC	12.1	18.0
NO _x	17.2	24.1

EPA is soliciting public comments on the issues discussed in this proposal or on other relevant matters. These comments will be considered before EPA takes final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA regional office listed in the ADDRESSES section of this action.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, in relation to relevant statutory and regulatory requirements.

IV. 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 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866.

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 Sections 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Reporting and recordkeeping, Nitrogen oxides, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671-q.

Dated: September 29, 1997.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 97-28370 Filed 10-24-97; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10 and 15

[CGD 94-055]

RIN 2115-AF23

Licensing and Manning for Officers of Towing Vessels

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard revises the notice of proposed rulemaking (NPRM) published on June 19, 1996, proposing requirements for licensing mariners who operate towing vessels, inspected as well as uninspected. This supplemental notice of proposed rulemaking (SNPRM) addresses the numerous comments received in response to the NPRM. It should improve the clarify those requirement proposed in the NPRM.

DATES: Comments must reach the Coast Guard on or before February 24, 1998. Comments sent to the Office of Management and Budget (OMB) on collection of information must reach OMB on or before December 26, 1997.

ADDRESSES: You may mail comments to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 94-055), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or deliver them 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. You must also mail comments to collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Executive Secretary maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of the 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 Don Darcy, Office of Operating and Environmental Standards (G-MSO), (202) 267-0221.