

until the final rule is published and becomes effective.

### III. Other Matters

#### *National Environmental Policy Act*

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50 implementing section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the Office of Rules Docket Clerk, 451 Seventh Street, SW, room 10276, Washington, DC 20410-0500.

#### *Regulatory Flexibility Act*

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that the rule will not have a significant economic impact on a substantial number of small entities. The rule merely extends the effective period for the interim rule.

#### *Executive Order 12606, The Family*

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that the rule may have the potential to promote family formation, maintenance, and general well-being. If the revised part 135 regulations, implemented by this rule, contribute to successful implementation of section 3, an increased number of low-income persons will be employed which may promote family unification and general well-being. Since the impact of this rule is anticipated to be beneficial, no further review under the Order is necessary.

#### *Executive Order 12611, Federalism*

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12611, Federalism, has determined that the rule will not have a substantial, direct effect on the States or on the relationship between the Federal government and the States, or on the distribution of power or responsibilities among the various levels of government. The rule provides, consistent with section 3, that the preference requirements of section 3 are to be carried out consistent with existing Federal, State, and local laws and regulations.

#### *Semiannual Agenda of Regulations*

The rule implementing this program was listed as sequence number 1511 in the HUD's Semiannual Agenda of Regulations published on May 8, 1995

(60 FR 23368, 23399) under Executive Order 12866 and the Regulatory Flexibility Act.

#### List of Subjects in 24 CFR Part 135

Administrative practice and procedure, Community development, Equal employment opportunity, Government contracts, Grant programs—housing and community development, Housing, Loan programs—housing and community development, Reporting and recordkeeping requirements, Small businesses.

In accordance with the reasons set forth in the preamble, 24 CFR part 135 is amended as follows:

#### PART 135—ECONOMIC OPPORTUNITIES FOR LOW- AND VERY LOW-INCOME PERSONS

1. The authority citation for 24 CFR part 135 continues to read as follows:

**Authority:** 12 U.S.C. 1701u; 42 U.S.C. 3535(d).

2. Section 135.2 is revised to read as follows:

##### § 135.2 Effective date of regulation.

The regulations of this part will remain in effect until the date the final rule adopting the regulations of this part with or without changes is published and becomes effective, at which point the final rule will remain in effect.

Dated: May 23, 1995.

**Elizabeth K. Julian,**

*Acting Deputy Assistant Secretary for Policy and Initiatives.*

[FR Doc. 95-13221 Filed 5-30-95; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Parts 26, 161, 162, and 165

[CGD 95-033]

RIN 2115-AF12

#### National Vessel Traffic Services Regulations

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending its Vessel Traffic Services (VTS) regulations to clarify certain sections and correct inaccurate geographic information. In addition, the final rule is deleting certain sections and adding existing vessel traffic management information which was inadvertently omitted in a separate final rule

published in the **Federal Register** (59 FR 36316) on July 15, 1994. This rule is intended to promote safe vessel movement by reducing the potential for collisions, rammings, and groundings and their attendant loss of lives, property and environmental harm.

**EFFECTIVE DATE:** This rule is effective on May 31, 1995.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street, SW., room 3406, Washington, DC 20593-0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

**FOR FURTHER INFORMATION CONTACT:** Ms. Irene Hoffman, Project Manager, Vessel Traffic Services Division (G-NVT), at (202) 267-6277.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The principal persons involved in drafting this document are Ms. Irene Hoffman, Project Manager, and CDR Thomas Cahill, Project Counsel, Office of Chief Counsel.

##### Regulatory History

On August 1, 1991, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled "National Vessel Traffic Services Regulations" in the **Federal Register** (58 FR 36910). On July 15, 1994, the Coast Guard published the final rule in the **Federal Register** (59 FR 36316).

##### Background and Purpose

Under the Ports and Waterways Safety Act of 1972, as amended by the Port and Tanker Safety Act (PTSA) and the Oil Pollution Act (OPA 90), the Secretary of Transportation may construct, operate, maintain, improve, or expand VTSs in any port or place under the jurisdiction of the United States, including the navigable waters of the United States, or in any area covered by an international agreement negotiated under 33 U.S.C. 1230. The Act requires certain vessels which operate in a VTS area to use and comply with the VTS.

