

TABLE 161.12(b).—VESSEL TRAFFIC SERVICES (VTS) CALL SIGNS, DESIGNATED FREQUENCIES, AND MONITORING AREAS—Continued

Vessel traffic services call sign	Designated <sup>1</sup> frequency (channel designation)	Monitoring area
	156.250 MHz (Ch. 5A) .....	The navigable waters of the Strait of Juan de Fuca east of 124°40'W. excluding the waters in the central portion of the Strait of Juan de Fuca north and east of Race Rocks; the navigable waters of the Strait of Georgia east of 122°52'W.; the San Juan Island Archipelago, Rosario Strait, Bellingham Bay; Admiralty of Juan de Fuca north and east of Race Rocks; the navigable waters of the Strait of Georgia east of 122°52'W.; the San Juan Island Archipelago, Rosario Strait, Bellingham Bay; Admiralty Inlet north of a line connecting Marrowstone Point and Lagoon Point and all waters east of Whidbey Island north of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline.
Tofino Traffic <sup>6</sup> .....	156.725 MHz (Ch. 74) .....	The waters west of 124°40'W. within 50 nautical miles of the coast of Vancouver Island including the waters north of 48°N., and east of 127°W.
Vancouver Traffic .....	156.550 MHz (Ch. 11) .....	The navigable waters of the Strait of Georgia west of 122°52'W., the navigable waters of the central Strait of Juan de Fuca north and east of Race Rocks, including the Gulf Island Archipelago, Boundary Pass and Haro Strait.
Prince William Sound <sup>7</sup> Valdez Traffic .....	156.650 MHz (Ch. 13) .....	The navigable waters south of 61°05'N., east of 147°20'W., north of 60°N., and west of 146°30'W.; and, all navigable waters in Port Valdez.
Louisville <sup>7</sup> Louisville Traffic .....	156.650 MHz (Ch. 13) .....	The navigable waters of the Ohio River between McAlpine Locks (Mile 606) and Twelve Mile Island (Mile 593), only when the McAlpine upper pool gauge is at approximately 13.0 feet or above.

**Notes:**

<sup>1</sup> In the event of a communication failure either by the vessel traffic center or the vessel or radio congestion on a designated VTS frequency, communications may be established on an alternate VTS frequency. The bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13), is monitored in each VTS area; and it may be used as an alternate frequency, however, only to the extent that doing so provides a level of safety beyond that provided by other means.

<sup>2</sup> Designated frequency monitoring is required within U.S. navigable waters. In areas which are outside the U.S. navigable waters, designated frequency monitoring is voluntary. However, prospective VTS Users are encouraged to monitor the designated frequency.

<sup>3</sup> VMRS participants shall make their initial report (Sail Plan) to New York Traffic on Channel 11 (156.550 MHz). All other reports, including the Final Report, shall be made on Channel 14 (156.700 MHz). VMRS and other VTS Users shall monitor Channel 14 (156.700 MHz) while transiting the VTS area. New York Traffic may direct a vessel to monitor and report on either primary frequency depending on traffic density, weather conditions, or other safety factors. This does not require a vessel to monitor both primary frequencies.

<sup>4</sup> A Cooperative Vessel Traffic Service was established by the United States and Canada within adjoining waters. The appropriate vessel traffic Center administers the rules issued by both nations; however, it will enforce only its own set of rules within its jurisdiction.

<sup>5</sup> Seattle traffic may direct a vessel to monitor the other primary VTS frequency 156.250 MHz or 156.700 MHz (Channel 5A or 14) depending on traffic density, weather conditions, or other safety factors, rather than strictly adhering to the designated frequency required for each monitoring area as defined above. This does not require a vessel to monitor both primary frequencies.

<sup>6</sup> A portion of Tofino Sector's monitoring area extends beyond the defined CVTS area. Designated frequency monitoring is voluntary in these portions outside of VTS jurisdiction, however, prospective VTS Users are encouraged to monitor the designated frequency.

<sup>7</sup> The bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13), is used in these VTSs because the level of radiotelephone transmissions does not warrant a designated VTS frequency. The listening watch required by 26.05 of this chapter is not limited to the monitoring area.

