

§ 167.154 South-eastern approach.

(a) A separation zone is established bounded by a line connecting the following geographical positions:

Latitude	Longitude
40°03.10' N.	73°17.93' W.
40°06.50' N.	73°22.73' W.
40°22.45' N.	73°43.55' W.
40°23.20' N.	73°42.70' W.
40°24.20' N.	73°04.58' W.
40°08.72' N.	73°20.10' W.

(b) A traffic lane for north-westbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°08.98' N.	73°10.87' W.
40°12.42' N.	73°15.67' W.
40°24.02' N.	73°41.97' W.

(c) A traffic lane for south-eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°21.82' N.	73°44.55' W.
40°02.80' N.	73°27.15' W.
39°59.43' N.	73°22.35' W.

§ 167.155 Southern approach.

(a) A separation zone is established bounded by a line connecting the following geographical positions:

Latitude	Longitude
39°45.70' N.	73°48.00' W.
40°20.63' N.	73°48.33' W.
40°20.87' N.	73°47.07' W.
39°45.70' N.	73°44.00' W.

(b) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
39°45.70' N.	73°37.70' W.
40°21.25' N.	73°45.85' W.

(c) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°20.53' N.	73°49.65' W.
39°45.70' N.	73°54.40' W.

Note.—Use of LORAN C enables masters of appropriately equipped vessels to be informed highly accurately and continuously about the vessel's position in the area covered by this scheme.

7. In Part 167, the table of contents for Subpart B is revised to read as follows:

Subpart B—Description of Traffic Separation Schemes and Precautionary Areas. (All geographic positions are based on North American Datum of 1927).

Atlantic Coast East

Sec.

- 167.150 Off New York Traffic Separation Scheme and Precautionary Areas.
167.151 Precautionary areas.
167.152 Eastern approach, off Nantucket.

Sec.

- 167.153 Eastern approach, off Ambrose Light.
167.154 South-eastern approach.
167.155 Southern approach.
Atlantic Gulf Coast
167.350 Galveston Bay Approach Traffic Separation Scheme and Precautionary Areas.

Dated: July 31, 1987.

A.B. Smith,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 87-20334 Filed 9-3-87; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-3250-3]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: Today's final rulemaking pertains to rules developed by Indiana to satisfy the Clean Air Act's (ACT) Reasonably Available Control Technology (RACT) requirements for Stage I Gasoline Dispensing Regulations. USEPA's final approval of this action is based upon a revision which was submitted by the State to satisfy the requirements of Part D of the ACT and USEPA's October 27, 1982 (47 FR 47554) and February 10, 1986 (51 FR 4912), conditional approval of Indiana's plan.

EFFECTIVE DATE: This final rulemaking becomes effective on October 5, 1987.

ADDRESSES: Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Uylaine E. McMahan, at (312) 886-6031, before visiting the Region V Office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Office of Air Management, Indiana Department of Environmental Management, 105 South Meridian Street, P.O. Box 6015, Indianapolis, Indiana 46206-6015

A copy of today's revision to the Indiana SIP is also available for inspection at:

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, DC 20460

FOR FURTHER INFORMATION CONTACT: Uylaine E. McMahan, (312) 886-6031.

SUPPLEMENTARY INFORMATION:

Part I—Background

Under section 107 of the Clean Air Act, USEPA has designated certain areas in Indiana as not attaining the National Ambient Air Quality Standards (NAAQS) for ozone. See 43 FR 8962 (March 3, 1978), and 43 FR 45993 (October 5, 1978). Part D of the ACT requires the State to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the ozone NAAQS as expeditiously as practicable, but not later than December 31, 1982 (in certain cases by December 31, 1987). The requirements for an approvable SIP are described in a General Preamble for Part D Rulemaking published on April 4, 1979 (44 FR 20372), and at 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979).

An adequate SIP for ozone is one that includes sufficient control of VOC emissions for stationary and mobile sources to provide for attainment of the ozone standard. For stationary sources, the plan must include, at a minimum, legally enforceable requirements reflecting the application of RACT for those sources for which USEPA has published Control Technique Guidelines (CTGs).¹ In general, where the State regulations are not supported by the information in the CTGs, the State must provide a demonstration that its regulations represent RACT or amend the regulations to be consistent with the information in the CTGs.

In response to the requirements of Part D of the Act, the State of Indiana revised its SIP to require control of VOC emissions from the stationary industrial sources addressed in USEPA's Group I CTGs. On February 11, 1980, the State submitted to USEPA a revision to the ozone portion of its SIP for the Group I sources of VOC emissions. USEPA took final action to conditionally approve the Group I sources' regulations on October 27, 1982 (47 FR 47552).²

¹ CTGs published before January 1, 1978, are referred to as "Group I CTGs" and pertain to "Group I Sources", and CTGs published between January 1, 1978, and January 1, 1979, are "Group II CTGs" and pertain to "Group II Sources".

² For more detail on conditional approvals, see 44 FR 38583 (July 2, 1979), and 44 FR 38583 (November 23, 1979).

On November 25, 1980, the State submitted to USEPA as a revision to its ozone SIP, amendments to its VOC regulation, now codified as 325 IAC Article 8,³ which controlled VOC emissions from the Group II sources. USEPA took final action to conditionally approve this revision on January 18, 1983 (48 FR 2124). Both of the conditional approvals were based upon a commitment from the State to correct deficiencies in the regulation.

In response to these conditional approvals, on November 7, 1984, Indiana promulgated revised VOC regulations 325 IAC 8-1.1, 8-2, 8-3, 8-4, and 8-5. The State submitted these revisions to USEPA on July 3, 1984, and January 30, 1985, to satisfy certain conditions of USEPA's approval. In addition, the applicability of the regulations was extended to cover St. Joseph and Elkhart Counties. On February 10, 1986 (51 FR 4912), USEPA approved Indiana's revised VOC RACT I and II regulations and the St. Joseph and Elkhart Counties RACT regulations, leaving two RACT deficiencies for future rulemaking. Today's final rulemaking concerns one of the remaining outstanding conditional approval items, which pertain to Stage I vapor control recovery systems at gasoline dispensing facilities. This condition was set forth in the October 27, 1985, *Federal Register* and was later cited in the February 10, 1986, *Federal Register*. This condition was codified at 40 CFR 52.777(c)(1)(i) and reads as follows:

(c)(1) The plan for stationary source volatile organic compound control must contain the following:

(i) For regulation 325 IAC 8-4, Petroleum Sources, the State must conduct a study to demonstrate that the 20,000 gallons per month [SIC] throughput exemption meets RACT requirements and submit the results to EPA within 6 months of the effective date of final rulemaking on Group I CTG source categories. If the demonstrated emissions resulting from the State's exemption are not essentially equivalent to those resulting from the RACT requirements, then the State must submit to EPA a rule which requires control of emissions from storage tanks at gasoline dispensing facilities with either 10,000 gallons per month [SIC] or more throughput or 2,000 gallons capacity.

³ On October 6, 1980, the State resubmitted 1980 APC 15, recodified as 325 IAC Article 8. USEPA approved the State's recodification, but not the underlying regulations, on July 16, 1982 (47 FR 30972). On January 18, 1983, when USEPA codified its conditional approval of the RACT II regulations, it additionally revised the codification of the conditions of its October 27, 1982, approval of the RACT I regulation, 1980 APC 15, to reflect Indiana's recodification of that regulation to 325 IAC Article 8.

In response to this condition, Indiana chose to lower the throughput exemption to 10,000 gallons per month. The Indiana Air Pollution Control Board (Board) submitted revised rules incorporating this change to USEPA on January 23, 1986. This submittal consisted of revised Rule 325 IAC 8-4-6 (requirements for gasoline dispensing facilities State I vapor recovery systems) and revised Rule 8-1.1-3, which includes subsections (f), (g), and (h) (compliance date extensions for gasoline dispensing facilities). On October 24, 1986, USEPA published a notice of proposed rulemaking proposing to approve the variance request for Indiana's Stage I Vapor Recovery Rules (51 FR 37758). During the 30-day public comment, USEPA received no comments. Today, USEPA is approving Indiana's revised rules. These revised rules are discussed in Part II of this notice.

Part II—Description of the Revisions and USEPA's Evaluation of Them

Rule 325 IAC 8-4-6, Gasoline Dispensing Facilities was amended to reflect the minimum throughput of 10,000 gallons per month for gasoline dispensing facilities that would be subject to the RACT regulations. The amendment of this rule changes it such that it conforms with USEPA's CTG and, thus, satisfies one of the requirements of the conditional approval of the Part D Plan for ozone in Indiana (51 FR 4913). USEPA is approving the revised Rule 325 IAC 8-4-6.

Rule 325 IAC 8-1.1-3 (f) and (g) were revised and new paragraph (h) was added to revise the compliance schedule portion of all rules such that a reasonable time was given for sources between 10,000 and 20,000 gallons per month to come into compliance, i.e., December 31, 1987. This rule has no effect on Indiana's new source review requirements.

USEPA is approving these subsections for the following reasons: (1) They require an expeditious compliance schedule for sources with throughputs from 10,000 gallons per month to 20,000 gallons per month; and (2) the compliance schedules are generally consistent with the amount of time that sources have been given to comply with VOC RACT I and RACT II regulations. USEPA is approving revised rules 325 IAC 8-4-6 and 325 IAC 8-1.1-3.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

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 3, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

Note.—Incorporation by reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1982.

Dated: August 17, 1987.

A. James Barnes,
Acting Administrator.

Title 40 of the Code of Federal Regulations, Chapter I, Part 52, Subpart P, is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart P—Indiana

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

Authority: 42 U.S.C. 7401-7642.

2. Section 52.770 is amended by adding new paragraph (c)(63) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(63) On January 23, 1986, the State submitted revisions to its Stage I Gasoline Dispensing regulations, which replace those conditionally approved at (c)(33), (C)(35)—Codification only, and (C)(55).

(i) *Incorporation by reference.* (A) Letter of January 23, 1986 to EPA from the State of Indiana, and Title 325 Air Pollution Control Board Rule 325 IAC 8-4-6, Gasoline Dispensing Facilities, which was promulgated on January 14, 1986.

(B) Title 325 Air Pollution Control Board Rule 8-1.1-3, Compliance Schedules, subsections (f), (g), and (h), which was promulgated on January 14, 1986.

§ 52.777 [Amended]

3. Section 52.777 is amended by removing and reserving paragraph (c)(1)(i).

[FR Doc. 87-19311 Filed 9-3-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-4-FRL-3238-6; KY-033]

Approval and Promulgation of Implementation Plans; Kentucky; Stack Height Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In this action, EPA is approving revisions to the Kentucky State Implementation Plan (SIP) submitted to EPA on July 15, 1986. Kentucky has revised its SIP to include regulations for good engineering practice stack height. These regulations are equivalent to EPA requirements promulgated at Part 51 of Chapter I, Title 40, of the Code of Federal Regulations.

DATE: This action will be effective on November 3, 1987, unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Copies of the materials submitted by Kentucky may be examined during normal business hours at the following locations:

Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency, 401
M Street, SW., Washington, DC 20460
Air Programs Branch, Region IV,
Environmental Protection Agency, 345
Courtland Street, NE., Atlanta,
Georgia 30365
Kentucky Natural Resources and
Environmental Protection Cabinet, 18
Reilly Road, Building #2, Fort Boone
Plaza, Frankfort, Kentucky 40601

FOR FURTHER INFORMATION CONTACT: Beverly T. Hudson, EPA, Region IV, Air Programs Branch at the above listed address, telephone (404) 347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 8, 1985 (50 FR 27892), EPA published final regulations to implement section 123 of the Clean Air Act (CAA), which regulates the manner in which dispersion of pollutants from a source may be considered in setting emission limitations. Pursuant to these regulations and the Clean Air Act Amendments of 1977, all states were required to (1) review and revise, as necessary, their state implementation plans (SIPs) to include provisions that limit stack height credit and dispersion techniques in accordance with the revised regulations and (2) review all existing emission limitations to determine whether these limitations have been affected by stack height credits above GEP or any other

dispersion techniques. For any limitations so affected, states were to prepare revised limitations consistent with their revised SIPs. All SIP revisions and revised emission limits were to be submitted to EPA within nine months of promulgation.

Subsequently, EPA issued detailed guidance on carrying out the necessary reviews. For review of emission limitations, states were to prepare inventories of stacks greater than 65 meters in height and sources with emissions of sulfur dioxide (SO₂) in excess of 5,000 tons per year. These limits correspond to the *de minimis* GEP stack height and the *de minimis* SO₂ emission exemption from prohibited dispersion techniques. These sources were then subjected to detailed review for conformance with the revised regulations. State submissions were to contain an evaluation of each stack and source in the inventory.

State Submission

On July 15, 1986, the Kentucky Natural Resources and Environmental Protection Cabinet submitted State Implementation Plan revisions for good engineering practice stack height. A public hearing was held on these revisions on May 17, 1986. The regulations as proposed became effective on June 10, 1986.