In response to this mandate, the final rule published on July 15, 1994, amended the VTS regulations to make participation in all VTSs mandatory. This rule also simplified existing VTS regulations by amending 33 CFR part 161 to incorporate: (1) Standard national vessel traffic management rules applicable to all VTSs; (2) vessel movement reporting requirements for

certain vessels operating in the VTS areas; and (3) geographic descriptions and local regulations pertaining to specific VTS areas. Additionally, the rule redesignated other regulations, not unique to VTS operations, into more appropriate parts within Title 33.

#### Discussion of Changes

The National Vessel Traffic Services Regulations contain inaccurate latitudes, longitudes, geographic location descriptions, VTS area descriptions, and administrative omissions in tables 26.03(f) (Radiotelephone Required), 161.12(b) (Vessel Operating Requirements), 161.35(b) (Vessel Traffic Service Houston/Galveston), 161.35(c) (Vessel Traffic Service Houston/Galveston), 161.45(b) (Vessel Traffic Service St. Marys River), 161.60(d) (Vessel Traffic Service Prince William Sound), 165.811(e) (Atchafalaya River, Berwick Bay, LA—regulated navigation area) and § 161.50 (Vessel Traffic Service San Francisco). These inaccuracies and omissions are being addressed in this rule.

Minor editorial changes have been made to §§ 26.04 (Use of the designated frequency), 26.07 (Communications), 162.117(g) (St. Marys River, Sault Ste. Marie, Michigan), 165.811(f) (Atchafalaya River, Berwick Bay, LA—regulated navigation area), and tables 161.40(c) (Vessel Traffic Service Berwick Bay) and 162.117(g) (St. Marys River, Sault Ste. Marie, Michigan).

Sections 161.60 (c)(2) and (c)(3) (Vessel Traffic Service Prince William Sound), are being rewritten in order to clarify intent and §§ 161.60(c)(4) (Vessel Traffic Service Prince William Sound). Sections 165.1704(c)(4) (Prince William Sound, Alaska—regulated navigation area) is being deleted and sections 165.1704(c)(5), (c)(6), and (c)(7) are being redesignated.

On April 19, 1994 the Coast Guard published an interim final rule in the **Federal Register** (59 FR 18486) establishing a Regulated Navigation Area at the Oliver Lock and Dam at MM 338 of the Black Warrior River. That rule was codified at 33 CFR 165.809. Due to a change in conditions on the Black Warrior River that Regulated Navigation Area is no longer necessary and has been rescinded. In the final rule, "National Vessel Traffic Services Regulations", published July 15, 1994, 33 CFR 165.809 set forth a Purpose and Applicability section for vessel operating rules contained in § 165.810. Those vessel operating rules were

previously contained in 33 CFR 161.402. For ease of use, this rule combines both §§ 165.809 and 165.810 in § 165.810.

Additionally, the final rule published on July 15, 1994 inadvertently omitted a vessel traffic management information section which was previously included in the NPRM published on August 1, 1991. Section 162.117(c) (St. Marys River, Sault Ste. Marie, Michigan) is being added.

#### Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the Regulatory Policies and Procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full regulatory evaluation is unnecessary.

#### Regulatory Justification

This rule corrects geographic and editorial inaccuracies and adds material included in the NPRM but inadvertently omitted in the Final Rule. Therefore, the Coast Guard finds under 5 U.S.C. 553 (c) and (d) that good cause exists to publish this as a final rule, effective upon publication, without notice and opportunity to comment.

#### Small Entities

This rule only makes editorial changes and minor additions to existing vessel traffic management regulations. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

#### Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. These VTS operating procedures are a matter for

which regulations should be developed on the national level, to avoid unreasonably burdensome variances and confusion in applicability and operating requirements. These regulations which provide uniform VTS operating requirements preempt States from adopting similar requirements.

#### Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under section 2.B.2. of Commandant Instruction M16475.1B, this final rule is categorically excluded from further environmental documentation. While the Coast Guard recognizes that this rule will have a positive effect on the environment by minimizing the risk of environmental harm resulting from collisions, groundings, and rammings, the impact is not expected to be significant enough to warrant further documentation. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

#### List of Subjects

##### 33 CFR Part 26

Communications equipment, Navigation (water), Marine safety, Radio, Telephone, Vessels.

##### 33 CFR Part 161

Harbors, Navigation (water), Reporting and recordkeeping requirements, Vessels, Waterways.

##### 33 CFR Part 162

Navigation (water), Waterways.

##### 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard is amending 33 CFR parts 26, 161, 162, and 165, as follows:

#### **PART 26—VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE REGULATIONS**

1. The authority citation for part 26 continues to read as follows:

**Authority:** 33 U.S.C. 1201–1208; 49 CFR 1.46. Sections 26.04 and 26.09 also issued under sec. 4118, Pub. L. 101–380, 104 Stat. 523 (33 U.S.C. 1203 note).

2. In § 26.03(f), table 26.03(f) is revised to read as follows:

TABLE 26.03(f)—VESSEL TRAFFIC SERVICES (VTS) CALL SIGNS, DESIGNATED FREQUENCIES, AND MONITORING AREAS

| Vessel traffic services <sup>1</sup> (call sign) | Designated frequency <sup>2</sup> (channel designation)                         | Monitoring area   |
|--|---|---|
| <b>New York</b>                                  |   |   |
| New York Traffic <sup>3</sup> .....              | 156.700 MHz (Ch. 14).<br><br>156.550 MHz (Ch. 11).<br><br>156.600 MHz (Ch. 12). | The waters of the Lower New York Bay west of a line drawn from Norton Point to Breezy Point and north of the line drawn from Ambrose Entrance Lighted Gong Buoy #1 to Ambrose Channel Lighted Gong Buoy #9 thence to West Bank Light and thence to Great Kills Light. The waters of the Upper New York Bay, south of 40°42.40'N. (Brooklyn Bridge) and 40°43.70'N. (Holland Tunnel Ventilator Shaft); and in Newark Bay, north of 40°38.25'N. (Arthur Kill Railroad Bridge), and south of 40°41.95'N. (Lehigh Valley Draw Bridge); and the Kill Van Kull.<br><br>The waters of Raritan Bay east of a line drawn from Great Kills Light to Point Comfort in New Jersey and south of a line drawn from Great Kills Light to West Bank Light, thence to Ambrose Channel Lighted Gong Buoy #9, and thence to Ambrose Channel Lighted Gong Buoy #1 and west of a line drawn from Ambrose Channel Lighted Gong Buoy #1 to the Sandy Hook Channel Entrance Buoys (Sandy Hook Lighted Gong Buoy #1 and Sandy Hook Lighted Bell Buoy #2).<br><br>Each vessel at anchor within the above areas. |
| <b>Houston<sup>3</sup></b>                       |   |   |
| Houston Traffic .....                            | 156.550 MHz (Ch. 11).<br>156.600 MHz (Ch. 12).                                  | The navigable waters north of 29°N., west of 94°20'W., south of 29°49'N., and east of 95°20'W.:<br>The navigable waters north of a line extending due west from the southern most end of Exxon Dock #1 (29°43.37'N., 95°01.27'W.).<br>The navigable waters south of a line extending due west from the southern most end of Exxon Dock #1 (29°43.37'N., 95°01.27'W.).   |
| <b>Berwick Bay</b>                               |   |   |
| Berwick Traffic .....                            | 156.550 MHz (Ch. 11).   | The navigable waters south of 29°45'N., west of 91°10'W., north of 29°37'N., and east of 91°18'W.   |
| <b>St. Marys River</b>                           |   |   |
| Soo Control .....                                | 156.600 MHz (Ch. 12).   | The navigable waters of the St. Marys River between 45°57'N. (De Tour Reef Light) and 46°38.7'N. (Ile Parisienne Light), except the St. Marys Falls Canal and those navigable waters east of a line from 46°04.16'N. and 46°01.57'N. (La Pointe to Sims Point in Potagannissing Bay and Worsley Bay and Worsley Bay).   |
| <b>San Francisco<sup>3</sup></b>                 |   |   |
| San Francisco Traffic .....                      | 156.600 MHz (Ch. 12).<br>156.700 MHz (Ch. 14).                                  | The waters within a 38 nautical mile radius of Mount Tamalpais (37°55.8'N., 122°34.6'W.) excluding the San Francisco Offshore Precautionary Area.<br>The waters of the San Francisco Offshore Precautionary Area eastward to San Francisco Bay including its tributaries extending to the ports of Stockton, Sacramento and Redwood City.   |
| <b>Puget Sound<sup>4</sup></b>                   |   |   |
| Seattle Traffic <sup>5</sup> .....               | 156.700 MHz (Ch. 14).<br><br>156.250 MHz (Ch. 5A).                              | The navigable waters of Puget Sound, Hood Canal and adjacent waters south of a line connecting Marrowstone Point and Lagoon Point in Admiralty Inlet and south of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline.<br><br>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 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.  |

TABLE 26.03(f)—VESSEL TRAFFIC SERVICES (VTS) CALL SIGNS, DESIGNATED FREQUENCIES, AND MONITORING AREAS—Continued

| Vessel traffic services <sup>1</sup> (call sign) | Designated frequency <sup>2</sup> (channel designation) | Monitoring area   |
|--|---|---|
| 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. |
| <b>Prince William Sound<sup>7</sup></b>          |   |   |
| 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.   |
| <b>Louisville<sup>7</sup></b>                    |   |   |
| 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> VTS regulations are denoted in 33 CFR Part 161. All geographic coordinates (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).

<sup>2</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>3</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>4</sup> A Cooperative Vessel Traffic Service was established by the United States and Canada with 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.

**§ 26.04 [Amended]**

3. In § 26.04, paragraph (e) is revised to read as follows:

\* \* \* \* \*

(e) On those navigable waters of the United States within a VTS area, the designated VTS frequency is an additional designated frequency

required to be monitored in accordance with § 26.05.

\* \* \* \* \*

**§ 26.07 [Amended]**

4. In § 26.07, insert a comma after "no person may serve as"

**PART 161—VESSEL TRAFFIC MANAGEMENT**

5. The authority citation for part 161 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 33 U.S.C. 1223; 49 CFR 1.46.

6. In § 161.12, table 161.12(b) is revised to read as follows:

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

| Vessel traffic services (call sign) | Designated Frequency <sup>1</sup> (Channel designation) | Monitoring area  |
|-------------------------------------|---|--|
| <b>New York</b>                     |   |  |
| New York Traffic <sup>2</sup> ..... | 156.700 MHz (Ch. 14).                                   | The waters of the Lower New York Bay west of a line drawn from Norton Point to Breezy Point and north of a line drawn from Ambrose Entrance Lighted Gong Buoy #1 to Ambrose Channel Lighted Gong Buoy #9 thence to West Bank Light and thence to Great Kills Light. The waters of the Upper New York Bay, south of 40°42.40'N. (Brooklyn Bridge) and 40°43.70'N. (Holland Tunnel Ventilator Shaft); and in Newark Bay, north of 40°38.25'N. (Arthur Kill Railroad Bridge), and south of 40°41.95'N (Lehigh Valley Draw Bridge); and the Kill Van Kull. |

