

publication. Due to the date on which complete information regarding this event was received, there was insufficient time to draft and publish an NPRM. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to protect the maritime public from the hazards associated with fireworks exploding from a barge on the waters on the Hudson River.

Background and Purpose

Heritage of Pride Inc., submitted an Application for Approval of Marine Event to hold a fireworks program on the Hudson River. This regulation establishes a temporary safety zone in all waters of the Hudson River within a 300 yard radius of the fireworks barge anchored approximately 330 yards west of the Manhattan pierhead line between pier 32 and pier 26. The safety zone is in effect from 9:30 p.m. until 11:30 p.m. on June 30, 1996, unless extended or terminated sooner by the Captain of the Port, New York. The safety zone prevents vessels from transiting this portion of the Hudson River and is needed to protect mariners from the hazards associated with fireworks exploding in the area.

Regulatory Evaluation

This regulation 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 been exempted from review 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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This regulation closes a portion of the Hudson River to vessel traffic from 9:30 p.m. until 11:30 p.m. on June 30, 1996, unless extended or terminated sooner by the Captain of the Port, New York. Although this regulation prevents traffic from transiting this area on the eastern side of the Hudson River, the effect of the regulation will not be significant for several reasons: the duration of the event is limited; the event is at a later hour; vessel traffic may safely pass to the west of this area; the advance advisories which will be made; and that this event has been held annually for the past several years between pier 45 and pier 49 without incident or

complaint. Accordingly, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are not independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For reasons set forth in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

Therefore, the Coast Guard finds that this rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this rule will have significant economic impact on your business or organization, please submit a comment explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

This regulation 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 action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environment impact of this regulation and concluded that under section 2.B.2.e. (34)(g) of Commandant Instruction M16475.1B (as revised by 59 FR 38654, July 29, 1994), the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping

requirements, Security measures, Waterways.

Final Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. 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.

2. A temporary § 165.T01–047, is added to read as follows:

§ 165.T01–047 Safety Zone: Heritage of Pride Fireworks Display, Hudson River, New York.

(a) *Location.* All waters of the Hudson River within a 300 yard radius of the fireworks barge anchored approximately 330 yards west of the Manhattan pierhead line between Pier 32 and Pier 26.

(b) *Effective period.* This section is effective from 9:30 p.m. until 11:30 p.m. on June 30, 1996, 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 to this safety zone.

(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: June 18, 1996.

T.H. Gilmour,

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

[FR Doc. 96–16600 Filed 6–27–96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 8

[FRL–5528–8]

Removal of Outdated Regulations Governing Contractor Compliance With Equal Employment Opportunity Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In 1978, the administration and enforcement responsibility for contractor compliance with equal employment opportunity was transferred from contracting agencies like EPA to the Department of Labor, Office of Federal Contract Compliance Programs. OFCCP promulgated revised regulations governing contractor compliance with equal employment opportunity at 41 CFR part 60. Therefore, it is the opinion of EPA, with the concurrence of OFCCP, that the EPA regulations at 40 CFR part 8 are outdated and no longer necessary.

EFFECTIVE DATE: June 28, 1996.

FOR FURTHER INFORMATION CONTACT: Rodney Cash at (202) 260-4582, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (Mail Code 1205).

SUPPLEMENTARY INFORMATION:

A. Background

President Clinton has directed each federal agency to determine which agency regulations can be deleted because they are obsolete, confusing, or unenforceable. This effort is aimed at making our regulations easier to understand by removing those which are no longer necessary. This final rule eliminates an entire part of the CFR which is now outdated and unnecessary.

The purpose of the EPA regulations at 40 CFR Part 8 was to fulfill EPA's responsibilities under Executive Order 11246. Executive Order 11246 requires that employers holding covered Federal contracts and federally assisted construction contracts comply with non-discrimination and affirmative action requirements to ensure equal employment opportunities without regard to race, color, religion, sex or national origin.

The basis for repealing these regulations is that the regulatory scheme has since been vested in another set of regulations promulgated by the Office of Contractor Compliance Programs (OFCCP) at the Department of Labor. EPA, as a contracting agency, formerly had the responsibility for administration and enforcement of equal employment opportunity obligations of its contractors. In 1978, however, that authority was removed from EPA and transferred to OFCCP by Executive Order 12086. The original EPA regulations only serve to mislead and confuse the regulated entities and those who might seek redress through enforcement. For these reasons, EPA is "housecleaning" and removing these outdated, unnecessary regulations from the CFR. The pertinent regulations

governing these contractor compliance issues are now handled exclusively by OFCCP.

B. Executive Order 12866

This rule is not a significant regulatory action as defined in Executive Order 12866; therefore, no review is required at the Office of Information and Regulatory Affairs within OMB.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not propose any information collection requirements which would require the approval of OMB under 44 U.S.C. 3501, *et seq.*

D. Regulatory Flexibility Act

This rule does not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

E. Unfunded Mandates

This final rule does not impose unfunded mandates on state and local entities or others. No new compliance mandates would be created by the removal of these regulations.

List of Subjects in 40 CFR Part 8

Environmental protection.

Dated: June 21, 1996.

Carol M. Browner,
Administrator.

PART 8—[REMOVED]

For the reasons set out in the preamble, under authority of section 201, Executive Order 11246, 30 FR 12319, and 41 CFR 60-1.6(c), EPA is removing 40 CFR Part 8.

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BILLING CODE 6560-50-P

40 CFR Part 52

[KY86-2-6933a; FRL-5456-4]

Approval and Promulgation of Implementation Plans Kentucky: Approval of Revisions to the Kentucky State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Kentucky State Implementation Plan (SIP) submitted on December 29, 1994, by the Commonwealth of Kentucky through the Natural Resources and Environmental Protection Cabinet

(Cabinet). The revisions pertain to Kentucky regulations 401 KAR 59:101 New Bulk Gasoline Plants and 401 KAR 61:056 Existing Bulk Gasoline Plants. The revisions were the subject of a public hearing held on July 26, 1994, and became state effective September 28, 1994. The intended effect of these revisions is to clarify certain provisions and ensure consistency with requirements of the Clean Air Act.

DATES: This final rule is effective August 27, 1996 unless notice is received by July 29, 1996 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Scott M. Martin, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, Atlanta, Georgia 30365.

Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601-1403.

FOR FURTHER INFORMATION CONTACT: Mr. Scott M. Martin, Regulatory Planning and Development Section, Air Programs Branch, Air Pesticides and Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is (404) 347-3555 ext. 4216.

SUPPLEMENTARY INFORMATION: On December 29, 1994, the Commonwealth of Kentucky through the Cabinet, submitted revisions to the Kentucky SIP. The revisions pertain to Kentucky regulations 401 KAR 59:101 New Bulk Gasoline Plants and 401 KAR 61:056 Existing Bulk Gasoline Plants. The revisions were the subject of a public hearing held on July 26, 1994, and became state effective September 28,