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 as there are numerous available moorings on the Miami River and Tamiami Canal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this action will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their field, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under section 605(b) that this rule will not have a significant economic impact on a substantial number of small entities, as there are multiple mooring facilities available on the Miami River and the Tamiami Canal.

Collection of Information

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

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 rulemaking does not have sufficient Federalism implication to warrant the preparation of a Federalism Assessment.

Environmental Analysis

The Coast Guard has considered the environmental impact of this action and has determined pursuant to section 2.B.2.e(34)(g) of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), that this action is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist have been prepared and are available in the docket for inspection and copying.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (waters), Reporting and recordkeeping requirements, Security measures, Waterways.

Final Regulations

In consideration of the foregoing, the Coast Guard amends Subpart F 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. 1225 and 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 § 165.726 is added to read as follows:

§ 165.726 Regulated Navigation Areas; Miami River, Miami, Florida.

(a) *Location.* The following are Regulated Navigation Areas:

(1) All the waters of the Miami River, Miami, Florida, from the Brickell Avenue Bridge, in approximate position 25°–46.19′ N, 80°–11.4′ W, inland to the South Florida Water Management District's salinity dam in approximate position 25°–48.4′ N, 80°–15.6′ W.

(2) The Tamiami Canal from its intersection with the Miami river in approximate position 25°47.7′ N, 80°14.7′ W to the N.W. 37th Avenue bridge in approximate position 25°48.5′ N, 80°15.5′ W. All coordinates referenced use datum: NAD 83.

(b) *Regulations.* The restrictions in this paragraph apply to vessels operating within the regulated navigation areas in paragraph (a) of this section unless authorized to deviate by the Captain of the Port, Miami, Florida, or a Coast Guard commissioned, warrant, or petty officer designated by him.

(1) All rafted vessels (inboard and outboard) must be properly moored in accordance with applicable municipal laws and regulations.

(2) At no time shall any vessels be rafted more than two abreast.

(3) Neither single nor rafted vessels shall extend greater than 54 feet into the main river (measured from the dock) without permission of the Captain of the Port.

(4) A minimum channel width of 65 feet shall be maintained at all times on the Miami River from the Brickell Avenue Bridge west to the Tamiami Canal. A minimum channel width of 45 feet shall be maintained at all times on the Miami River west of the junction of the Miami River and the Tamiami Canal to the South Florida Water Management District's salinity dam, as well as on the Tamiami Canal from its mouth to the N.W. 37th Avenue Bridge.

(5) All moored and rafted vessels shall provide safe access from the shore.

(6) All moored and rafted vessels shall provide clear and ready access for land-based firefighters to safely and quickly reach outboard rafted vessels.

(7) No vessels shall moor or raft in any manner as to impede safe passage of another vessel to any of the tributaries of the Miami River.

(8) Nothing in these regulations shall prohibit the U.S. Army Corps of Engineers from requiring the relocation or movement of vessels in a declared flood emergency.

(c) *Enforcement.* Violations of these regulated navigation areas should be reported to the Captain of the Port, Miami. Persons in violation of these regulations will be subject to civil penalty under § 165.13(b) of this part.

Dated: September 18, 1997.

N.T. Saunders,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 97–25600 Filed 9–25–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MI12–01–7266; FRL–5898–2]

Approval and Promulgation of Implementation Plan; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On June 12, 1997, the Environmental Protection Agency (EPA) published an action of proposed rulemaking discussing its decision to approve a revision to the Michigan State Implementation Plan (SIP) to grant an exemption for the Muskegon County ozone nonattainment area from the applicable Oxides of Nitrogen (NO_X) transportation conformity requirements. See **Federal Register** (62 FR 32058). No comments were received by the EPA during the 30-day comment period. This rule finalizes EPA's decision to approve the exemption for Muskegon County, moderate ozone nonattainment area, from the transportation conformity requirements for NO_X. The Michigan SIP revision request is based on the urban airshed modeling (UAM) conducted for the attainment demonstration for the Lake Michigan Ozone Study (LMOS) modeling domain. Additional information is available at the address indicated below.

EFFECTIVE DATE: This final rule is effective on October 27, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Victoria Hayden at (312) 886–4023 before visiting the Region 5 Office.)

A copy of this SIP revision is available for inspection at the following location: Office of Air and Radiation (OAR) Docket and Information Center (Air Docket 6102), room M1500, United States Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, (202) 260–7548.

FOR FURTHER INFORMATION CONTACT: Victoria Hayden, Regulation Development Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 886–4023.

SUPPLEMENTARY INFORMATION: The specific rationale EPA used to approve the exemption for Muskegon County from the transportation conformity requirements of NO_X was explained in the proposed rulemaking and will not be restated here. This rule announces EPA's final action regarding approval of the Michigan SIP revision.

I. EPA Final Rulemaking Action

In this final action EPA is approving the transportation conformity NO_X waiver SIP revision for the State of Michigan. In light of the modeling completed thus far and considering the importance of the Ozone Transport Assessment Group (OTAG) process and attainment plan modeling efforts, EPA notes that it may reexamine the impact of this NO_X waiver. In the near future, EPA intends to require appropriate States to submit SIP measures to achieve emissions reductions of ozone precursors needed to prevent significant transport of ozone. EPA will evaluate the States' submitted SIP measures and available refined modeling to determine whether the NO_X waiver should remain in place, or whether EPA must seek a plan revision.

The EPA also reserves the right to require NO_X emission controls for transportation sources under section 110(a)(2)(D) of the Act if future ozone modeling demonstrates that such controls are needed to achieve the ozone standard in downwind areas.

II. Administrative Requirements

A. Applicability to Future SIP Decisions

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

B. Executive Order (E.O.) 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 has exempted this regulatory action from E.O. 12866 review.

C. Regulatory Flexibility

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 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.

SIP approvals under section 110 and Subchapter I, Part D of the 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 Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

D. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the 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 of $100 million or more to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, the 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 the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated 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 preexisting 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.

E. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the 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 this rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2)

F. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 25, 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).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Oxides of Nitrogen, Transportation conformity, Transportation—air quality planning, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: September 12, 1997.

Michelle D. Jordan,

Acting Regional Administrator.

Part 52, 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

§ 52.1174 [Amended]

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

* * * * *

(p) Approval—On November 22, 1995 the Michigan Department of Natural Resources submitted a petition for exemption from transportation conformity requirements for the Muskegon ozone nonattainment area. This approval exempts the Muskegon ozone nonattainment area from transportation conformity requirements under section 182(b)(1) of the Clean Air Act. If a violation of the ozone standard occurs in the Muskegon County ozone nonattainment area, the exemption shall no longer apply.

[FR Doc. 97–25501 Filed 9–25–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NM–31–1–7310a; FRL–5893–6]

Approval and Promulgation of Air Quality Implementation Plans, New Mexico; Recodification of, and Revisions to, the Air Quality Control Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this action, the EPA is approving the recodification of, and revisions to, the New Mexico State Implementation Plan (SIP). The existing Air Quality Control Regulations (AQCRs) have been renumbered and reformatted into the New Mexico Administrative Code (NMAC) as required by the New Mexico State Records Center. In addition to having renumbered and reformatted the regulations, standard administrative changes have been made throughout all AQCRs, and revisions made to seven particular AQCRs. The intended effects of these revisions are to delete obsolete, nonessential, redundant, and technically inadequate regulations; make certain rules and definitions more explicit and; make one particular regulation more closely reflect current New Mexico Environment Department (NMED) policy.

DATES: This action is effective on November 25, 1997, unless adverse or critical comments are received by October 27, 1997. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), at the EPA Region 6 Office listed below.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), Multimedia Planning and Permitting Division, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

New Mexico Environment Department, Air Quality Bureau, 1190 St. Francis Drive, room So. 2100, Santa Fe, New Mexico 87503.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Eaton R. Weiler, of the EPA Region 6 Air Planning Section at the above address, telephone (214) 665–2174.

SUPPLEMENTARY INFORMATION:

I. Background

On January 8, 1996, the Governor of New Mexico formally submitted a recodification of, and revision to, the State Implementation Plan. On July 18, 1996, the Governor formally submitted a revision to the recodified regulation 20 NMAC 2.72. The January submittal recodification and revisions were adopted by the New Mexico Environmental Improvement Board (NMEIB) at hearings in July, September, October and December 1995. The August submittal revision to 20 NMAC 2.72 was adopted by the NMEIB at a hearing on June 14, 1996. The recodification was prompted by the New Mexico State Records Center requirement that all AQCRs be recodified into the new numbering system and format of the NMAC. As well as renumbering and reformatting regulations, standard administrative changes have been made throughout all AQCRs, and revisions made to seven particular AQCRs. The intended effects of these revisions are to comply with the requirements of the New Mexico State Records Center as well as to: delete obsolete, non-essential, redundant, and technically inadequate regulations; make certain rules and definitions more explicit and; make one particular regulation more closely reflect current NMED policy.

The revisions fall into three groups as outlined below. The first group consists of renumbering and format revisions consistent with the NMAC requirements. The second group consists of standard administrative wording changes that have been made throughout all regulations in which they appear. The third group consists of other minor revisions, each of which are discussed separately below.

II. NMAC Format Revisions

The NMAC system is divided into Titles, Chapters, Parts and Sections. Title 20, *Environmental Protection*, includes all rules and regulations providing for the protection of the environment. Chapter Two of Title 20, *Air Quality*, contains the revised and recodified AQCRs of the NMED. Chapter Two is divided into Parts, which are further divided into Sections. The resulting NMAC for air quality is of the format: 20 NMAC 2.xxx.yyy, where xxx is the Part number and yyy is the Section number.

The following administrative sections have been added to each Part as required by the State Records Center:

100 ISSUING AGENCY
101 SCOPE
102 STATUTORY AUTHORITY
103 DURATION
104 EFFECTIVE DATE
105 OBJECTIVE
106 AMENDMENTS AND SUPERSESSION OF PRIOR REGULATIONS
107 DEFINITIONS

Section 108, DOCUMENTS, has been added to all Parts citing documents other than the NMAC, such as 40 *Code of Federal Regulations* (CFR). Also, RESERVED has been added to all nonexistent sections between subparts.

III. Standard Administrative Revisions

In addition, the following administrative changes have been made to all rules and regulations in which they appear:

1. ''division'' to ''Division''
2. ''director'' to ''Secretary''