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

| Vessel traffic services (call sign)  | Designated Frequency <sup>1</sup> (Channel designation)  | Monitoring area   |
|--|--|---|
|  | 156.550 MHz (Ch. 11).<br><br>156.600 MHz (Ch. 12).   | The waters of Raritan Bay east of a line drawn from Great Kills Light to Point Comfort in New Jersey and south of a line drawn from Great Kills Light to West Bank Light. Thence to Ambrose Channel Lighted Gong Buoy #9, and thence to Ambrose Channel Lighted Gong Buoy #1 and west of a line drawn from Ambrose Channel Lighted Gong Buoy #1 to the Sandy Hook Channel Entrance Buoys (Sandy Hook Lighted Gong Buoy #1 and Sandy Hook Lighted Bell Buoy #2).<br><br>Each vessel at anchor within the above areas.  |
| <b>Houston<sup>2</sup></b>   |  |   |
| Houston Traffic .....  | 156.550 MHz (Ch. 11).<br>156.600 MHz (Ch. 12).   | The navigable waters north of 29°N., west of 94°20'W., south of 29°49'N., and east of 95°20'W.:<br>The navigable waters north of a line extending due west from the southern most end of Exxon Dock #1 (29°43.37'N., 95°01.27'W.).<br>The navigable waters south of a line extending due west from the southern most end of Exxon Dock #1 (29°43.37'N., 95°01.27'W.).   |
| <b>Berwick Bay</b>   |  |   |
| Berwick Traffic .....  | 156.550 MHz (Ch. 11).  | The navigable waters south of 29°45'N., west of 91°10'W., north of 29°37'N., and east of 91°18'W.   |
| <b>St. Marys River</b>   |  |   |
| Soo Control .....  | 156.600 MHz (Ch. 12).  | The navigable waters of the St. Marys River between 45°57'N. (De Tour Reef Light) and 46°38.7'N. (Ile Parisienne Light), except the St. Marys Falls Canal and those navigable waters east of a line from 46°04.16'N. and 46°01.57'N. (La Pointe to Sims Point In Potagannissing Bay and Worsley Bay).   |
| <b>San Francisco<sup>2</sup></b>   |  |   |
| San Francisco Traffic .....  | 156.600 MHz (Ch. 12).<br>156.700 MHz (Ch. 14).   | The waters within a 38 nautical mile radius of Mount Tamalpais (37°55.8'N., 122°34.6'W.) excluding the San Francisco Offshore Precautionary Area.<br>The waters of the San Francisco Offshore Precautionary Area eastward to San Francisco Bay including its tributaries extending to the ports of Stockton, Sacramento and Redwood City.   |
| <b>Puget Sound<sup>3</sup></b>   |  |   |
| Seattle Traffic <sup>4</sup> .....<br><br><br>Tofino Traffic <sup>5</sup> .....<br>Vancouver Traffic ..... | 156.700 MHz (Ch. 14).<br><br>156.250 MHz (Ch. 5A).<br><br>156.725 MHz (Ch. 74).<br>156.550 MHz (Ch. 11). | The navigable waters of Puget Sound, Hood Canal and adjacent waters south of a line connecting Marrowstone Point and Lagoon Point in Admiralty Inlet and south of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline.<br><br>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 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.<br><br>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.<br>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. |
| <b>Prince William Sound<sup>6</sup></b>  |  |   |
| 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.   |

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

| Vessel traffic services (call sign) | Designated Frequency <sup>1</sup> (Channel designation) | Monitoring area   |
|-------------------------------------|---|---|
| <b>Louisville<sup>6</sup></b>       |   |   |
| 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> 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>4</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>5</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>6</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.

7. In § 161.35(b), table 161.35(b) is revised to read as follows:

TABLE 161.35(b)—VTS HOUSTON/GALVESTON PRECAUTIONARY AREAS

| Precautionary area name     | Radius (yds.) | Center point |            |
|-----------------------------|---------------|--------------|------------|
|                             |               | Latitude     | Longitude  |
| Bolivar Roads .....         | 4000          | 29°20.9'N    | 94°47.0'W  |
| Red Fish Bar .....          | 4000          | 29°29.8'N    | 94°51.9'W  |
| Bayport Channel .....       | 4000          | 29°36.7'N    | 94°57.2'W  |
| Morgans Point .....         | 2000          | 29°41.0'N    | 94°59.0'W  |
| Upper San Jacinto Bay ..... | 1000          | 29°42.3'N    | 95°01.1'W  |
| Baytown .....               | 1000          | 29°43.6'N    | 95°01.4'W  |
| Lynchburg .....             | 1000          | 29°45.8'N    | 95°04.8'W  |
| Carpenters Bayou .....      | 1000          | 29°45.3'N    | 95°05.6'W  |
| Jacintoport .....           | 1000          | 29°44.8'N    | 95°06.0'W  |
| Greens Bayou .....          | 1000          | 29°44.8'N    | 95°10.2'W  |
| Hunting Bayou .....         | 1000          | 29°44.3'N    | 95°12.1'W  |
| Sims Bayou .....            | 1000          | 29°43.1'N    | 95°14.4'W  |
| Brady Island .....          | 1000          | 29°43.5'N    | 95°16.4' W |
| Buffalo Bayou .....         | 1000          | 29°45.0'N    | 95°17.3'W  |

**Note:** Each Precautionary Area encompasses a circular area of the radius denoted.

8. In § 161.35(c), table 161.35(c) is revised to read as follows:

TABLE 161.35(c)—VTS HOUSTON/GALVESTON REPORTING POINTS

| Designator | Geographic name                 | Geographic description                            | Latitude/longitude          | Notes  |
|------------|---------------------------------|---|-----------------------------|--|
| 1 .....    | Galveston Bay Entrance Channel. | Galveston Bay Entrance CH Lighted Buoy (LB) "GB". | 29°18.4'N; 94°37.6'W.       |  |
| 2 .....    | Galveston Bay Entrance Channel. | Galveston Bay Entrance Channel LB 11 and 12.      | 29°20.6'N; 94°44.6'W.       |  |
| E .....    | Bolivar Land Cut .....          | Mile 349 Intracoastal Waterway (ICW).             | 29°22.5'N; 94°46.9' W ..... | Tows entering HSC also report at HSC LB 25 & 26. |
| W .....    | Pelican Cut .....               | Mile 351 ICW .....                                | 29°21.4'N; 94°48.5' W ..... | Tow entering HSC also report at HSC LB 25 & 26.  |
| GCG .....  | Galveston Harbor .....          | USCG Base. At the entrance to Galveston Harbor.   | 29°20.0'N; 94°46.5'W.       |  |
| T .....    | Texas City Channel .....        | Texas City Channel LB 12 .....                    | 29°22.4'N; 94°50.9'W.       |  |

TABLE 161.35(c)—VTS HOUSTON/GALVESTON REPORTING POINTS—Continued

| Designator | Geographic name                        | Geographic description                   | Latitude/longitude     | Notes  |
|------------|--|--|------------------------|--|
| X          | Houston Ship Channel ICW Intersection. | Houston Ship Channel (HSC) LB 25 and 26. | 29°22.1'N; 94°48.1'W.  | Tow entering HSC from ICW or Texas Cut Only. |
| 3          | Lower Galveston Bay                    | HSC LB 31 and 32                         | 29°23.5'N; 94°48.8'W.  |  |
| 4          | Red Fish Bar                           | HSC Lt. 53A & 54A                        | 29°30.3'N; 94°52.4'W.  |  |
| P          | Bayport Ship Channel                   | Bayport Ship Channel Lt. 7 and 8.        | 29°36.8'N; 94°59.5' W; | Report at the North Land Cut.                |
| 4A         | Upper Galveston Bay                    | HSC Buoys 69 and 70                      | 29°34.7'N; 94°55.8' W  | Tows only.                                   |
| 5          | Morgan's Point                         | Barbour's Cut                            | 29°41.0'N; 94°58.9'W.  | Abeam Barbours Cut.                          |
| 6          | Exxon                                  | Baytown Bend                             | 29°43.5'N; 95°01.4'W.  |  |
| 7          | Lynchburg                              | Ferry crossing                           | 29°45.8'N; 95°04.8'W.  |  |
| 8          | Shell Oil                              | Boggy Bayou                              | 29°44.1'N; 95°08.0'W.  |  |
| 9          | Greens Bayou                           | Greens Bayou                             | 29°44.8'N; 95°10.1'W.  |  |
| 10         | Hess Turning Basin                     | Hunting Bayou Turning Basin              | 29°44.3'N; 95°12.1'W.  |  |
| 11         | Lyondell Turning Basin                 | Sims Bayou Turning Basin                 | 29°43.2'N; 95°14.4'W.  |  |
| 12         | I-610 Bridge                           | I-610 Bridge                             | 29°43.5'N; 95°16.0'W.  |  |
| 13         | Houston Turning Basin                  | Buffalo Bayou                            | 29°45.0'N; 95°17.4'W.  |  |

§ 161.40 [Amended]

