

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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

### Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), this rule is categorically excluded from further environmental documentation.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

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

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 new temporary section 165.T02-056 is added to read as follows:

#### § 165.T02-056 Safety Zone; Lower Mississippi River.

(a) *Location.* The following area is a Safety Zone: Lower Mississippi River Mile 727.0 to mile 730.0

(b) *Effective dates.* This section is effective at 7 a.m. on September 13, 1995, and terminates at 5 p.m. on September 27, 1995.

(c) *Regulations.* In accordance with the General regulations in § 165.23 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port. The Captain of the Port, Memphis, Tennessee, will notify the maritime community of conditions affecting the area covered by this safety zone by Marine Safety Information

Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: August 29, 1995.

**A. L. Thompson, Jr.,**

*Commander, USCG, Captain of the Port.*

[FR Doc. 95-22982 Filed 9-14-95; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 165

[CGD01-95-138]

RIN 2115-AA97

#### Safety Zone: Periphonics Corporation 25th Anniversary Fireworks, Upper New York Bay, NY

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Periphonics Corporation 25th Anniversary fireworks located in Upper New York Bay, New York. The safety zone is in effect from 10 p.m. until 11:20 p.m. on Saturday, September 16, 1995, unless extended or terminated sooner by the Captain of the Port New York. The safety zone temporarily closes all waters of Upper New York Bay, within a 300 yard radius of a fireworks barge anchored approximately 300 yards east of Liberty Island, New York.

**EFFECTIVE DATE:** This rule is in effect from 10 p.m. until 11:20 p.m. on September 16, 1995, unless extended or terminated sooner by the Captain of the Port New York.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (Junior Grade) K. Messenger, Maritime Planning Staff Chief, Coast Guard Group New York (212) 668-7934.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The drafters of this notice are LTJG K. Messenger, Project Manager, Coast Guard Group New York and CDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

##### Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM, and for making this regulation effective less than 30 days after **Federal Register** publication. Due to the date this application was received, there was insufficient time to draft and publish a notice of proposed rulemaking that allows for a reasonable comment period prior to the event. The delay encountered if normal rulemaking procedures were followed would

effectively cancel this event. Cancellation of this event is contrary to the public interest.

Adequate measures are being taken to ensure mariners are made aware of this regulation. Notification of this rule will be locally published in the First Coast Guard District's Local Notice to Mariners, and announced via Safety Marine Information Broadcasts.

### Background and Purpose

On August 22, 1995, Fireworks by Grucci, Inc. submitted an Application for Approval of Marine Event to hold a fireworks program in the waters of Federal Anchorage 20C, in Upper New York Bay. The fireworks program is being sponsored by the Periphonics Corporation. This regulation establishes a temporary safety zone in all waters of Upper New York Bay, within a 300 yard radius of the fireworks barge anchored approximately 300 yards east of Liberty Island, New York, at approximately 40°41'18" N latitude, 074°02'25" W longitude (NAD 1983). The safety zone is in effect from 10 p.m. until 11:20 p.m. on September 16, 1995, unless extended or terminated sooner by the Captain of the Port New York. The safety zone prevents vessels from transiting this portion of Upper New York Bay, adjacent to the eastern shoreline of Liberty Island, 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 Upper New York Bay, Federal Anchorage 20C, off of Liberty Island, New York, to vessel traffic from 10 p.m. until 11:20 p.m. on September 16, 1995, unless extended or terminated sooner by the Captain of the Port New York. Federal Anchorage 20C is mainly used by commercial sightseeing vessels and recreational vessels. Although the regulation prevents traffic from transiting this area, the effect of the regulation will not be significant for

several reasons: the duration of the event is limited; the event is at a late hour; the zone is located within a Federal Anchorage and does not impact a navigable channel; vessel traffic may safely pass to the east of this area; and the extensive, advance advisories which will be made. 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" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632).

For the reasons set forth in the Regulatory Evaluation, the Coast Guard expects the impact of this regulation to be minimal. 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.

#### Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

#### 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 raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 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. Under the National Environmental Policy Act, the approval of the permit for marine event for this event is a federal action which is categorically excluded in accordance with section 2.B.2.e(35)(h) of Commandant Instruction M16475.1B. This fireworks display lasts less than 30

minutes and is expected to involve less than 200 spectator craft.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

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 section 165.T01-138, is added to read as follows:

#### § 165.T01-138 Safety Zone; Periphonics Corporation 25th Anniversary Fireworks, Upper New York Bay, New York.

(a) *Location.* The safety zone includes all waters of Upper New York Bay, within a 300 yard radius of the fireworks barge anchored approximately 300 yards east of Liberty Island, New York, at approximately 40°41'18" N latitude, 074°02'25" W longitude (NAD 1983).

(b) *Effective period.* This section is in effect from 10 p.m. until 11:20 p.m. on September 16, 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 5, 1995.

**T.H. Gilmour,**

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

[FR Doc. 95-22983 Filed 9-14-95; 8:45 am]

BILLING CODE 4910-14-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 180

[PP 4F4331/R2170; FRL-4976-9]

RIN 2070-AB78

#### Plant Pesticide *Bacillus Thuringiensis* CryIA(c) Delta-Endotoxin and the Genetic Material Necessary for Its Production in Cotton; Tolerance Exemption

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

**ACTION:** Final rule.

**SUMMARY:** This rule establishes an exemption from the requirement of a tolerance for residues of the plant pesticide active ingredient *Bacillus thuringiensis* CryIA(c) delta-endotoxin and the genetic material necessary for its production in cotton. The Monsanto Co. requested the exemption from the requirement of a tolerance under the Federal Food, Drug and Cosmetic Act. The rule eliminates the need to establish a maximum permissible level for residues of this plant pesticide in cotton.

**EFFECTIVE DATE:** September 15, 1995.

**ADDRESSES:** Written objections and hearing requests, identified by the document control number [PP 4F4331/R2170] may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted