

do not meet the definition of a small government jurisdiction, that is, governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000. The I/M rule applies only to urbanized areas with populations in excess of 100,000 or 200,000 depending upon location.

#### Unfunded Mandates Act

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 where the estimated costs to State, local, or tribal governments, or to the private sector, will be \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objective 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 impacted by the rule. To the extent that the requirements in this action would impose any mandate at all as defined in Section 101 of the Unfunded Mandates Act upon the state, local, or tribal governments, or the private sector, as explained above, this rule is not estimated to impose costs in excess of \$100 million. Therefore, EPA has not prepared a statement with respect to budgetary impacts.

#### Paperwork Reduction Act

This regulatory action does not contain any information collection requirements requiring approval by the office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

#### Executive Order 12866

It has been determined that this proposed amendment to the I/M OBD rule is not a significant regulatory action under the terms of Executive Order 12866 and has been waived from Office of Management and Budget (OMB) review.

#### List of Subjects

##### 40 CFR Part 85

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Motor vehicle pollution, Nitrogen oxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

##### 40 CFR Part 85

Confidential business information, Imports, Incorporation by reference, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Warranties.

Dated: December 16, 1997.

**Carol M. Browner,**  
Administrator.

For the reasons set out in the preamble, parts 51 and 85 of chapter I of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

#### PART 51—[AMENDED]

1. The authority citation for Part 51 continues to read as follows:

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

2. Section 51.351 is amended by revising paragraph (c) to read as follows:

##### § 51.351 Enhanced I/M performance standard.

(c) On-Board Diagnostics (OBD). The performance standard shall include inspection of all 1996 and later light-duty vehicles and light-duty trucks equipped with certified on-board diagnostic systems, and repair of malfunctions or system deterioration identified by or affecting OBD systems as specified in § 51.357.

3. Section 51.352 is amended by revising paragraph (c) to read as follows:

##### § 51.352 Basic I/M performance standard.

(c) On-Board Diagnostics (OBD). The performance standard shall include inspection of all 1996 and later light-duty vehicles and light-duty trucks equipped with certified on-board diagnostic systems, and repair of malfunctions or system deterioration identified by or affecting OBD systems as specified in § 51.357.

4. Section 51.373 is amended by revising paragraph (g) to read as follows:

##### § 51.373 Implementation deadlines.

(g) On-Board Diagnostic checks shall be implemented in all basic, low enhanced and high enhanced areas as part of the I/M program by January 1, 2001.

#### PART 85—[AMENDED]

5. The authority citation for Part 85 continues to read as follows:

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

6. Section 85.2207 is amended by removing and reserving paragraphs (a) and (e).

7. Section 85.2231 is amended by revising paragraph (b) to read as follows:

##### § 85.2231 On-board diagnostic test equipment requirements.

(b) The test system shall be capable of communicating with the standard data link connector of vehicles with certified OBD systems.

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[Region 2 Docket No. NY 26-2-176b, FRL-5936-7]

#### Determination of Attainment of the One-Hour Ozone Standard for the Poughkeepsie, New York Nonattainment Area and Determination Regarding Applicability of Certain Reasonable Further Progress and Attainment Demonstration Requirements

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to find that the Poughkeepsie ozone nonattainment area in New York has attained the one-hour National Ambient Air Quality Standard (NAAQS) for ozone and that certain reasonable further progress and attainment demonstration requirements, along with certain related requirements of Part D of Title I of the Clean Air Act are not applicable for as long as the area continues to attain the one-hour ozone standard. In the Final Rules section of this **Federal Register**, EPA is making these determinations without prior proposal because the Agency views this as a noncontroversial activity and anticipates no adverse comments. A detailed rationale for this activity is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule no further activity is contemplated in relation to this proposed rule. If EPA receives 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:** Comments must be received on or before January 21, 1998.

**ADDRESSES:** All comments should be mailed to Ronald Borsellino, Chief, Air Programs Branch, Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007-1866. Copies of the air quality data cited in the notice are available for inspection during normal business hours at: Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007-1866.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Kelly, Air Programs Branch, Environmental Protection Agency, Region 2, at the above address. Phone: 212-637-4249.

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule published in the rules section of this **Federal Register**.

Dated: December 4, 1997.

**William J. Muszynski,**

*Acting Regional Administrator, Region 2.*  
[FR Doc. 97-33079 Filed 12-19-97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 600 and 648

[I.D. 120997A]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications for Experimental Fishing Permits (EFPs)

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notification of experimental fishery proposals; request for comments.

**SUMMARY:** NMFS issues this notice to announce that the Administrator, Northeast Region, NMFS (Regional Administrator), is considering approval of an experimental fishing proposal that would permit vessels to conduct operations otherwise restricted by regulations governing the Fisheries of the Northeastern United States. The experimental fishery would involve fishing for, retention, and limited landing of dogfish using gillnets in the Nantucket Shoal Dogfish Exemption Area. Regulations under the Magnuson-Stevens Act Provisions require publication of this notice to provide interested parties the opportunity to comment on the proposed experimental fisheries.

**DATES:** Comments must be received by January 6, 1998.

**ADDRESSES:** Comments should be sent to Andrew A. Rosenberg, Ph.D., Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive,

Gloucester, MA 01930. Mark on the outside of the envelope "Comments on Proposed Experimental Fisheries."

**FOR FURTHER INFORMATION CONTACT:** Mary M. Tokarcik, Fishery Management Specialist, 978-281-9326.

**SUPPLEMENTARY INFORMATION:** The New England Fisheries Management Council requested an experiment to fish for dogfish using gillnets in the Nantucket Shoal Dogfish Exemption Area. An application for an experimental fishing permit (EFP) was received by the Regional Administrator on November 6, 1997.

Fishing would be conducted in the Nantucket Shoal Dogfish Exemption Area, as described in § 648.80(a)(9). This exemption area currently allows for the harvest of dogfish using 6-inch (15.24-cm) minimum mesh trawl gear from June 1 through October 15. The experimental fishing activity would be conducted by vessels using 6-inch (15.24-cm) minimum mesh gillnet gear. A maximum of 15 vessels would participate in the fishery for the season May 1 through November 30. Participants would be limited to 60 nets, no overnight sets of gear, and no simultaneous fishing for regulated New England groundfish. EFPs would be issued to participating vessels to exempt them from the gear and days-at-sea restrictions of the Northeast Multispecies Fishery Management Plan.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: December 15, 1997.

**Gary C. Matlock,**

*Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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