9. In § 161.40(c), table 161.40(c) is amended by adding the heading "Table 161.40(c)—VTS Berwick Bay Reporting Points".

10. In § 161.45(b), table 161.45(b) is revised to read as follows:

TABLE 161.45(b)—VTS ST. MARYS RIVER REPORTING POINTS

| Designator | Geographic name         | Geographic description     | Latitude/longitude    | Notes           |
|------------|-------------------------|----------------------------|-----------------------|-----------------|
| 1          | Ile Parisienne          | Ile Parisienne Light       | 46°37.3'N; 84°45.9' W | Downbound Only. |
| 2          | Gros Cap Reef           | Gros Cap Reefs Light       | 46°30.6'N; 84°37.1' W | Upbound Only.   |
| 3          | Round Island            | Round Island Light 32      | 46°26.9'N; 84°31.7'W. |                 |
| 4          | Pointe Louise           | Pointe Louise Light        | 46°27.8'N; 84°28.2'W. |                 |
| 5*         | West End of Locks       | West Center Pierhead Light | 46°30.2'N; 84°22.2' W | Upbound Only.   |
| 6          | East End of Locks       | East Center Pierhead Light | 46°30.1'N; 84°20.3' W | Downbound Only. |
| 7          | Mission Point           | Light 99                   | 46°29.2'N; 84°18.1'W. |                 |
| 8          | Six Mile Point          | Six Mile Point             | 46°26.1'N; 84°15.4'W. |                 |
| 9          | Ninemile Point          | Light 80                   | 46°23.5'N; 84°14.1'W. |                 |
| 10         | West Neebish Channel    | Light 29                   | 46°16.9'N; 84°12.5' W | Downbound Only. |
| 11         | Munuscong Lake Junction | Lighted Junction Buoy      | 46°10.8'N; 84°05.6'W. |                 |
| 12         | De Tour Reef            | De Tour Reef Light         | 46°56.9'N; 83°53.7'W. |                 |

§ 161.50 [Amended]

11. In § 161.50, remove "(a)" at the beginning of the section; remove the words "Petaluma River Entrance Lights '1' and '2'" and add, in their place, the words "Petaluma River Entrance Channel Daybeacon 19 and Petaluma River Entrance Channel Light 20"; and remove the words "Redwood City" and add, in their place, "the Dumbarton Bridge."

12. In § 161.60, paragraph (c)(4) is removed; and paragraphs (c)(2) and (c)(3) and the table in paragraph (d) are revised to read as follows:

§ 161.60 Vessel Traffic Service Prince William Sound

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(2) For a vessel listed in paragraph (c)(3) of this section—

(i) Approval to enter this area will not be granted to a vessel when a tank vessel of more than 20,000 deadweight tons is navigating therein;

(ii) A northbound vessel shall remain south of 61°N. until the VTS has granted permission to proceed; and

(iii) A southbound vessel shall remain in Port Valdez east of 146°35'W. and north of 61°06'N. until the VTS has granted permission to proceed.

(3) Paragraph (c)(2) of this section applies to—

(i) A vessel of 1600 gross tons or more; and

(ii) A towing vessel of 8 meters or more in length, except for a vessel performing duties as an escort vessel as defined in 33 CFR Part 168.

(d) Reporting Points.

TABLE 161.60(d)—VTS PRINCE WILLIAM SOUND REPORTING POINTS

| Designator | Geographic name   | Geographic description | Latitude/longitude       | Notes            |
|------------|-------------------|------------------------|--------------------------|------------------|
| 1A         | Cape Hinchinbrook | Cape Hinchinbrook      | 60°16'18"N; 146°45'30" W | Northbound Only. |
| 1B         | Schooner Rock     | Schooner Rock          | 60°18'42"N; 146°51'36" W | Southbound Only. |

TABLE 161.60(d)—VTS PRINCE WILLIAM SOUND REPORTING POINTS—Continued

| Designator | Geographic name | Geographic description             | Latitude/longitude       | Notes            |
|------------|-----------------|------------------------------------|--------------------------|------------------|
| 2A         | Naked Island    | Naked Island                       | 60°40'00"N; 147°01'24" W | Northbound Only. |
| 2B         | Naked Island    | Naked Island                       | 60°40'00"N; 147°05'00" W | Southbound Only. |
| 3A         | Bligh Reef      | Bligh Reef Light (Pilot Embark)    | 60°50'36"N; 146°57'30" W | Northbound Only. |
| 3B         | Bligh Reef      | Bligh Reef Light (Pilot Disembark) | 60°51'00"N; 147°01'24" W | Southbound Only. |
| 4A         | Rocky Point     | Rocky Point                        | 60°57'48"N; 146°47'30" W | Northbound Only. |
| 4B         | Rocky Point     | Rocky Point                        | 60°57'48"N; 146°50'00" W | Southbound Only. |
| 5          | Entrance Island | Entrance Island Light              | 61°05'24"N; 146°37'30"W. |                  |

**PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS**

13. The authority citation for part 162 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 49 CFR 1.46.

**§ 162.117 [Amended]**

14. In 162.117, paragraph (c) is revised to read as follows:

\* \* \* \* \*

*(c) Anchoring Rules*

(1) A vessel must not anchor:

(i) within the waters between Brush Point and the waterworks intake crib off Big Point southward of the Point Aux Pins range; or

(i) within 0.2 nautical miles of the intake crib off Big Point.

(2) In an emergency, vessels may anchor in a dredged channel. Vessels shall anchor as near to the edge of the channel as possible and shall get underway as soon as the emergency ceases, unless otherwise directed. Vessel Traffic Services St. Marys River must be advised of any emergency anchoring as soon as is practicable.

(3) Vessels collected in any part of the VTS Area by reason of temporary closure of a channel or an impediment to navigation shall get underway and depart in the order in which they arrived, unless otherwise directed by Vessel Traffic Service St. Marys River. Vessel Traffic Service St. Marys River may advance any vessel in the order of departure to expedite the movement of mails, passengers, cargo of a perishable nature, to facilitate passage of vessels through any channel by reason of special circumstance, or to facilitate passage through the St. Marys Falls Canal.

\* \* \* \* \*

15. In § 162.117(g), Table 162.117(g), add the heading "Table 162.117(g)—St. Marys River Speed Rules"; and in paragraph (g)(2), add the words "Commanding Officer" before "Vessel Traffic Service St. Marys River."

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

16. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

**§ 165.809 [Removed]**

17. Section 165.809 is removed.

**§ 165.810 [Amended]**

18. In § 165.810 redesignate paragraphs (a), (b) and (c) as paragraphs (b), (c) and (d) respectively; and add paragraph (a) to read as follows:

(a) *Purpose and Applicability.* This section prescribes rules for all vessels operating in the Mississippi River below Baton Rouge, LA, including South and Southwest Passes, to assist in the prevention of collisions and groundings and to protect the navigable waters of the Mississippi River from environmental harm resulting from those incidents.

\* \* \* \* \*

**§ 165.811 [Amended]**

19. In § 165.811, in paragraph (e), amend the table heading by adding "Table 165.812(e)—" before the words "Minimum Available Horsepower Requirement"; and in paragraph (f)(4)(ii), remove the word "horizontally" and add, in its place, the word "vertically."

**§ 165.1704 [Amended]**

20. In § 165.1704 remove paragraph (c)(4) and redesignate paragraphs (c)(5), (c)(6) and (c)(7) as paragraphs (c)(4), (c)(5) and (c)(6), respectively.

Dated: May, 16, 1995.

**G.A. Penington,**

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation Safety and Waterways Services. [FR Doc. 95–13268 Filed 5–30–95; 8:45 am]

BILLING CODE 4910–14–M

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[Region II Docket No. 136, PR3–2–6731, FRL–5209–5]

**Approval and Promulgation of PM<sub>10</sub> Implementation Plan for the Commonwealth of Puerto Rico**

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

**ACTION:** Final rule.

**SUMMARY:** The EPA is approving the State Implementation Plan (SIP) revision submitted by the Commonwealth of Puerto Rico for the purpose of attaining the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM<sub>10</sub>). The SIP addresses sources impacting the Municipality of Guaynabo, Puerto Rico which has been designated nonattainment.

**EFFECTIVE DATE:** This action will be effective June 30, 1995.

**ADDRESSES:** Copies of the state submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Library, 290 Broadway, 16th Floor, New York, New York, 10007–1866.

Environmental Protection Agency, Region II, Caribbean Field Office, Centro Europa Building, Suite 417, 1492 Ponce De Leon Avenue, Stop 22, Santurce, Puerto Rico, 00909.

Commonwealth of Puerto Rico, Environmental Quality Board, Banco National Plaza, 8th Floor, 431 Ponce De Leon Avenue, Hato Rey, Puerto Rico, 00917.

Environmental Protection Agency, Air and Radiation Docket and Information