

Manager" after removing "Field Division General Manager/Postmaster", and adding "(hereinafter, "Manager")" after removing "(hereinafter, "Postmaster")".

§963.3 [Amended]

4. Section 963.3(a) is amended by adding the word "Manager" after removing the word "Postmaster" wherever it appears, and by removing the ZIP Code at the end of the paragraph and adding the new ZIP Code "20260-6100".

5. Section 963.3(c) is amended by adding the word "Manager's" after removing the word "Postmaster's".

Stanley F. Mires,

Chief Counsel, Legislative Division.

[FR Doc. 94-5242 Filed 3-7-94; 8:45 am]

BILLING CODE 7710-12-M

U.S. ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MI14-02-6138; FRL]-4841-8]

Approval and Promulgation of an Emission Statement Program; Michigan

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: The USEPA is approving the State Implementation Plan (SIP) revision request submitted by the State of Michigan on November 16, 1992, supplemented October 25, 1993, and February 7, 1994, for the purpose of implementing an emission statement program for stationary sources within the Detroit, Grand Rapids, and Muskegon ozone nonattainment areas. The implementation plan was submitted by the State to satisfy the Clean Air Act (Act) requirements for an emission statement program as part of the SIP for Michigan.

DATES: This action will be effective May 3, 1994 unless notice is received by April 7, 1994 that someone wishes to submit adverse comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments on this rulemaking should be addressed to: Carlton Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT-18f), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the requested SIP revision, technical support documents, and

public comments received are available at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AT-18j), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT:

Daniel Meyer, Air Toxics and Radiation Branch, Regulation Development Section (AT-18j), United States Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-9401.

SUPPLEMENTARY INFORMATION:

I. Summary of State Submittal

On November 16, 1992, the Michigan Department of Natural Resources (MDNR) submitted to the USEPA rules and reporting forms requiring emission statements (annual emission reports). Michigan's submittal to USEPA comprised Natural Resources Commission Rule 336.202 (Rule 2), Sections 5 and 14a of the 1965 Air Pollution Act 348, and the 1991 Michigan Air Pollution Reporting Forms, Reference Tables, and General Instructions. On September 23, 1993 the USEPA proposed to disapprove the November 16, 1992 submittal in the **Federal Register** (58 FR 49463-49464). The MDNR amended its reporting forms, and submitted the 1993 Michigan Air Pollution Reporting Forms, Reference Tables, and General Instructions to USEPA on October 25, 1993. In addition, the MDNR provided a summary of its program along with an implementation strategy. The emission statement submittal addresses the emission statement requirements which are found at Section 182(a)(3)(B) of the Act.

Section 182(a)(3)(B) of the Act states that, within 2 years, States in which ozone nonattainment areas classified marginal or worse are located must submit revisions to their SIPs to require the owners or operators of stationary sources of volatile organic compounds (VOC) or oxides of nitrogen (NO_x) to provide States with statements, in a form acceptable to the USEPA, showing actual emissions of NO_x and/or VOC from those sources. The first emission statements must be submitted to the States within 3 years of the enactment of the 1990 Clean Air Act Amendments, by November 15, 1993. Subsequent statements are to be submitted annually thereafter. These statements must contain certifications of accuracy.

Section 182(a)(3)(B)(ii) of the Act specifies that the States may waive the emission statement requirements for any class or category of sources which emit less than 25 tons per year if the States,

in their submissions of base year emission inventories or periodic emission inventories (required to be submitted to the USEPA every 3 years), provide for the reporting of the emissions from the exempted source classes or categories and if the reported emissions are determined using emission factors acceptable to the USEPA.

II. Analysis of State Submittal

The criteria used to review the submission are found in USEPA's draft *Guidance on the Implementation of an Emission Statement Program*, July 1992. Four criteria have been established for approvability. One, the State should require sources emitting NO_x or VOC in all ozone nonattainment areas to submit emission statements before November 15, 1993 and annually thereafter. Two, when requesting emission statement data from sources of NO_x or VOC, the State should require: (a) Certification of data accuracy; (b) source identification information; (c) operating schedule; (d) emissions information; (e) control equipment information; and (f) process data. Three, the pollutants being reported (NO_x and VOC) and accompanying terminology should be clearly identified and defined. Four, the State should commit to provide emission statement data and updates to USEPA.

