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this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 8:30 p.m. on 06 July 1991. It terminates on 06 July 1991 at 11:30 p.m. unless otherwise terminated by Captain of the Port.

FOR FURTHER INFORMATION CONTACT: Lt. Cumming at (716) 846-4168.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rule making 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 prevent potential danger to the vessels involved.

Drafting Information

The drafters of this regulation are LT Cumming, project officer for the Captain of the Port, and LCDR Reeves, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulation

The event requiring this regulation will begin at 8:30 p.m., 06 July 1991 and will conclude at 11:30 p.m., 06 July 1991. The event is a fireworks display from an anchored barge. A safety zone is needed to protect spectator craft and other vessels from falling, burning debris. It is also needed to ensure that the safety of the fireworks launching operation is not compromised by wakes and other hazards associated with transiting vessels.

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.

Federalism

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

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.

2. A new temporary § 165T0929 is added to read as follows: 165T0929 Safety Zone: Sodus Bay, NY

(a) *Location.* The following area is a safety zone: A 500 foot radius around a barge anchored in position 43 deg 15.73 min N, 076 deg 58.23 min W.

(b) *Effective date.* This regulation becomes effective at 8:30 p.m., 06 July 1991. It terminates at 11:30 p.m., 06 July 1991 unless otherwise terminated by the Captain of the Port.

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

Dated: June 14, 1991.

G.S. Cope,

Captain of the Port.

[FR Doc. 91-15739 Filed 7-1-91; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3968-7]

Approval and Promulgation of Implementation Plans; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Nebraska Department of Natural Resources (NDEC) has submitted revised regulations to incorporate by reference the EPA revisions to 40 CFR 52.21 at 53 FR 40656, October 17, 1988, pertaining to PSD NO_x increments. EPA is taking final action to approve this revision to the Nebraska State Implementation Plan (SIP).

DATES: This action will be effective September 3, 1991, unless notice is received within 30 days of publication that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the state submittal for this action are available for public inspection during normal business hours at: The Environmental Protection Agency, region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; Environmental Protection Division, Nebraska

Department of Environmental Control, 301 Centennial Mall South, Lincoln, Nebraska 68509.

FOR FURTHER INFORMATION CONTACT: Joshua A. Tapp at (913) 551-7606 (FTS 276-7606).

SUPPLEMENTARY INFORMATION: On October 17, 1988, EPA revised the prevention of significant deterioration (PSD) regulations at 40 CFR 52.21 (see 53 FR 40656) for nitrogen oxides. These regulations establish the maximum increase in ambient nitrogen dioxide concentrations allowed in an area above the baseline concentration; these maximum allowable increases are called increments. The intended effect of these regulations is to require all applicants for major new stationary sources and major modifications emitting nitrogen oxides to account for and, if necessary, restrict emissions so as not to cause or contribute to exceedances of the increment.

On March 8, 1991, NDEC submitted an amendment to the Nebraska state air rules in chapter 7 entitled "Prevention of Significant Deterioration of Air Quality." This amendment, which became effective February 20, 1991, incorporates by reference the revisions to 40 CFR part 52.21, effective November 19, 1988. The state also provided a demonstration that it meets the conditions for approval of adoption of the NO_x increment program as detailed in the EPA guidance memorandum on the subject dated August 17, 1990.

The above memorandum describes specific conditions for EPA approval of a state's adoption of the NO_x increment rule. Those conditions pertain to regulatory language, increment consumption analysis, increment consumption for the transition period, and legal authority. EPA has evaluated the state's submittal in accordance with the August 17, 1990, guidance and finds that the state submittal is acceptable.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective September 3, 1991, unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that

this action will be effective September 3, 1991.

EPA Action

EPA is taking final action to approve a revision to chapter 7 of title 129, "Nebraska Air Pollution Control Rules and Regulations," which adopts by reference the PSD NO_x requirements of 40 CFR part 52.21 at 53 FR 40656 (October 17, 1988).

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

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

This action has been classified as a table 3 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived tables 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 3, 1991. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, nor postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to

enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Sulfur oxides.

Dated: June 10, 1991.
Martha R. Steincamp,
Acting Regional Administrator.

PART 52—[AMENDED]

Accordingly, 40 CFR part 52, subpart CC, is amended as follows:

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

Authority: 42 U.S.C. 7401—7642

Subpart CC—Nebraska

2. Section 52.1420 is amended by adding paragraph (c)(38) to read as follows:

§ 52.1420 Identification of plan.

* * * * *

(c) * * *
(38) Plan revisions were submitted by the Nebraska Department of Environmental Control on March 8, 1991, which implement EPA's October 17, 1988, PSD NO_x requirements.

(i) Incorporation by reference.
(A) Revisions to title 129, chapter 7, entitled "Prevention of Significant Deterioration of Air Quality," were adopted by the Nebraska Environmental Control Council on December 7, 1990, and became effective February 20, 1991.

(ii) Additional material.
(A) Letter from the state submitted March 8, 1991, pertaining to NO_x rules and analysis which certifies the material became effective on February 20, 1991.

[FR Doc. 91-15551 Filed 7-1-91; 8:45 am]

BILLING CODE 6560-50-M

40 CFR 271

[FRL-3964-7]

North Carolina; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule; Correction.

SUMMARY: This notice amends the list of authorities previously published in the April 10, 1991, *Federal Register*, 56 FR 14474, for final authorization of revisions to North Carolina's Hazardous Waste Management Program. The following analogues were inadvertently included in the *Federal Register* announcement:

- Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators, 54 FR 615, January 9, 1988.
- Standards Applicable to Owners and Operators of Hazardous Waste Treatment Storage and Disposal Facilities; Closure/Post Closure and Financial Responsibility Requirements, 53 FR 7740, March 10, 1988.

DATES: Final authorization for North Carolina's program revision shall be effective June 9, 1991, unless EPA publishes a prior *Federal Register* action withdrawing the April 10, 1991, immediate final rule.

FOR FURTHER INFORMATION CONTACT:

Narindar Kumar, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365, (404) 347-2234.

SUPPLEMENTARY INFORMATION:

In the April 10, 1991 issue of the *Federal Register* on page 14475 the chart of Federal requirements is revised to read as follows:

Federal requirements	FR notice	Promulgation	State authority
Identification and listing of hazardous waste.....	52 FR 26012	7/10/87	NCGS 13A-294(c)(1)(1a) & (15) 15A NCAC 13A.0006(d)
Listing of spent pickle liquor clarification	52 FR 28697	8/3/87	
Development of corrective action programs after permitting hazardous waste land disposal facilities; corrections.	52 FR 33936	9/9/87	
Liability requirements for hazardous waste facilities corporate guarantee	52 FR 44314	11/18/87	NCGS 13A-294(c)(10)(15) & (16) NCGS 130A-294(j) 15A NCAC 13A.0009(i) 15A NCAC 13A.0010(h)