

low level aerial spraying of a chemical dust toxic to lamprey eels. This project is being undertaken by the New York State Department of Environmental Conservation as part of an eight year lamprey eel eradication program in Lake Champlain. This regulation is effective from 7 a.m., 10 September 1991 to 8:30 p.m., 10 September 1991.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, part 165 of title 33, Code of Federal Regulations, is amended as follows:

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

Authority: 33 USC 1225 and 1231; 50 USC 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

PART 165—[AMENDED]

2. A new § 165.T1129 is added to read as follows:

§ 165.T1129 **Safety Zone: Little AuSable River and Lake Champlain, AuSable Point, New York.**

(a) *Location.* The following area is a Safety Zone: All waters of the Little AuSable River Basin bounded by a line connecting the following points:

Latitude	Longitude
44°35'15"N	73°26'20"W
44°35'15"N	73°25'30"W
44°34'20"W	73°25'18"W

and thence, along the shoreline to the point of the beginning.

(b) *Effective date.* This regulation becomes effective at 7 a.m., 10 September, 1991, it terminates at 8:30 p.m., 10 September, 1991.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part entry into or movement within this zone is prohibited unless authorized by the Captain of the Port.

Dated: August 7, 1991.

R.M. Larrabee,
Captain of the Port, New York.

[FR Doc. 91-20737 Filed 8-29-91; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[Captain of the Port Regulation 91-133]

Safety Zone Regulations; Labor Day Fireworks

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a safety zone in the Connecticut River between bouys N"92" and N"90," Middletown, Connecticut. This safety zone is needed to protect marine traffic and the public from the safety hazard associated with a fireworks display in a narrow channel. Entry into this zone is prohibited unless authorized by the Captain of the Port, Long Island Sound.

EFFECTIVE DATE: This regulation becomes effective at 8:45 pm, September 1, 1991. It terminates at 9:15 pm on September 1, 1991, unless terminated sooner by the Captain of the Port. The rain date for this event is September 2, 1991, at the same times.

FOR FURTHER INFORMATION CONTACT: LT. David D. Skewes, Captain of the Port, Long Island Sound at (203) 463-4464.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register Publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to protect any marine traffic from the potential hazards involved.

Drafting Information

The drafters of this regulation are LT David D. Skewes, project officer for Captain of the Port Long Island Sound, and LT John B. Gately, project attorney, First Coast Guard District Legal Office.

Discussion of Regulation

The event requiring this regulation is a fireworks display in the navigable waters of the United States. This Safety Zone is needed to protect any transiting commercial or recreational marine traffic or the public from the hazards associated with the fireworks display.

This regulation is issued pursuant to U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

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

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

PART 165—[AMENDED]

2. A new temporary § 165.T1133 is added to read as follows:

§ 165.T1133 **Safety Zone: Labor Day Fireworks.**

(a) *Location.* The following area is a safety zone: All waters within a 500' square around the 12 foot by 40 foot barges used as fireworks launching platforms anchored in the Connecticut River directly adjacent to the America's Cup Restaurant in Middletown, Connecticut, between river bouys N"92" and N"90." The boundaries of this zone will be marked with 4 large orange spheres/marker buoys positioned in a square around the launching platforms.

(b) *Effective date.* This regulation becomes effective on September 1, 1991, at 8:45 pm. It terminates at 9:15 pm on September 1, 1991, unless terminated sooner by the Captain of the Port. The rain date for this event is September 2, 1991, at the same times.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone during the specified times is prohibited unless authorized by the Captain of the Port or his on scene representatives.

Dated: August 26, 1991.

H. Bruce Dickey,
Captain, U.S. Coast Guard, Captain of the Port Long Island Sound.

[FR Doc. 91-20859 Filed 8-29-91; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Louisville, Kentucky Regulation 91-14]

Safety Zone Regulations; Ohio River Louisville, KY

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Ohio River, mile 601.5 to 603.5. The zone is needed to protect all vessels and spectators from a safety hazard associated with a fireworks display sponsored by the Steamboat Fest of Jeffersonville, Indiana. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation becomes effective at 9:30 p.m. e.d.s.t. on 6 September 1991. It terminates at 10:30 p.m. e.d.s.t. on 6 September 1991, unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT:
Lt. D.L. Hutchinson, (502) 582-5194.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after *Federal Register* publication due to the short notice of the incident. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to respond to potential hazards to the vessels involved.

Drafting Information

The drafter of this regulation is Lt. D.L. Hutchinson, project officer for the Captain of the Port.

Discussion of Regulation

The event requiring this regulation will begin on 6 September 1991 at 9:30 p.m. e.d.s.t. and end on 6 September 1991 at 10:30 p.m. e.s.t. The fireworks display will take place at mile 602.5 on the Ohio River. The river closure is needed to protect river traffic and spectators.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

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

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. A new § 165.T02-048 is added to read as follows:

§ 165.T02-048 Safety Zone: All waters of the Ohio River from Mile 601.5 to 603.5.

(a) *Location.* The following area is a safety zone: All waters of the Ohio River Mile 601.5 to 603.5.

(b) *Effective Date.* This regulation becomes effective at 9:30 p.m. e.d.s.t. on 6 September 1991. It terminates at 10:30 p.m. e.d.s.t. on 6 September 1991, unless sooner terminated by the Captain of the Port.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into zone is prohibited unless authorized by the Captain of the Port.

(2) The Captain of the Port's representative may be contacted on VHF radio Channel 16 during the event.

Dated: August 27, 1991.

W.J. Morani Jr.,

Commander, U.S. Coast Guard, Captain of the Port, Louisville, Kentucky.

[FR Doc. 91-20858 Filed 8-29-91; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Louisville, Kentucky Regulation 91-15]

Safety Zone Regulations; Ohio River Louisville, KY

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Ohio River, mile 599.0 to 601.1. The zone is needed to protect all vessels and spectators from a safety hazard associated with a fireworks display sponsored by the Kentuckiana Powerboat Classic Louisville, Kentucky. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation becomes effective at 9:30 p.m. e.d.s.t. on 7 September 1991. It terminates at 10:30 p.m. e.d.s.t. on 7 September 1991, unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT:
Lt. D. L. Hutchinson, (502) 582-5194.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after *Federal Register* publication due to the short notice of the incident. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to respond to potential hazards to the vessels involved.

Drafting Information

The drafter of this regulation is Lt. D.L. Hutchinson, project officer for the Captain of the Port.

Discussion of Regulation

The event requiring this regulation will begin on 7 September 1991 at 9:30 p.m. e.d.s.t. and end on 7 September 1991 at 10:30 p.m. e.d.s.t. The fireworks display will take place at mile 599.6 on the Ohio River. The river closure is needed to protect river traffic and spectators.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

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

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. A new § 165.T02-049 is added to read as follows:

§ 165.T02-049 Safety Zone: All waters of the Ohio River from Mile 599.0 to 601.1.

(a) *Location.* The following area is a safety zone: All waters of the Ohio River Mile 599.0 to 601.1.

(b) *Effective Date.* This regulation becomes effective at 9:30 p.m. e.d.s.t. on 7 September 1991. It terminates at 10:30 p.m. e.d.s.t. on 7 September 1991, unless sooner terminated by the Captain of the Port.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into zone is prohibited unless authorized by the Captain of the Port.

(2) The Captain of the Port's representative may be contacted on VHF radio Channel 16 during the event.

Dated: August 29, 1991.

W.J. Morani Jr.,

Commander, U.S. Coast Guard, Captain of the Port, Louisville, Kentucky.

[FR Doc. 91-20860 Filed 8-29-91; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-3991-7]

New York: Final Authorization of State Hazardous Waste Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: New York has applied for final authorization of revisions to its hazardous waste program under the

Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed New York's application and has made a decision, subject to public review and comment, that New York's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve New York's hazardous waste program revisions. New York's application for program revision is available for public review and comment.

DATES: Final authority for New York shall be effective October 29, 1991, unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on New York's program revision application must be received by the close of business September 30, 1991.

ADDRESSES: Copies of New York's program revision applications are available during the business hours of 8 a.m. to 4:30 p.m. at the following addresses for inspection and copying: New York State Department of Environmental Conservation, 50 Wolf Road, room 204, Albany, New York 12233-0001, (518) 457-3273; EPA Library (PM 211A), 401 M Street, SW., Washington, DC 20460, 202/382-5926. U.S. EPA Region II Library, room 402, 26 Federal Plaza, New York, New York 10278, Phone (212) 264-2881. Written comments should be sent to: Mr. Conrad Simon, Director, Air and Waste Management Division, U.S. EPA, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264-2301.

FOR FURTHER INFORMATION CONTACT: Mrs. Elizabeth E. Van Rabenswaay, Environmental Scientist; Hazardous Waste Programs Branch, Air & Waste Management Division, U.S. EPA, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264-0548.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under § 3006(b) of the Resource Conservation and Recovery Act (RCRA or the Act), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter HSWA) allows States to revise their programs to become equivalent to RCRA requirements promulgated under HSWA authority. Revisions to State hazardous waste programs are necessary when

Federal or State authority or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260-266, 268, 124 and 270.

B. New York

New York initially received final authorization on May 29, 1986. New York received authorization for revisions to its program on July 3, 1989, and March 6, 1990. On May 28, 1991, New York submitted a program revision application for additional program approvals. Today, New York is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed New York's application, and has made an immediate final decision that New York's hazardous waste program revision satisfied all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to New York. The public may submit written comments on EPA's immediate final decision up until September 30, 1991. Copies of New York's application for program revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this Notice.