After reviewing Michigan's submission against the above criteria, no deficiencies were found. MDNR requires sources of VOC or NO_x in ozone nonattainment areas to submit emission statement data. The State notifies sources of this requirement in the State's reporting forms. The forms request proper certification of data accuracy along with emission statement data. The emission reporting forms define the applicable terms necessary to complete the forms. The State is committed to submitting emission statement information to USEPA via the Aerometric Information Retrieval System (AIRS) as expeditiously as possible. A detailed analysis of the SIP is found in three technical support documents dated June 3, 1993, September 14, 1993, and November 18, 1993.

III. Implications of Action

Based upon USEPA's evaluation of Michigan's November 16, 1992 and supplemental October 25, 1993 submittal, USEPA is approving the emission statement submission as a revision to the Michigan ozone SIP. Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future

request for revision of any SIP. The USEPA shall consider each request for revision of the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Executive Order (EO) 12291

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989, 54 FR 2214-2225. On January 6, 1989 the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions, 54 FR 2222, from the requirements of section 3 of Executive Order 12291 for a period of 2 years. The USEPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the waiver until such time as it rules on USEPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

V. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA 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, USEPA 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 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, I certify 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 regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids the USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. USEPA* 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and

recordkeeping requirements, Volatile organic compounds.

Dated: February 4, 1994.

David A. Ullrich,
Acting Regional Administrator.

Part 52, 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 X—Michigan

2. Section 52.1170 is amended by adding paragraph (c)(93) to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(93) On November 16, 1992, the Michigan Department of Natural Resources submitted Natural Resources Commission Rule 336.202 (Rule 2), Sections 5 and 14a of the 1965 Air Pollution Act 348, and the 1991 Michigan Air Pollution Reporting Forms, Reference Tables, and General Instructions as the States emission statement program. Natural Resources Commission Rule 336.202 (Rule 2) became effective November 11, 1986. Section 5 and 14a of the 1965 Air Pollution Act 348 became effective July 23, 1965.

(i) Incorporation by reference.

(A) Natural Resources Commission Rule 336.202 (Rule 2) became effective November 11, 1986. Section 5 and 14a of the 1965 Air Pollution Act 348 became effective July 23, 1965.

3. Section 52.1174 is amended by adding paragraph (b) to read as follows:

§ 52.1174 Control strategy: Ozone.

* * * * *

(b) Approval—On November 16, 1992, the Michigan Department of Natural Resources submitted Natural Resources Commission Rule 336.202 (Rule 2), Sections 5 and 14a of the 1965 Air Pollution Act 348, and the 1991 Michigan Air Pollution Reporting Forms, Reference Tables, and General Instructions as the States emission statement program. Natural Resources Commission Rule 336.202 (Rule 2) became effective November 11, 1986. Section 5 and 14a of the 1965 Air Pollution Act 348 became effective July 23, 1965. These rules have been incorporated by reference at 40 CFR 52.1170(c)(93). On October 25, 1993, the State submitted the 1993 Michigan Air Pollution Reporting Forms, Reference

Tables, and General Instructions, along with an implementation strategy for the State's emission statement program.

[FR Doc. 94-5226 Filed 3-7-94; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10 and 15

[CGD 81-059a]

RIN 2115-AB91

Licensing of Officers and Operators for Mobile Offshore Drilling Units

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: In an interim final rule published on April 18, 1990, (55 FR 14792), the Coast Guard amended the regulations concerning the licensing of officers on mobile offshore drilling units (MODUs) and the manning of these vessels. The rulemaking implemented National Transportation Safety Board (NTSB) recommendations for the establishment of personnel qualifications and manning regulations for MODUs. These minimum standards were intended to ensure that licensed individuals on board MODUs are qualified to deal with specific marine safety matters. This rule adopts the interim final rule with minor changes.

EFFECTIVE DATE: This rule is effective on April 7, 1994.

FOR FURTHER INFORMATION CONTACT: Mr. Paul W. Eulitt, Project Manager, Office of Marine Safety, Security and Environmental Protection, (G-MVP), phone (202) 267-0224.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Mr. Paul W. Eulitt, Project Manager, Office of Marine Safety, Security and Environmental Protection, and Mr. Nicholas Grasselli, Project Counsel, Office of Chief Counsel.

Regulatory History

On August 8, 1983, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled "Licensing of Officers and Operators and Registration of Staff Officers" in the *Federal Register*, (48 FR 35920), proposing to completely revise the licensing regulations in part 10 of title 46 Code of Federal Regulations. Included in the NPRM were proposed rules formalizing the requirements for MODU industry licenses.