

**Environment**

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, 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; and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A new temporary § 164.T-02-014 is added to read as follows:

**§ 165.T-02-014 Safety Zone; Lower Mississippi River.**

(a) *Location.* The following area is a Safety Zone: Lower Mississippi River mile 532.0 to mile 529.0.

(b) *Effective dates.* This section becomes effective at 9 a.m. on May 25, 1995 and terminates at 8 p.m. on December 31, 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: May 25, 1995.

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

*Commander, USCG, Captain of the Port.*

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**33 CFR Part 165**

[CGD01-95-063]

RIN 2115-AA97

**Safety Zone: Brick Summerfest Fireworks, Metedeconk River, Brick, NJ**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on July 4, 1995, from 8 p.m. until 10 p.m., for the Brick Summerfest fireworks display located in the Metedeconk

River, Brick, New Jersey. This safety zone closes all waters of the Metedeconk River within a 300 yard radius from the center of the fireworks platform located on Windward Beach, Brick, New Jersey.

**EFFECTIVE DATE:** This rule is effective July 4, 1995, from 8 p.m. until 10 p.m., unless extended or terminated soon by the Coast Guard 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 regulation are LTJG K. Messenger, Project Manager, Coast Guard Group New York and LCDR 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 it 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.

**Background and Purpose**

The Brick Township Chamber of Commerce submitted an Application for Approval of Marine Event for a fireworks program on Windward Beach in the Metedeconk River. This regulation establishes a temporary safety zone in the waters of the Metedeconk River on July 4, 1995, from 8 p.m. until 10 p.m., unless extended or terminated sooner by the Coast Guard Captain of the Port, New York. This safety zone prevents vessels from transiting a portion of the Metedeconk River within a 300 yard radius of the fireworks platform located on a pier, on Windward Beach, Brick, New Jersey, in the approximate position 40°03'25" N latitude, 074°06'47" W longitude (NAD 1983). It 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 safety zone closes a portion of the Metedeconk River to vessel traffic on July 4, 1995, from 8 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port, New York. Although this regulation prevents traffic from transiting this area, the effect of this regulation will not be significant for several reasons: The limited duration of the event; the late hour of the event; that mariners can transit to the south of this area; and the extensive, advance advisories that 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 reasons given 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 Agreement.

### 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. An appropriate environmental analysis of the fireworks under the National Environmental Policy Act will be conducted in conjunction with the marine event permitting process.

### List of Subjects in 33 CFR Part 165

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

### Final Regulation

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 § 165.T01-063 is added to read as follows:

#### § 165.T01-063 Safety Zone; Brick Summerfest Fireworks, Metedeconk River, Brick, New Jersey.

(a) *Location.* All waters of the Metedeconk River within a 300 yard radius of the fireworks platform located on a pier, on Windward Beach, Brick, New Jersey, in the approximate position 40°03'25"N latitude, 074°06'47"W longitude (NAD 1983).

(b) *Effective period.* This section is in effect on July 4, 1995, from 8 p.m. until 10 p.m., 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 to this safety zone.

(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: June 7, 1995.

**T.H. Gilmour,**

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

[FR Doc. 95-15227 Filed 6-20-95; 8:45 am]

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### 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:** Final rule.

**SUMMARY:** The Coast Guard is establishing 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 is effective 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. The safety zone closes all waters between the north and south shores of the Navesink River, including Red Bank Beach, extending approximately 300 yards east and 300 yards west of the fireworks platform anchored off of Red Bank, New Jersey.

**EFFECTIVE DATE:** This rule is effective on July 3, 1995.

**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 regulation are LTJG K. Messenger, Project Manager, Coast Guard Group New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

##### Regulatory History

On April 3, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (60 FR 16818) concerning this regulatory action. Interested persons were requested to submit comments on or before May 18, 1995. No comments were received. A public hearing was not requested and one was not held. The Coast Guard is promulgating this final rule as proposed.

Due to the NPRM comment period deemed necessary to give adequate

public notice, there was insufficient time to publish this final rule 30 days prior to the event. Good cause exists for making this rule effective less than 30 days after publication. Adequate measures are being taken to ensure mariners are made aware of this regulation. 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

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 establishes 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 the Red Bank, New Jersey, at or near 40°21'20"N latitude, 074°04'10"W longitude (NAD 1983). 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 (NAD 1983). The safety zone is in effect 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. This safety zone prevents vessels from transiting this portion of the Navesink River, from shore to shore, and is needed to protect mariners from the hazardous 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 safety zone closes a portion of the Navesink River, from shore to shore, to vessel traffic annually on the third of July, from 8 p.m. until 11 p.m., with a