Approval of New York's program revision shall become effective 60 days after the date of publication of this Notice unless an adverse comment pertaining to the State's revision discussed in this Notice is received by the end of the comment period. If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision or (2) a Notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision. New York is applying for final authorization of the following Federal hazardous waste requirement:

Federal Requirement

Research, Development, and Demonstration (RD&D) Permit RCRA section 3005(g) [42 USC 6925(g)], 40 CFR 270.65 and 270.10(a). (50 FR 28702; 7/15/85).

State Authority

Environmental Conservation Law (ECL) section 27-0707 and section 27-0913; 6 New York Code of Rules and Regulations (NYCRR) section 373-1.9(c) and section 373-1.4(a)(1).

New York is not authorized, nor is it seeking to be authorized, to operate the Federal Program on Indian lands. This authorization shall remain with the EPA.

C. Decision

The EPA concludes that New York's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, New York is granted final authorization to operate its hazardous waste program as revised. New York now has expanded responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitation of its revised program application and previously approved authorities. New York also has primary enforcement responsibilities for the program revision, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of New York's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This Notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: August 16, 1991.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 91-20909 Filed 8-29-91; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-76; RM-7647]

Radio Broadcasting Services; Reserve, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Virgie Hare du Treil, permittee of Station WADU(FM), Channel 235A, Reserve, Louisiana, substitutes Channel 235C3 for Channel 235A at Reserve, Louisiana, and modifies WADU(FM)'s construction permit to specify operation on the higher powered channel. See 56 FR 14053, April 5, 1991. Channel 235C3 can be allotted to Reserve in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.0 kilometers (13.1 miles) southwest of the community to avoid short-spacings to five of the six pending applications for Channel 234A at Lacombe, Louisiana. The coordinates for the allotment of Channel 235C3 at Reserve are North Latitude 29-58-37 and West Longitude 90-45-01. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 11, 1991.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 654-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91-76, adopted August 13, 1991, and released August 27, 1991. 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 contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street NW., Washington, DC 20036.

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 under Louisiana, is amended by removing Channel 235A and adding Channel 235C3 at Reserve.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-20915 Filed 8-29-91; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF ENERGY

48 CFR Part 919

Acquisition Regulation; Small Business Act Section 8(a) Contracting

AGENCY: Department of Energy (DOE).

ACTION: Final rule.

SUMMARY: The Department is amending the Department of Energy Acquisition Regulation (DEAR) to exempt procurements under the authority of section 8(a) of the Small Business Act from the formal Source Evaluation Board procedures set forth in § 915.613, Alternate source selection procedures. The intent is to avoid unnecessary administrative leadtime and expense for both the prospective contractors and the Department which would be necessary if the more formal selection procedures were utilized. This action follows publication of a notice of proposed rulemaking on May 10, 1991 (56 FR 21651). No public comments were received in response to that notice.

EFFECTIVE DATE: This will be effective September 30, 1991.

FOR FURTHER INFORMATION CONTACT:

Richard B. Langston, Office of Procurement, Assistance and Program Management (PR-121), Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8247.

Laura Fullerton, Office of the Assistant General Counsel for Procurement and Finance (GC-34), Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-1900.

SUPPLEMENTARY INFORMATION:

I. Background

II. Public Comments

III. Procedural Requirements

A. Review Under Executive Order 12291

B. Review Under the Regulatory Flexibility Act

C. Review Under the Paperwork Reduction Act

D. Review Under Executive Order 12612

E. National Environmental Policy Act

I. Background

Under section 644 of the Department of Energy Organization Act, Public Law 95-91 (42 U.S.C. 7254), the Secretary of Energy is authorized to prescribe such procedural rules and regulations as may be deemed necessary or appropriate to

accomplish the functions vested in the position. Accordingly, the DEAR was promulgated with an effective date of April 1, 1984 (49 FR 11922, March 28, 1984), 48 CFR chapter 9.

The Department is amending the DEAR to specify that competitive acquisitions under the authority of section 8(a) of the Small Business Act are exempt from the Department's formal Source Evaluation Board procedures. This will be accomplished by adding a new subpart 919.805, which furnishes background and recognizes the exemption. This should minimize administrative expenses and leadtime associated with these awards which are made in conjunction with the Small Business Administration.

II. Public Comments

A notice of proposed rulemaking was published on May 10, 1991 (56 FR 21651) inviting public comments. No comments were received.

III. Procedural Requirements

A. Review Under Executive Order 12291

This Executive order, entitled "Federal Regulation," requires that certain regulations be reviewed by the OMB prior to their promulgation. This final rule was submitted to the Office of Management and Budget for review.

B. Review Under the Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act of 1989, Public Law 96-354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

C. Review Under the Paperwork Reduction Act

No new information collection or recordkeeping requirements are imposed by this rule. Accordingly, no OMB clearance is required under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*).

D. Review Under Executive Order 12612

Executive Order 12612, entitled "Federalism," 52 FR 41685 (October 30, 1987), requires that regulations, rules, legislation, and any other policy actions be reviewed for any substantial direct effects on States, on the relationship between the national government and the States, or in the distribution of