These regulations (401 KAR 50:042) limit the amount of stack height or dispersion credit (dispersion techniques) a source can claim in the process of establishing its emission limitation. Dispersion techniques include the use of stack heights greater than 65 meters and use of other techniques to increase the dispersion of emissions rather than continuously reducing emissions from a source. These regulations do not limit the physical stack height of any source, or the actual use of dispersion techniques at a source, nor do they require any specific stack height for any source. Instead, they set limits on the maximum credit for stack height and other dispersion techniques to be used in ambient air modeling for the purpose of setting an emission limitation and calculating the air quality impact of a source. Sources are modeled at their actual physical stack height unless that height exceeds their GEP stack height. The regulations apply to all stacks not in existence on December 31, 1970, and all dispersion techniques implemented since December 31, 1970. The regulation applies to both new and existing sources, thereby satisfying requirements for state new source review regulations at 40 CFR 51.164.

Kentucky has adopted definitions corresponding to EPA's GEP regulations. The State's regulations define a number

of specific terms, including, "excessive concentration," "dispersion techniques," and "nearby." Kentucky's revisions bring their existing regulations into conformance with the federal stack height rule. The State will submit their final revised emission limits for those sources affected under the new stack height regulations at a later date.

Final Action

EPA has reviewed the submittal and found it to be in conformance with EPA's stack height requirements. Therefore, EPA is today approving Kentucky's regulations on stack height.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial issue and anticipates no adverse comments. This action will be effective 60 days from the date of this Federal Register notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective November 3, 1987.

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 3, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control,
Intergovernmental relations,
Incorporation by reference.

Note.—Incorporation by reference of the Kentucky State Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

Dated: July 21, 1987.

Lee M. Thomas,
Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart S—Kentucky

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

Authority: 42 U.S.C. 7401-7642.

2. Section 52.920 is amended by adding paragraph (c)(47) to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

(47) Stack height regulations were submitted to EPA on July 15, 1986, by the Kentucky Natural Resources and Environmental Protection Cabinet.

(i) *Incorporation by reference.* (A) Regulation 401 KAR 50:042, which became effective on June 10, 1986.

(ii) Other material—none.

[FR Doc. 87-16951 Filed 9-3-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-447; RM-5427 and 5757]

Radio Broadcasting Services; Newberry and Munising, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates FM Channel 250C2 to Newberry, Michigan, as that community's second FM service in response to a petition filed by Leon B. Van Dam. In response to a counterproposal filed by Munising Radio, Inc., we shall substitute FM Channel 252C2 for Channel 252A at Munising, Michigan and modify the license of Station WQXO(FM), to specify operation on Channel 252C2. Concurrence of the Canadian government has been obtained for the allocation of both channels. With this action, this proceeding is terminated.

DATES: Effective October 13, 1987. The window period for filing applications for Channel 250C2 at Newberry, Michigan will open on October 14, 1987, and close on November 13, 1987.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-447, adopted August 6, 1987, and released

August 28, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments for Michigan is amended by removing Channel 252A and adding 252C2 at Munising, and by adding Channel 250C2 at Newberry.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-20434 Filed 9-3-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-437; RM-5392]

Radio Broadcasting Services; Warsaw, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 229A to Warsaw, Missouri, as that community's second FM broadcast service, in response to a petition filed by Mid-Mo Broadcasting Company. There is a site restriction 1 kilometer northwest of the community. With this action, this proceeding is terminated.

DATES: Effective October 13, 1987. The window period for filing applications will open on October 14, 1987, and close on November 13, 1987.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-437, adopted July 30, 1987, and released August 28, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets

Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments is amended under Warsaw, Missouri, by adding Channel 229A.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-20435 Filed 9-3-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 663

[Docket No. 70101-7001]

Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of final reassessment.

SUMMARY: NMFS issues this notice announcing the final reassessment of domestic annual harvest (DAH) and domestic annual processing (DAP) for Pacific whiting taken in the exclusive economic zone (EEZ) off the coasts of Washington, Oregon, and California. Of the 39,000 metric tons (mt) of Pacific whiting in the reserve, 2,250 mt will be added to DAH to accommodate additional joint venture processing (JVP) needs, and the remaining 36,750 mt will be added to the total allowable level of foreign fishing (TALFF). This action will allow the Department of State to allocate additional tonnage of Pacific whiting to foreign countries, if appropriate.

EFFECTIVE DATE: September 1, 1987.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten (Director, Northwest Region, NMFS), 206-526-6150.