

misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement.

There are approximately 542 Model 767 series airplanes equipped with over-wing escape slides of the affected design in the worldwide fleet. The FAA estimates that 178 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 40 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$427,200, or \$2,400 per airplane.

However, approximately 166 U.S.-registered airplanes previously were required by AD 93-25-06 to accomplish the subject modification. This proposal would affect only 12 additional U.S.-registered airplanes. Therefore, the cost to modify these 12 newly added airplanes is estimated to be \$28,800, or \$2,400 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft

regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

##### § 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8772 (58 FR 69221, December 30, 1993), and by adding a new airworthiness directive (AD), to read as follows:

**Boeing:** Docket 95-NM-08-AD. Supersedes AD 93-25-06, Amendment 39-8772.

**Applicability:** Model 767 series airplanes, having line positions 1 through 542 inclusive, and equipped with over-wing escape slides; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent damage to the over-wing escape slide, which could hinder inflation of the slide to a usable configuration during an emergency evacuation, accomplish the following:

(a) For airplanes having serial number 1 through 476 inclusive: Within 15 months after January 31, 1994 (the effective date of AD 93-25-06, amendment 39-8772), modify

the trailing edge panels and the aft flaps, in accordance with Boeing Service Bulletin 767-57-0043, Revision 1, dated May 6, 1993; Revision 2, dated September 16, 1993; or Revision 3, dated February 2, 1995.

(b) For airplanes having serial numbers 477 through 542 inclusive: Within 15 months after the effective date of this AD, modify the trailing edge panels and the aft flaps, in accordance with Boeing Service Bulletin 767-57-0043, Revision 3, dated February 2, 1995.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 27, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 95-8077 Filed 3-31-95; 8:45 am]

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#### Coast Guard

#### 33 CFR Part 165

[CGD01-95-025]

RIN 2115-AA97

#### Safety Zone: Annual "Fireworks on the Navesink" Fireworks Display, Navesink River, Red Bank, NJ

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a permanent safety zone for the annual Independence Day "Fireworks on the Navesink" fireworks display located on the Navesink River, Red Bank, New Jersey. The safety zone would be in effect annually on the third day of July, from 8 p.m. until 11 p.m., with a raid date on the fourth of July, at the same times, unless extended or terminated sooner by the Captain of the Port, New York. The proposed safety zone would close all waters between the north and south shores of the Navesink River, including Red Bank Reach,

extending approximately 300 yards east and 300 yards west of the fireworks platform anchored off of Red Bank, New Jersey.

**DATES:** Comments must be received on or before May 18, 1995.

**ADDRESSES:** Comments should be mailed to U.S. Coast Guard Group, New York, Bldg. 108, Governors Island, New York 10004-5096, or may be delivered to the Maritime Planning Staff, Bldg. 108, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Any person wishing to visit the office must contact the Maritime Planning Staff at (212) 668-7934 to obtain advance clearance due to the fact that Governors Island is a military installation with limited access.

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

#### **SUPPLEMENTARY INFORMATION:**

##### **Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. A 45 day comment period is deemed to be sufficiently reasonable notice to all interested persons. Since this proposed rulemaking is neither complex nor technical, a longer comment period is deemed to be unnecessary and contrary to the public interest. Any delay in publishing a final rule would effectively cancel this event. Cancellation of this event would be contrary to public interest.

Persons submitting comments should include their names and addresses, identify this notice (CGD01-95-025) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing; however, persons may request a public hearing by writing to the Maritime Planning Staff at the address under **ADDRESSES**. If it is determined that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

##### **Drafting Information**

The drafters of this notice are LTJG K. Messenger, Project Manager, Coast

Guard Group New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

##### **Background and Purpose**

For the last several years, the Town of Red Bank, New Jersey, has submitted an Application for Approval of Marine Event for a fireworks program in the waters of the Navesink River. This regulation would establish an annual safety zone in the waters between the north and south shores of the Navesink River, including Red Bank Reach, extending approximately 300 yards east and 300 yards west of the fireworks platform anchored off of Red Bank, New Jersey, at or near 40°21'20" N latitude, 074°04'10" W longitude. The safety zone is bounded by the following points: 40°21'15" N latitude, 074°03'57" W longitude; to 40°21'43" N latitude, 074°03'57" W longitude; and 40°21'20" N latitude, 074°04'25" W longitude; to 40°21'30" N latitude, 074°04'25" W longitude. The safety zone would be effective on the third of July, from 8 p.m. until 11 p.m., with a raid date on the fourth of July, at the same times, unless extended or terminated sooner by the Captain of the Port New York. This safety zone would preclude all vessels from transiting a portion of the Navesink River, from shore to shore, and is needed to protect mariners from the hazards associated with fireworks exploding in the area.

This permanent regulation would provide notice to mariners that this event occurs annually at the same location, on the same day and time, allowing them to plan transits accordingly. This regulation will be announced annually via Safety Marine Information Broadcasts and by locally issued notices.

##### **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 (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 10(e) of the regulatory policies and procedures of DOT is unnecessary.

This safety zone would close a portion of the Navesink River, from shore to shore, to all vessel traffic annually on the third of July, from 8

p.m. until 11 p.m., with a rain date on the fourth of July, at the same times, unless extended or terminated sooner by the Captain of the Port New York. Although this regulation would prevent traffic from transiting this area, the effect of this regulation would not be significant for several reasons. Due to the limited duration of the event; the late hour of the event; the extensive, advance advisories that will be made; that the amount of traffic in this area is minimal; and that this event has been held annually for the past several years without incident or complaint, 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 proposal 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 reasons set forth in the above Regulatory Evaluation, the Coast Guard expects the impact of this proposal to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic impact on a substantial number of small entities.

##### **Collection of Information**

This proposal 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 proposal 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 proposal and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is scheduled in the docket.

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

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

**Proposed Regulations**

For reasons set out in the preamble, the Coast Guard proposes to amend 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, 56.04–6, and 160.5; 49 CFR 1.46.

2. Section 165.161 is added to read as follows:

**§ 165.161 Safety Zone; Annual “Fireworks on the Navesink” Fireworks Display, Navesink River, Red Bank, New Jersey.**

(a) *Location.* All waters between the north and south shores of the Navesink River, including Red Bank Reach, extending approximately 300 yards east and 300 yards west of the fireworks platform anchored off of Red Bank, New Jersey, at or near 42°21'20" N latitude, 074°04'10" W. The safety zone is bound by the following points: 40°21'15" N latitude, 074°03'57" W longitude; to 40°21'43" N latitude, 074°03'57" W longitude; and 40°21'20" N latitude, 074°04'25" W longitude; to 40°21'30" N latitude, 074°04'25" W longitude.

(b) *Effective period.* This safety zone is in effect annually on the third of July, from 8 p.m. until 11 p.m., unless extended or terminated sooner by the Captain of the Port New York. If the fireworks display is cancelled because of bad weather, this section is in effect on the fourth of July, at the same times, 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: March 17, 1995.

**J. Rutkovsky,**

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

[FR Doc. 95–8127 Filed 3–31–95; 8:45 am]

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**33 CFR Part 165**

[CGD01–95–010]

RIN 2115–AA97

**Safety Zone: Annual South Street Seaport New Year's Eve Fireworks, East River, NY**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a permanent safety zone for the annual South Street Seaport New Year's Eve fireworks display located in the East River, New York. The safety zone would be in effect annually on December 31 at 11:30 p.m. until 12:45 a.m. on January 1, unless extended or terminated sooner by the Captain of the Port, New York. The proposed safety zone would close all waters of the East River south of the Brooklyn Bridge and north of a line drawn from Pier 9, Manhattan to Pier 3, Brooklyn.

**DATES:** Comments must be received on or before June 2, 1995.

**ADDRESSES:** Comments should be mailed to the U.S. Coast Guard Group, New York, Bldg. 108, Governors Island, New York 10004–5096, or may be delivered to the Maritime Planning Staff, Bldg. 108, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Any person wishing to visit the office must contact the Maritime Planning Staff at (212) 668–7934 to obtain advance clearance due to the fact that Governors Island is a military installation with limited access.

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

**SUPPLEMENTARY INFORMATION:****Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments.

Persons submitting comments should include their names and addresses, identify this notice (CGD01–95–010) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Persons wanting acknowledgment to receipt of

comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing; however, persons may request a public hearing by writing to the Maritime Planning Staff at the address under **ADDRESSES**. If it is determined that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

**Drafting Information**

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

**Background and Purpose**

For the last several years, South Street Seaport, Inc. has submitted an Application for Approval of Marine Event for a New Year's Eve fireworks program in the waters of the East River. This regulation would establish a safety zone annually in the waters of the East River at 11:30 p.m. on December 31, until 12:45 a.m. on January 1, unless extended or terminated sooner by the Captain of the Port, New York. This safety zone would preclude all vessels from transiting south of the Brooklyn Bridge and north of a line drawn from Pier 9, Manhattan to Pier 3, Brooklyn. It is needed to protect mariners from the hazards associated with fireworks exploding in the area.

This permanent regulation would provide notice to mariners that this event occurs annually at the same location, on the same day and time, allowing them to plan transits accordingly. This regulation will be announced annually via Safety Marine Information Broadcasts and by locally issued notices.

**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 the 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and