

beginning at Cornfield Harbor dayboard Number 1, thence southwest to the entrance to Hull Creek; thence east southeast along the shoreline to the entrance to Cubitt Creek; thence northeast to Point Lookout Lighthouse; thence northwest to Cornfield Harbor dayboard Number 1. The safety zone is needed to protect swimmers participating in the Potomac River Swim from vessel traffic and its wake. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

**DATES:** This temporary regulation is effective from 6 a.m. to 3 p.m. on May 31, 1997.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant James Driscoll, Marine Event Coordinator, Activities Baltimore, 2401 Hawkins Point Rd., Baltimore, Maryland, 21226-1791, telephone number (410) 576-2676.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to control anticipated spectator craft and to provide for the safety of life and property on navigable waters during the event.

#### Discussion of the Regulation

The Potomac River Swim Inc. submitted an application to hold The Potomac River Swim on May 31, 1997. During past events, Coast Guard patrol boats were provided to protect swimmers and escort vessels. Wind, wave and weather conditions permitting, the swimming event will begin at Hull Neck at 8:30 a.m., and will finish at the Point Lookout State Park Beach. The last swimmer is expected to complete the crossing by 3 p.m. Approximately fifteen swimmers will participate in the event. Each swimmer will be escorted by a kayak and a small motorized boat. Entry into this zone is prohibited unless authorized by the Captain of the Port.

#### Regulatory Evaluation

This temporary rule 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 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 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 temporary 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, Vessels, Waterways.

#### Regulation

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; and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; and 49 CFR 1.46.

2. A new temporary section, 165.T05-97-011, is added to read as follows:

#### **§ 165.T05-97-011 Safety Zone; Potomac River, Point Lookout, MD to Hull Neck, VA.**

(a) *Location.* The following area is a safety zone: that portion of the Potomac River included within a boundary beginning at Cornfield Harbor dayboard Number 1, thence southwest to the entrance to Hull Creek; thence east southeast along the shoreline to the entrance to Cubitt Creek; thence northeast to Point Lookout Lighthouse; thence northwest to Cornfield Harbor dayboard Number 1.

(b) *Effective Date.* This section becomes effective at 6 a.m. and terminates at 3 p.m. on May 31, 1997.

(c) *Captain of the Port* means the Commanding Officer of Coast Guard Activities Baltimore, or any commissioned, warrant, or petty officer authorized by the Captain of the Port to act on his behalf.

#### (d) *Regulations.*

(1) 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.

(2) The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band radio Channel 22 (157.1 MHz).

Dated: 14 March 1997.

**G.S. Cope,**

*Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.*

[FR Doc. 97-10734 Filed 4-24-97; 8:45 am]

BILLING CODE 4910-14-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[COTP San Diego; 97-001]

RIN 2115-AA97

#### Safety Zone: Oceanside, CA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in the navigable waters of the Pacific Ocean adjacent to Oceanside, California, for the War On The Water International (WWI) Oceanside Grand Prix Powerboat Race on 4 May 1997. The safety zone consists of a rectangular area approximately 3.3 miles long by .3 miles wide between the Oceanside harbor entrance and the southerly city limits of Oceanside, approximately .5 miles from the shoreline and running approximately parallel thereto, in an area more particularly described as follows: beginning at a point located at latitude 33-25.0 N, longitude 117-24.0 W; thence southeast to a point located at latitude 33-09.1 N, longitude 117-21.1 W; thence southwest to a point located at latitude 33-09.0 N, longitude 117-22.0 W; thence northwest to a point located at latitude 33-11.9 N, longitude 117-24.0 W; thence northeast to the point of the beginning.

This safety zone is established to protect the lives and property of the race participants and spectators by establishing an exclusionary zone around the race course. Entry into, transit through, or anchoring within this

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

**DATES:** This temporary regulation is effective from 10 a.m. to 4 p.m. on May 4, 1997.

**ADDRESSES:** Marine Safety Office San Diego, 2716 N. Harbor Drive, San Diego, CA 92101-1064.

**FOR FURTHER INFORMATION CONTACT:**

LT Mike Arguelles, U.S. Coast Guard Marine Safety Office San Diego at (619) 683-6484.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of its effective date would be contrary to the public interest since the details of the safety zone boundaries and WWI Oceanside Grand Prix Powerboat Race were not finalized until a date fewer than 30 days prior to the event date.

**Discussion of Regulation**

This regulation is necessary to protect the lives and property of the race participants and spectators by establishing an exclusionary zone around the WWI Oceanside Grand Prix Powerboat Race. During race times, vessels will be traveling at high rates of speed which will hinder their reaction time to obstacles. This safety zone will be marked by the sponsor, and enforced by U.S. Coast Guard personnel with the assistance of the Oceanside Harbor Police. Persons and vessels are prohibited from entering into, transiting through, or anchoring within the safety zone unless authorized by the Captain of the Port.

**Regulatory Evaluation**

This proposal 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 (44 FR 11040; February 26, 1979). Due to the short duration and limited scope of the safety zone the Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of Department of Transportation is unnecessary.

**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 regulation under 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.

**Environmental Assessment**

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2. of Commandant Instruction M16475.1B as revised in 59 FR 38654, July 29, 1994, it will have no significant environmental impact and it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist will be available for inspection and copying in the docket to be maintained at the address listed in **ADDRESSES**.

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

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

**Regulation**

In consideration of the foregoing, Subpart F of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for 33 CFR 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.T11-038 is added to read as follows:

**§ 165.T11-001 Safety Zone: Oceanside, CA.**

(a) *Location.* The following area constitutes a safety zone in the navigable waters in the vicinity of Oceanside, CA: beginning at a point located at latitude 33°25'00" N, longitude 117°24'00" W; thence southeast to a point located at latitude 33°09'04" N, longitude 117°21'07" W; thence southwest to a point located at latitude 33°09'02" N, longitude 117°22'00" W; thence northwest to a point located at latitude 33°11'54" N, longitude 117°24'03" W; thence northeast to the point of the beginning. All coordinates referred use Datum: NAD 83.

(b) *Effective Dates.* This temporary regulation is effective from 10 a.m. to 4 p.m. (DST) on May 4, 1997, unless cancelled earlier by the Captain of the Port.

(c) *Regulations.* In accordance with the general regulations in Section 165.23 of this part, entry into, transit through, or anchoring within this zone is prohibited unless authorized by the Captain of the Port.

Dated: April 9, 1997.

**J.A. Watson,**

*Commander, U.S. Coast Guard, Captain of the Port, San Diego, California.*

[FR Doc. 97-10733 Filed 4-24-97; 8:45 am]

BILLING CODE 4910-14-M

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[OPP-300478; FRL-5713-1]

RIN 2070-AB78

**Oxyfluorfen; Pesticide Tolerance for Emergency Exemption**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes a time-limited tolerance for residues of the herbicide Oxyfluorfen in or on the food commodity strawberry in connection with EPA's granting of emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of Oxyfluorfen on strawberries in Massachusetts, New Hampshire, Connecticut, Maine, Washington and Oregon. This regulation establishes maximum permissible levels for residues of Oxyfluorfen in this food pursuant to the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerance will expire and is revoked on April 15, 1998.

**DATES:** This regulation becomes effective April 25, 1997. Objections and requests for hearings must be received by EPA on or before June 24, 1997.

**ADDRESSES:** Written objections and hearing requests, identified by the docket control number, [OPP-300478], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations