

notice and comment on the suspension are impracticable and contrary to the public interest. Because the section otherwise becomes effective on February 18, 1998, there is good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

List of Subjects in 33 CFR Part 155

Hazardous substances, Incorporation by reference, oil pollution, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 155 as follows:

PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

1. The authority citation for part 155 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j); 46 U.S.C. 3715; sec. 2, E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§§ 155.100–155.130, 155.350–155.400, 155.430, 155.440, 155.470, 155.1030 (j) and (k), and 155.1065(g) also issued under 33 U.S.C. 1903(b); and §§ 155.110–155.1150 also issued 33 U.S.C. 2735.

§ 155.1050 [Amended]

2. In § 155.1050, paragraph (k)(3) is suspended from February 12, 1998, until February 12, 2001.

§ 155.1052 [Amended]

3. In § 155.1052, the last sentence in paragraph (f) is suspended from February 12, 1998, until February 12, 2001.

Dated: February 6, 1998.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 98–3564 Filed 2–11–98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX76–1–7378; FRL–5966–2]

Expiration of Extension of Temporary Section 182(f) and Section 182(b) Exemption From the Nitrogen Oxides (NO_x) Control Requirements for the Houston/Galveston and Beaumont/Port Arthur Ozone Nonattainment Areas; Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Expiration of temporary exemption.

SUMMARY: In this action, EPA is informing the public that the extension of the temporary exemption from the NO_x control requirements of sections 182(f) and 182(b) of the Clean Air Act (the Act) for the Houston/Galveston (HGA) and Beaumont/Port Arthur (BPA) ozone nonattainment areas expired December 31, 1997. The State of Texas decided not to petition for a further exemption on November 24, 1997. The State must now begin expeditious implementation of NO_x Reasonably Available Control Technology (RACT), New Source Review (NSR), Vehicle Inspection/Maintenance (I/M), and conformity requirements.

DATES: Effective February 12, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Herbert R. Sherrow, Jr., Air Planning Section (6PD–L), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202. The telephone number is 214–665–7237.

SUPPLEMENTARY INFORMATION:

I. Background

On August 17, 1994, the Texas Natural Resource Conservation Commission (TNRCC) submitted to EPA a petition pursuant to section 182(f) which requested that the HGA and BPA nonattainment areas be temporarily exempted by EPA from the NO_x control requirements of section 182(f) of the Act. The State based its petition on the use of an Urban Airshed Modeling (UAM) demonstration showing, pursuant to EPA guidelines, that NO_x reductions would not contribute to attainment in either area because the decrease in ozone concentrations resulting from Volatile Organic Compounds (VOC) reductions alone is equal to or greater than the decrease obtained from NO_x reductions or a combination of VOC and NO_x reductions. The petition for the temporary exemption was approved by EPA and published at 60 FR 19515 (April 19, 1995). For a more detailed discussion of the basis of EPA's approval of this temporary exemption, the reader is referred to this notice.

On March 6, 1996, the State of Texas submitted a petition to EPA which requested that the HGA and BPA nonattainment areas be granted an extension to the temporary exemption from December 31, 1996, to December 31, 1997. The State based its petition on needing additional time to complete further UAM modeling using data from the Coastal Oxidant Assessment for Southeast Texas (COAST) study.

Also submitted with the petition was a revision to previously-adopted NO_x RACT rules (30 Texas Air Control (TAC) 117) which extended the compliance date from May 31, 1997, to May 31, 1999. The State first submitted the NO_x RACT rules to EPA on December 6, 1993.

A revision to the Texas (Nonattainment) New Source Review rule (30 TAC section 116.150), adopted on October 11, 1995, temporarily extended the suspension of the NO_x NSR requirements in HGA and BPA through December 31, 1997. This rule revision was submitted to EPA on November 1, 1995, and was not resubmitted with the petition.

On May 23, 1997, EPA approved the petition for a one-year extension of the temporary exemption of the 182(f) and 182(b) NO_x requirements for the HGA and BPA areas (62 FR 28344) from December 31, 1996, to December 31, 1997, and an extension of the NO_x RACT compliance date until May 31, 1999.

The extension to the temporary exemption expired on December 31, 1997.

II. State's Implementation Requirements

Since the extension of the temporary exemption expired on December 31, 1997, the State is required, according to EPA's approval of the petition for the extension of the temporary exemption, to begin implementing the State's NO_x RACT, NSR, I/M, general and transportation conformity requirements, with NO_x RACT compliance required as expeditiously as practicable but no later than May 31, 1999. Other specific requirements that would become applicable upon expiration are: (1) Any NSR permits that had not been deemed complete prior to January 1, 1998, must comply with the NO_x NSR requirements, consistent with the policy set forth in the EPA's NSR Supplemental Guidance memo dated September 3, 1992, from John Seitz, Director, EPA's Office of Air Quality Planning and Standards; (2) any conformity determination (for either a new or revised transportation plan and Transportation Improvement Program) made after January 1, 1998, must comply with the NO_x conformity requirements; and (3) any I/M vehicle inspection made after January 1, 1998, must comply with the I/M NO_x requirements.

III. State's Implementation Plans

In a letter from Mr. Barry R. McBee, Chairman, TNRCC, to Mr. Jerry Clifford, Acting Regional Administrator, EPA

Region 6, dated November 25, 1997, the State documented its plans for implementing the NO_x requirements.

For NO_x RACT, the State plans to maintain the performance standards contained in its current rule but believes a delay in the compliance date from May 31, 1999, to November 30, 1999, is necessary for facilities to implement the rule. This change will also require an updating of the rule.

For New Source Review, changes in two permitting rules are necessary to update the rules previously submitted. The State plans to expedite these changes to have an effective rule date by April, 1998. The State plans to inform all applicants that during the period January 1, 1998, until the effective date of the rule revision they are obligated to implement Federal nonattainment NSR requirements as a result of the expiration of the temporary 182(f) exemption on December 31, 1997.

For vehicle Inspection and Maintenance, the State and EPA agree that Harris County's current low enhanced I/M program meets EPA's NO_x requirements and no change is needed, and that the BPA area will continue to have no requirements for an I/M program.

For transportation conformity, any conformity determination made before the expiration of the exemption will continue to be a valid determination for three years if no changes are made to transportation plans and programs, and no new SIP is submitted. Any new conformity determinations made after December 31, 1997, must comply with the NO_x provisions of the Federal and State conformity requirements. The State will work with EPA and the HGA and BPA metropolitan planning organizations in ensuring that conformity requirements are met.

The EPA plans to act on the State's NO_x RACT and NSR rules upon the State's submission. The EPA will process the changes to the rules through "notice and comment" rulemaking and will consider any public comment on the rules before granting final approval.

Acknowledgment and acceptance in principle by EPA of these implementation plans was conveyed to Mr. Barry R. McBee in a letter from Mr. Jerry Clifford, dated December 22, 1997.

List of Subjects in 40 CFR Part 52

Air pollution controls, Nitrogen oxide, Ozone, Reporting and recordkeeping requirements.

Dated: February 4, 1998.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart SS—Texas

2. Section 52.2308 is amended by adding paragraph (f) to read as follows:

§ 52.2308 Area-wide nitrogen oxides (NO_x) exemptions.

* * * * *

(f) The extension of the temporary exemption from NO_x control requirements of sections 182(f) and 182(b) of the Clean Air Act for the Houston/Galveston and Beaumont/Port Arthur ozone nonattainment areas granted on May 23, 1997, expired December 31, 1997. Upon expiration of the extension, the requirements pertaining to NO_x RACT, NSR, I/M, general and transportation conformity will become applicable and the State is expected to implement the requirements as expeditiously as possible.

[FR Doc. 98-3580 Filed 2-11-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 980202026-8026-01; I.D. 011598C]

Magnuson-Stevens Act Provisions; Technical Amendments

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

ACTION: Final rule, technical amendment.

SUMMARY: NMFS corrects and updates regulations pertaining to general provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This rule corrects references to the Magnuson-Stevens Act, which was amended by the Sustainable Fisheries Act (SFA) in 1996; revises a definition to bring it into conformance with the Magnuson-Stevens Act; and revises terminology to be consistent with the Magnuson-Stevens Act and to reflect a reorganization of NMFS.

DATES: Effective February 12, 1998.

FOR FURTHER INFORMATION CONTACT: George H. Darcy, NMFS, 301/713-2344.

SUPPLEMENTARY INFORMATION: Part 600 of title 50 CFR contains general regulations issued under the authority of the

Magnuson-Stevens Act. On October 11, 1996, the President signed into law the SFA, which made numerous amendments to the Magnuson-Stevens Act. Consequently, certain references to that statute in part 600 became incorrect; this rule corrects those references. In addition, the SFA amended the definition of "optimum," with respect to yield from a fishery, which appears at section 3(28) in the Magnuson-Stevens Act. To bring part 600 into conformance with that change, the definition of "optimum yield" (OY) in § 600.10 is revised by this rule.

In 1996, the title of the Magnuson Fishery Conservation and Management Act was changed to the Magnuson-Stevens Fishery Conservation and Management Act by Public Law 104-208. Also in 1996, the headquarters offices of NMFS were reorganized and the NMFS Regional Directors were retitled "Regional Administrators." This rule revises part 600 accordingly.

Classification

Because this rule only corrects and updates part 600 for the purposes of public information, it is strictly administrative in nature; no useful purpose would be served by providing prior notice and opportunity for comment on this rule. Accordingly, under 5 U.S.C. 553(b)(B), it is unnecessary to provide such notice and opportunity for comment. Also, because this rule is only administrative in nature and imposes no new requirements or restrictions on the public, the Assistant Administrator for Fisheries, NOAA, under 5 U.S.C. 553(d)(3), finds it unnecessary to delay its effective date for 30 days.

This rule is exempt from review under E.O. 12866.

List of Subjects in 50 CFR Part 600

Administrative practice and procedure, Confidential business information, Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics.

Dated: February 5, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries.

For the reasons set out in the preamble, 50 CFR part 600 is amended as follows:

PART 600—MAGNUSON ACT PROVISIONS

1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*