

**§ 165.T01-147 Safety Zone; Deepavali Fireworks Festival, East River, New York.**

(a) *Location.* The safety zone includes all waters of the East River, shore to shore, south of the Brooklyn Bridge and north of a line drawn from Pier 9, Manhattan to Pier 3, Brooklyn.

(b) *Effective period.* This section is in effect from 6:45 p.m. until 8:15 p.m. on October 15, 1995, unless extended or terminated sooner by the Captain of the Port New York.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: September 15, 1995.

T.H. Gilmour,

*Captain, U.S. Coast Guard, Captain of the Port New York.*

[FR Doc. 95-23801 Filed 9-25-95; 8:45 am]

BILLING CODE 4910-14-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[CA 33-2-7095; FRL-5297-4]

**Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing the approval of a revision to the California State Implementation Plan (SIP) proposed in the Federal Register on June 9, 1992. The revision concerns a rule from the San Diego County Air Pollution Control District (SDCAPCD). This approval action will incorporate this rule into the federally approved SIP. The intended effect of approving this rule is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rule controls VOC emissions from solvents used in the manufacturing of pharmaceuticals and cosmetics. Thus, EPA is finalizing the

approval of this revision into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

**EFFECTIVE DATE:** This action is effective on October 26, 1995.

**ADDRESSES:** Copies of the rule and EPA's evaluation report for the rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule are available for inspection at the following locations:

Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1219 "K" Street, Sacramento, CA 95814

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1095

**FOR FURTHER INFORMATION CONTACT:**

Patricia A. Bowlin, Rulemaking Section, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1188.

**SUPPLEMENTARY INFORMATION:****Background**

On June 9, 1992 in 57 FR 24447, EPA proposed to approve the following SDCAPCD rule into the California SIP: Rule 67.15, Pharmaceutical and Cosmetic Manufacturing. Rule 67.15 was adopted by SDCAPCD on December 18, 1990. The rule was submitted by the California Air Resources Board (CARB) to EPA on April 5, 1991 in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for the above rule and nonattainment area is provided in the NPRM cited above.

EPA has evaluated the above rule for consistency with the requirements of the CAA, EPA regulations, and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM cited above. EPA has found that

the rule meets the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in 57 FR 24447 and in technical support documents (TSDs) available at EPA's Region IX office.

**Response to Public Comments**

A 30-day public comment period was provided in 57 FR 24447. EPA received no comments regarding the NPRM.

**EPA Action**

EPA is finalizing action to approve the above rule for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate this rule into the federally approved SIP. The intended effect of approving this rule is to regulate emissions of VOCs in accordance with the requirements of the CAA.

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

**Unfunded Mandates**

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal

governments in the aggregate or to the private sector.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: September 5, 1995.  
Felicia Marcus,  
Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

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

Authority: 42 U.S.C. 7401-7671q.

**Subpart F—California**

2. Section 52.220 is amended by adding paragraph (c)(183)(i)(A)(13) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(183) \* \* \*

(i) \* \* \*

(A) \* \* \*

(13) Rule 67.15, adopted on December 18, 1990.

\* \* \* \* \*

[FR Doc. 95-23822 Filed 9-25-95; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 89-580; RM-6977, RM-7177, RM-7446]

**Radio Broadcasting Services; Elkins, WV; Mountain Lake Park and Westernport, MD**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission denied an application for review filed by Southern Highlands, Inc., which argued that a condition be placed on Marja's construction permit for Channel 255B1 at Elkins, West Virginia, requiring it to operate with maximum power and antenna height for Class B1 stations. In doing so, the Commission affirmed the *Memorandum Opinion and Order* on reconsideration in this proceeding, 57 FR 40342, September 3, 1992, which had granted in part Southern's petition for reconsideration and affirmed in part the *Report and Order*, 56 FR 52478, October 21, 1991. The *Memorandum Opinion and Order* rearranged the allotment plan adopted by the *Report and Order* in order to permit 6 kilowatt operation at Mountain Lake Park on Channel 283A in lieu of Channel 239A, and at Westernport on Channel 266A in lieu of Channel 283A. With this action, the proceeding is terminated.

**EFFECTIVE DATE:** September 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** J. Bertron Withers, Jr., Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Memorandum Opinion and Order*, MM Docket No. 89-580, adopted August 21, 1995 and released September 21, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-23772 Filed 9-25-95; 8:45 am]

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**DEPARTMENT OF ENERGY**

**48 CFR Parts 933 and 970**

**RIN 1991-AB20**

**Acquisition Regulation; Department of Energy Management and Operating Contracts**

AGENCY: Department of Energy.

ACTION: Final rule.

**SUMMARY:** The Department of Energy (DOE) amends the Department of Energy Acquisition Regulation (DEAR) to modify certain requirements for management and operating contractor subcontracting. This rule incorporates a revised clause and a new clause which minimizes obligations placed upon contractor purchasing systems and streamlines flowdown requirements for subcontracts awarded by management and operating contractors.

**EFFECTIVE DATE:** October 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** James J. Cavanagh, Office of Contractor Management and Administration (HR-55), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585; telephone 202-586-8257.

**SUPPLEMENTARY INFORMATION:**

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I. Background

On March 2, 1995, DOE published in the Federal Register (60 FR 11646) a notice of proposed rulemaking (NPR). That notice proposed to amend the DEAR to identify certain purchasing system objectives and standards, eliminate the application of the "Federal norm," place greater reliance on commercial practices, and remove the provisions concerning General Accounting Office protest jurisdiction over management and operating contractor subcontract awards. The March 2, 1995 notice also reserved for further analysis the removal of DEAR Section 970.7104 and advised that an amendment to the rulemaking would be issued in the event portions of DEAR Section 970.7104 were to be retained and redesignated. Except for the