

II. Miscellaneous Rulemaking Requirements

Executive Order 12866: Regulatory Impact

NOAA has concluded that this regulatory action is not significant within the meaning of section 3(f) of Executive Order 12866 because it will not result in:

(1) An annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, productivity, competition, jobs, the environment, or public health and safety;

(2) A serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) A material alteration of the budgetary impact of entitlement, grants, user fees, or loan programs or rights and obligations of such recipients; or

(4) Novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The Office of Management and Budget has concurred in this determination.

Executive Order 12612: Federalism Assessment

This regulatory action does not have sufficient federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

Paperwork Reduction Act

This rule would not impose an information collection requirement subject to review and approval by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3500 *et seq.*

Administrative Procedure Act

This rule is exempt from the rulemaking requirements of 5 U.S.C. 553 by paragraph (a)(2) of that section because it is a matter relating to agency management.

Regulatory Flexibility Act

Because this rule is not required to be issued with prior notice and opportunity for public comment by 5 U.S.C. 553 or by any other law, it is not subject to the Regulatory Flexibility Act requirement for preparation of a regulatory flexibility analysis, and none has been prepared.

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Coastal zone, Education, Environmental protection, Marine resources, Natural resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Research.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: November 13, 1997.

Nancy Foster,

Assistant Administrator for Ocean Services and Coastal Zone Management.

Accordingly, for the reasons set forth above, 15 CFR part 922 is proposed to be amended as follows:

PART 922—[AMENDED]

1. The authority citation for Part 922 continues to read as follows:

Authority: 16 U.S.C. 1431 *et seq.*

Subpart M—Monterey Bay National Marine Sanctuary

§ 922.134 [Amended]

2. Section 922.134 is amended by removing and reserving paragraph (a).

[FR Doc. 97-30367 Filed 11-24-97; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 51

[Public Notice 2632]

Passport Procedures—Amendment to Restriction of Passports Regulation

AGENCY: Bureau of Consular Affairs, Department of State.

ACTION: Interim final.

SUMMARY: This interim final rule would add one new ground for denying, revoking or canceling a passport. The interim final rule would require the Secretary of State to deny a passport to a person who has been certified by the Secretary of Health and Human Services upon receipt of a State Agency determination to be in arrears of child support by an amount exceeding \$5,000.00, and would except from review adverse actions on that ground.

EFFECTIVE DATE: October 1, 1997.

COMMENTS: Interested persons are invited to submit written comments on or before December 26, 1997.

ADDRESSES: Director, Office of Passport Policy and Advisory Services, 1111 19th Street, N.W., Suite 260, Washington, D.C. 20524.

FOR FURTHER INFORMATION CONTACT: Sharon E. Palmer-Royston, Office of Passport Policy and Advisory Services, Bureau of Consular Affairs, Department of State (202) 955-0231.

SUPPLEMENTARY INFORMATION: Section 51.70(a) of the passport regulations in Title 22 of the Code of Federal

Regulations provides the grounds other than noncitizenship which require the Secretary of State to refuse to issue a passport. Section 452(k) of the Social Security Act (Pub. L. 93-647, 42 U.S.C. 652) as added by Section 370 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (Pub. L. 104-193), effective October 1, 1997: (1) Requires that the Secretary of Health and Human Services shall transmit to the Secretary of State a certification by a State agency in accordance with the requirements of section 454(31) of the Act of a determination that an individual owes arrearages of child support in an amount exceeding \$5,000.00; and, (2) requires that the Secretary of State shall, upon receipt of such certification by the Secretary of Health and Human Services, refuse to issue a passport to such individual, and authorizes the Secretary to revoke, restrict, or limit a passport previously issued to such an individual.

This interim final rule would amend the existing regulation at section 51.70(a) of Title 22 of the Code of Federal Regulations by the addition of a new section 51.70(a)(8) to require the Secretary of State to refuse to issue a passport, except one limited for direct return to the United States, to a person who has been certified by the Secretary of Health and Human Services to be in arrears of child support by an amount exceeding \$5,000.00. The Department of State is already authorized by the provisions in § 51.72(a) of Title 22 of the Code of Federal Regulations to revoke or restrict or limit a passport where a national would not be entitled to the issuance of a new passport under section 51.70 of Title 22 of the Code of Federal Regulations.

The Department of State is required by the provisions in section 51.75 of Title 22 of the Code of Federal Regulations to notify any person, who is the subject of a passport denial or cancellation and revocation, in writing of the reasons for the adverse action. In this regard, subsection 452(k)(3) of the Social Security Act (Pub. L. 93-647), as added by section 370 of the PRWORA (Pub. L. 104-193), provides that the Secretary of State shall not be liable to an individual for any action with respect to certification by a State agency under this section; and, section 454(31)(A) of the Social Security Act (Pub. L. 93-647) requires that State agencies afford each individual concerned with notice of the determination of their arrearage of child support in an amount exceeding \$5,000.00 and the consequences thereof, and an opportunity to contest the

determination. Therefore, the remedy of any individual who is the subject of a passport denial, revocation, restriction or limitation due to arrearages of child support in an amount exceeding \$5,000.000 lies only with the State agency, and no administrative review by the Department of State under the provisions in §§ 51.81 through 51.89 of Title 22 of the Code of Federal Regulations will be performed. Section 51.80 of Title 22 of the Code of Federal Regulations is amended to exempt this reason for passport denial from entitlement to a hearing.

These changes to the regulations are not expected to have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b). In addition, they will not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C., Chapter 35. Nor do these rules have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12988. These rules are exempt from review under E.O. 12988 but have been reviewed and found to be consistent with the objectives.

For the reasons set forth in the preamble, part 51 to title 22 is amended as follows:

PART 51—PASSPORTS

1. The authority citation for part 51 is revised to read as follows:

Authority: 22 U.S.C. 211a, as amended; 8 U.S.C. 1104(d); 22 U.S.C. 2651a, 3926; sec. 122(d)(3), Pub. L. 98-164, 97 Stat. 1017; 31 U.S.C. 9701; E.O. 11295, 3 CFR, 1966-1970 Comp., p 570; Pub. L. 100-690; sec. 129, Pub. L. 102-138, 105 Stat. 661; sec. 503, Pub. L. 102-140, 105 Stat. 820; Title V, Pub. L. 103-317, 108 Stat. 1724; sec. 452(k) and sec. 454(31), Pub. L. 93-647, 42 U.S.C. 652, as amended by sec. 370, Pub. L. 104-193, 110 Stat. 2251-2252.

2. Section 51.70(a) is amended as follows:

a. Substitute “; or” for the period after paragraph (a)(7).

b. Add paragraph (a)(8) to read as follows:

§ 51.70 Denial of passports.

(a) * * *

(8) The applicant has been certified by the Secretary of Health and Human Services as notified by a State agency under 42 U.S.C. 652(k) to be in arrears of child support in an amount exceeding \$5,000.00.

§ 51.80 [Revised]

3. Section 51.80 is revised to read as follows:

The provisions of §§ 51.81 through 51.89 shall not apply to any action of

the Secretary of State taken on an individual basis in denying, restricting, revoking or invalidating a passport or in any other way adversely affecting the ability of a person to receive or use a passport by reason of:

(a) Noncitizenship.

(b) Refusal under the provisions of § 51.70(a)(8),

(c) Refusal to grant a discretionary exception under the emergency or humanitarian relief provisions of § 51.71(c), or

(d) Refusal to grant a discretionary exception from geographical limitations of general applicability. The provisions of this subpart shall otherwise constitute the administrative remedies provided by the Department to persons who are the subject of adverse action under § 51.70, § 51.71 or § 51.72.

Dated: November 6, 1997.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 97-30762 Filed 11-24-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[TN 86-1-9802a; TN 127-1-9803a; FRL-5923-2]

Designation of Areas for Air Quality Planning Purposes; Tennessee: Redesignation of the Polk County and New Johnsonville Sulfur Dioxide Nonattainment Areas to Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving maintenance plans and requests for redesignation of the Polk County area and portions of Benton and Humphreys Counties, Tennessee, surrounding TVA's Johnsonville plant (New Johnsonville area) from nonattainment to attainment for the sulfur dioxide (SO₂) National Ambient Air Quality Standards (NAAQS), pursuant to requests submitted on January 6, 1988, July 12, 1990, December 17, 1993, and April 17, 1995, by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC).

DATES: This final rule is effective January 26, 1998 unless notice is received by December 26, 1997 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to:

For the Polk County area: Scott M. Martin, Regulatory Planning Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street, Atlanta, Georgia 30303.

For the New Johnsonville area: Steven M. Scofield, Regulatory Planning Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street, Atlanta, Georgia 30303.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, Atlanta, Georgia 30303.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1531.

FOR FURTHER INFORMATION CONTACT:

For the Polk County area: Scott M. Martin, Regulatory Planning Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street, Atlanta, Georgia 30303. The telephone number is 404/562-9036.

For the New Johnsonville area: Steven M. Scofield, Regulatory Planning Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street, Atlanta, Georgia 30303. The telephone number is 404/562-9034.

SUPPLEMENTARY INFORMATION:

In a **Federal Register** document published March 3, 1978, (43 FR 8962) the Polk County and New Johnsonville areas were designated nonattainment for SO₂. On July 12, 1990, the State of Tennessee, through the TDEC, submitted a request for redesignation of the Polk County SO₂ nonattainment area to attainment. This request did not contain a maintenance plan, including contingency measures, as required in section 107(d)(3)(E) of the Clean Air Act (CAA). Subsequently, on April 17, 1995,