

categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the fireworks program under the National Environmental Policy Act will be conducted in conjunction with the marine event permitting process each year.

#### 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:

#### 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. Section 165.178 is added to read as follows:

#### § 165.178 Safety Zone; Annual North Hempstead Memorial Day Fireworks Display, Hempstead Harbor, New York.

(a) *Location.* All waters of Hempstead Harbor within a 300 yard radius of a fireworks platform located approximately 300 yards north of Bar Beach, North Hempstead, New York.

(b) *Effective period.* This safety zone is in effect annually on the Friday before Memorial Day from 8 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port New York. If the fireworks is canceled because of bad weather, this section is in effect on the following Saturday at the time unless extended or terminated sooner by the Captain of the Port New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

(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: April 18, 1995.

**J. Rutkovsky,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA-102-4-6905; FRL-5184-9]

#### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on February 2, 1995 and February 10, 1995. The revisions concern rules from the Bay Area Air Quality Management District (BAAQMD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules 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 rules control VOC emissions from light and medium duty motor vehicle assembly plants, from the surface coating of large appliances and metal furniture, from the coating of wood products, from the surface coating of marine vessels, components, and structures intended for exposure to a marine environment, and from air stripping and soil vapor extraction operations. Thus, EPA is finalizing the approval of these revisions 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 May 26, 1995.

**ADDRESSES:** Copies of the rules and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules 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, SW., Washington, DC 20460.

California Air Resources Board, 2020 "L" Street, Sacramento, CA 95814.

Bay Area Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

#### FOR FURTHER INFORMATION CONTACT:

Nikole Reaksecker, Rulemaking Section, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744-1187.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 2, 1995 in 60 FR 6467, EPA proposed to approve BAAQMD's Regulation 8, Rule 43 (Rule 8-43), Surface Coating of Marine Vessels, into the California SIP. On February 10, 1995 in 60 FR 7931, EPA proposed to approve the following rules into the California SIP: BAAQMD's Regulation 8, Rule 13 (Rule 8-13), Light and Medium Duty Motor Vehicle Assembly Plants; Regulation 8, Rule 14 (Rule 8-14), Surface Coating of Large Appliances and Metal Furniture; Regulation 8, Rule 23 (Rule 8-23), Coating of Flat Wood Paneling and Wood Flat Stock; and Regulation 8, Rule 47 (Rule 8-47), Air Stripping and Soil Vapor Extraction Operations. Rules 8-14 and 8-43 were adopted by BAAQMD on June 1, 1994, and Rules 8-13, 8-23, and 8-47 were adopted by BAAQMD on June 15, 1994. These rules were submitted by the CARB to EPA on September 28, 1994 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 each of the above rules and nonattainment areas is provided in the NPRMs cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRMs cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in 60 FR 6467 and 60 FR 7931 and in technical support documents

(TSDs) available at EPA's Region IX office.

**Response to Public Comments**

The 30-day public comment periods were provided in 60 FR 6467 and 60 FR 7931. No comments were received.

**EPA Action**

EPA is finalizing action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 1109(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules 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.

**Regulatory Process**

The OMB has exempt this action from review under Executive Order 12866.

**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: March 29, 1995.

**David P. Howekamp,**

*Acting 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)(199)(i)(A)(2) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*  
(199) \* \* \*  
(i) \* \* \*  
(A) \* \* \*

(2) Regulation 8, Rules 14 and 43 adopted on June 1, 1994, and regulation 8, Rules 13, 23, 47 adopted on June 15, 1994.

\* \* \* \* \*  
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**40 CFR Part 180**

[PP 2E4071/R2117; FRL-4941-8]

RIN 2070-AB78

**Methyl Anthranilate; Exemptions From the Requirement of a Tolerance**

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

**ACTION:** Final rule.

**SUMMARY:** This document establishes an exemption from the requirement of a tolerance for residues of the biochemical methyl anthranilate in or on the raw agricultural commodities blueberry, cherry, and grape when the pesticide is used in accordance with good agricultural practices. The Interregional Research Project No. 4 (IR-4) requested this exemption in a petition submitted to EPA.

**EFFECTIVE DATE:** This regulation becomes effective April 26, 1995.

**ADDRESSES:** Written objections, identified by the document control number, [PP 2E4017/R2117], 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 Resources 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 request 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.

**FOR FURTHER INFORMATION CONTACT:** By mail: Hoyt Jamerson, Registration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington,

DC 20460. Office location and telephone number: Westfield Building North, 6th Fl., 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8783; e-mail: Jamerson.Hoyt@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of February 22, 1995 (60 FR 9816), EPA issued a proposed rule that gave notice that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition (PP) 2E4071 to EPA on behalf of the Agricultural Experiment Station of Washington. Pesticide petition 2E4071 requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), establish exemptions from the requirement of a tolerance for residues of the biochemical methyl anthranilate in or on the raw agricultural commodities blueberry, cherry, and grape. Methyl anthranilate will be applied as a dilute foliar spray to these crops to repel birds and reduce bird depredation. Methyl anthranilate is a natural constituent of food that can be found in grape and citrus. Methyl anthranilate is also synthetically produced and used in the purified form (not less than 99 percent pure) as a flavoring agent in beverages, ice cream, candy, baked goods, gelatins, puddings, and chewing gum. The synthetic product mimics the chemical structure and function of the natural plant constituent. Methyl anthranilate is listed by the Food and Drug Administration (FDA) as a flavoring compound under 21 CFR 182.60 and is classified generally recognized as safe (GRAS) by the Expert Panel of the Flavor and Extract Manufacturer's Association (FEMA). Registrants who produce end-use products for this active ingredient that are intended for use on blueberry, cherry, or grape will be required to use methyl anthranilate produced to meet or exceed U.S. Food Chemical Codex and U.S. Pharmacopoeia specifications.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted relevant to the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance exemption will protect the public health. Therefore, the tolerance exemption is established as set forth below.