5. Section 161.25 is revised to read as follows:

**§ 161.25 Vessel Traffic Service New York Area.**

The area consists of the navigable waters of the Lower New York Harbor bounded on the east by a line drawn from Norton Point to Breezy Point; on the south by a line connecting the entrance buoys at the Ambrose Channel, Swash Channel, and Sandy Hook Channel to Sandy Hook Point; and on the southeast including the waters of Sandy Hook Bay south to a line drawn at latitude 40°25'N.; then west into waters of the Raritan Bay to the Raritan River Rail Road Bridge; and then north including the waters of the Arthur Kill and Newark Bay to the Lehigh Valley Draw Bridge at latitude 40°41.9'N.; and then east including the waters of the Kill Van Kull and Upper New York Bay

north to a line drawn east-west from the Holland Tunnel Ventilator Shaft at latitude 40°43.7'N., longitude 74°01.6'W. in the Hudson River; and then continuing east including the waters of the East River to the Throgs Neck Bridge, excluding the Harlem River.

Note: Although mandatory participation in VTSNY is limited to the area within the navigable waters of the United States, VTSNY will provide services beyond those waters. Prospective users are encouraged to report beyond the area of required participation in order to facilitate advance vessel traffic management in the VTS area and to receive VTSNY advisories and/or assistance.

Dated: August 20, 1996.

J.C. Card,

*Rear Admiral, U.S. Coast Guard Chief, Marine Safety and Environmental Protection.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[W169-01-7295a; FRL 5552-1]

**Approval and Promulgation of State Implementation Plan; Wisconsin; GenCorp Inc. Site-Specific SIP Revision**

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

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) approves a revision to the Wisconsin State Implementation Plan (SIP) for ozone that was submitted on November 17, 1995. This revision is an alternative control method for controlling volatile organic compound (VOC) emissions from storage tanks at the GenCorp Inc.-Green Bay facility. The EPA has approved Wisconsin's general rule for the storage of VOCs. The approved rule states that any deviation from the specifically required control methods found in the State's rule must be proven to be equivalent in controlling the VOC emissions before being approved into the SIP. Because GenCorp Inc. has chosen a different control method than those listed specifically in Wisconsin's rule, a site-specific SIP revision is required to evaluate the control method being used at the Green Bay facility. In the proposed rules section of this Federal Register, the EPA is proposing approval of, and soliciting comments on, this requested SIP revision. If adverse comments are received on this action, the EPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule, which is being published in the proposed rules section of this Federal Register. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time. This approval makes federally enforceable the State's rule that has been incorporated by reference.

**DATES:** The "direct final" is effective on October 28, 1996, unless EPA receives adverse or critical comments by September 30, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the proposed SIP revision and EPA's analysis are available for inspection at the U.S. EPA, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Douglas Aburano at (312) 353-6960 before visiting the Region 5 Office.)

**FOR FURTHER INFORMATION CONTACT:** Douglas Aburano, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR-18J), U.S. EPA, Region 5, Chicago, Illinois 60604, (312) 353-6960.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background Information**

Wisconsin rule NR 419 is currently approved into the Wisconsin SIP. Part 419.05 applies to the storage of volatile organic compounds (VOCs). Rule 419.05 requires the use of specific control methods or equally effective alternative control methods approved by both the Wisconsin Department of Natural Resources (WDNR) and Environmental Protection Agency (EPA). As part of a proposed project at the GenCorp Inc.-Green Bay facility, a tank used to store acrylonitrile, a VOC, will be constructed and be subject to the requirements of 419.05. Since the GenCorp facility will not be using the controls specified in Rule 419.05, WDNR has submitted a site-specific SIP revision to obtain federal approval of the alternative control methods that the GenCorp facility will be employing. The WDNR has made the determination that the controls that the GenCorp facility will be using are more effective than the controls required by Rule 419.05.

##### **II. Evaluation of State Submittal**

The GenCorp facility proposes to construct a styrene-butadiene-acrylonitrile latex manufacturing project. As part of this project a vessel used to store acrylonitrile will be necessary. A vessel of this type is subject to the requirements of Wisconsin Rule NR 419.05.

Acrylonitrile will be unloaded from a railcar, approximately one 26,000 gallon railcar will be unloaded per month. The railcars will be connected to the unloading rack piping through reinforced hoses. One or two hoses will convey liquid while another will return any vapor displaced from the storage tank (vapor balance system). Unloading is accomplished with a self-priming centrifugal pump. The liquid is transferred through 3" welded carbon steel piping to the storage tank.

Acrylonitrile will be stored in a 50,000 gallon horizontal (carbon steel) pressure vessel. The tank will be located in a watertight containment basin constructed adjacent to the styrene storage tank area. The storage tank will be operated at an average pressure of 5 psi, with an over-pressure safety relief set at 100 psi. In addition to the safety relief, the tank is equipped with a rupture disk and telltale gage. The tank will be padded with nitrogen gas to maintain working pressure above one atmosphere to enable pumping raw material to the polymerization vessels. The acrylonitrile tank will be a new, butt-welded tank, with a separate

containment system surrounding the tank.

The emissions from storage tanks can be divided into two categories: standing storage losses and working losses. Standing storage loss is the expulsion of vapor from a tank through vapor expansion and contraction, which are the result of changes in temperature and barometric pressure. Working losses are emissions that occur during filling operations.

The controls specifically required by Rule 419.05, floating roofs, vapor condensation systems, and vapor holding tanks, are used to control both types of emissions.

Floating roofs are used to reduce emissions that occur when the storage tanks are being refilled. Vapor condensation systems will collect and condense any VOC emissions exiting through vents when the pressure in a tank increases due to temperature changes or filling of the tank. Vapor holding tanks are also used to collect emissions that would exit through vents due to pressure changes. These last two control devices are usually not used in combination with floating roofs because the floating roofs will minimize working loss emissions significantly and would not require additional control.

The WDNR has approved GenCorp-Inc.'s proposed alternative storage tank controls as being more effective than the controls required by Rule 419.05. The use of a low-pressure tank will eliminate the standing storage losses and the use of a vapor recovery system will virtually eliminate any working losses as well. It is estimated that GenCorp-Inc.'s proposed controls will achieve an additional 1,113 pounds of VOC per year in reductions above the controls specifically mentioned in Rule 419.05.

##### **III. Final Action**

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective October 28, 1996 unless, by September 30, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The

EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective October 28, 1996.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

The EPA approves the condition from Wisconsin's construction permit #95-CHB-407 That requires the use of a pressure vessel storage tank with a vapor balance system for storage of acrylonitrile which will be used in the process of manufacturing styrene-butadiene-acrylonitrile latex making this condition federal enforceable.

#### IV. Administrative Requirements

##### A. Executive Order 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 (OMB) has exempted this regulatory action from E.O. 12866 review.

##### B. Regulatory Flexibility Act

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 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 Clean Air 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 CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

##### C. Unfunded Mandates

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 that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under Section 205, 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 EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

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 pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

##### D. 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 October 28, 1996. 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, Incorporation by reference, Intergovernmental relations, Ozone,

Reporting and recordkeeping requirements.

Dated: August 5, 1996.

Valdas V. Adamkus,

Regional Administrator.

For the reasons stated in the preamble, 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 YY—Wisconsin

2. Section 52.2570 is amended by adding paragraph (c)(94) to read as follows:

##### § 52.2570 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(94) A revision to the ozone State Implementation Plan (SIP) was submitted by the Wisconsin Department of Natural Resources on November 17, 1995. This revision consists of a site-specific revision for the GenCorp Inc.-Green Bay facility. This revision is required under Wisconsin's federally approved rule, NR 419.05. The storage requirements contained in NR 419.05 specifically require floating roofs, vapor condensation systems, and vapor holding tanks, or an equally effective alternative control method approved by the Wisconsin Department of Natural Resources and U.S. EPA. The GenCorp Inc.-Green Bay facility has chosen to utilize a pressure vessel storage tank with a vapor balance system, as specified in Permit 95-CHB-407 which was issued on August 29, 1995. This pressure vessel will be used for the storage of acrylonitrile that will be used to manufacture styrene-butadiene-acrylonitrile latex.

(i) *Incorporation by reference.* The following sections of the Wisconsin air pollution construction permit 95-CHB-407 are incorporated by reference.

(A) The permit condition requiring a pressure vessel storage tank with a vapor balance system for the styrene-butadiene-acrylonitrile latex manufacturing process, as created and published Wisconsin Permit 95-CHB-407, August 29, 1995 and effective August 29, 1995.

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