

Approved:

R.R. Pixa,

Captain, JAGC, U.S. Navy, Deputy
Assistant Judge Advocate General
(Admiralty).

Dated: January 29, 1997.

[FR Doc. 97-6221 Filed 3-11-97; 8:45 am]

BILLING CODE 3810-FF-P

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972 Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS BATAAN (LHD 5) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: January 29, 1997.

FOR FURTHER INFORMATION CONTACT:
Captain R.R. Pixa, JAGC, U.S. Navy,
Admiralty Counsel, Office of the Judge
Advocate, General, Navy Department,

200 Stovall Street, Alexandria, Virginia,
22332-2400, Telephone Number: (703)
325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS BATAAN (LHD 5) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS: Rule 21(a), pertaining to the location of the masthead lights over the fore and aft centerline of the ship; Annex I, section 2 (g), pertaining to the distance of the sidelights above the hull; Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship; and the horizontal distance between the forward and after masthead lights; and Annex I, section 3 (b), pertaining to the positioning of the sidelights in relationship to the forward masthead light, without interfering with its special functions as an amphibious assault ship. The Deputy Assistant Judge Advocate General (Admiralty) of the Navy has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and

701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

2. Table Two of § 706.2 is amended by adding the entry for USS BATAAN following the entry for USS BOXER:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE TWO

| Vessel | Number | Masthead lights, distance to stbd of keel in meters; Rule 21(a) | Forward anchor light, distance below flight dk in meters; § 2(K), Annex I | Forward anchor light, number of; Rule 30(a)(i) | AFT anchor light, distance below flight dk in meters; Rule 21(e), Rule 30(a)(ii) | AFT anchor light, number of; rule 30(a)(ii) | Side lights, distance below flight dk in meters; § 2(g), Annex I | Side lights, distance forward of forward masthead light in meters; § 3(b), Annex I | Side lights, distance inboard of ship's sides in meters; § 3(b), Annex I |
|------------|--------|---|---|--|--|---|--|--|--|
| USS BATAAN | LHD 5 | | | | | | 2.9 | 98.6 | |

3. Table Five of § 706.2 is amended by adding the entry for USS BATAAN following the entry for USS Boxer:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

| Vessel | Number | Masthead lights not over all other lights and obstructions. annex I, sec. 2(f) | Forward masthead light not in forward quarter of ship. annex I, sec. 3 (a) | After mast-head light less than 1/2 ship's length aft of forward masthead light. annex I, sec. 3(a) | Percentage horizontal separation attained |
|------------------|-------------|--|--|---|---|
| USS BATAAN | LHD 5 | * | X | X | 39.7 |

Approved:
R.R. Pixa,
*Captain, JAGC, U.S. Navy, Deputy Assistant
Judge Advocate General (Admiralty).*

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL138-1a; FRL-5660-2]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA approves Illinois' May 5, 1995, May 26, 1995, and May 31, 1995, submittal of miscellaneous amendments to Illinois' Volatile Organic Material (VOM) Reasonably Available Control Technology (RACT) rules as requested revisions to Illinois' State Implementation Plan (SIP) for ozone. VOM, as defined by the State of Illinois, is identical to "volatile organic compounds" (VOC), as defined by EPA. These amendments make certain clarifications to the State's VOM RACT rules, and includes an exemption of certain polyethylene foam packaging operations from these rules. In this action, EPA is approving the requested SIP revision through a "direct final" rulemaking; the rationale for this approval is set forth below. Elsewhere in this Federal Register, EPA is proposing approval and soliciting comment on this direct final action; if

adverse comments are received, EPA will withdraw the direct final rulemaking and address the comments received in a new final rule; otherwise, no further rulemaking will occur on this requested SIP revision.

DATES: This action will be effective May 12, 1997 unless adverse comments not previously addressed by the State or EPA are received by April 11, 1997. If the effective date of this action is delayed due to adverse comments, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Copies of the Illinois submittal are available for public review during normal business hours, between 8:00 a.m. and 4:30 p.m., at the above address.

A copy of this SIP revision is also available for inspection at: Office of Air and Radiation (OAR), Docket and Information Center (Air Docket 6102), Room 1500, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604. Telephone: (312) 886-6082.

SUPPLEMENTARY INFORMATION:

I. Background

On September 9, 1994 and October 21, 1996 (59 FR at 46562 and 61 FR at 54556), the EPA approved VOM

reasonably available control technology (RACT) rules under 35 Illinois Administrative Code (IAC) parts 218 and 219. Part 218 covers the Chicago ozone nonattainment area (Cook, DuPage, Kane, Lake, McHenry, Will Counties and Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County), while part 219 covers the Metro-East ozone nonattainment area (Madison, Monroe, and St. Clair Counties). These rules were submitted by Illinois in order to comply with the RACT "fix-up" and "catch-up" requirements under sections 182(a)(2)(A) and 182(b)(2) of the Clean Air Act (Act).

On September 12, 1994, and October 27, 1994, the Illinois Environmental Protection Agency (IEPA) filed proposed amendments to parts 218 and 219 with the Illinois Pollution Control Board (Board). These amendments were proposed in order to clarify certain applicability provisions, control requirements, and compliance dates contained within these rules. Also included in these proposed amendments was an exemption for certain polyethylene foam packaging operations from the rules' RACT requirements. Public hearings on the proposed amendments were held on November 4, December 2, December 15, December 16, 1994, and January 9, 1995, in Chicago, Illinois. On April 20, 1995, the Board adopted Final Opinions and Orders for the proposed amendments. The amendments became effective on May 9, 1995, and were published in the Illinois Register on May 19, 1995. The IEPA formally submitted the amendments to EPA in two submittals dated May 5, 1995, as a revision to the Illinois SIP for ozone; supplemental