

33 CFR Part 165

[CGD01-95-062]

RIN 2115-AA97

Safety Zone: Brick Summerfest, Bricktown Race, 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, in the Metedeconk River, for the Bricktown Race. This safety zone prevents vessels not participating in the race from transiting a portion of the Metedeconk River, Brick, New Jersey.

EFFECTIVE DATE: This rule is effective on July 4, 1995, from 11:30 a.m. until 4:30 p.m., 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 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 an NPRM 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 Coast Guard received an Application for Approval of Marine Event to hold a powerboat race on the Metedeconk River as part of the Bricktown Summerfest Celebration. This event is sponsored by the East Coast Boat Racing Club of New Jersey. This regulation establishes a temporary safety zone in the waters of the Metedeconk River on July 4, 1995, from 11:30 a.m. until 4:30 p.m., unless extended or terminated sooner by the

Coast Guard Captain of the Port, New York. This safety zone prevents vessels not participating in this event from transiting a portion of the Metedeconk River, Brick, New Jersey. Vessels participating in this event include race participants and race committee craft. All other vessels, swimmers, and personal watercraft of any nature are precluded from entering or moving within the safety zone. The rectangular safety zone area includes all waters extending 400 yards off of the Windward Beach shoreline from the Metedeconk River Light "6" to a point approximately 1200 yards west at or near 40°03'31" N latitude, 074°07'00" W longitude (NAD 1983). This regulation is needed to protect the boating public from the hazards associated with high speed power boats racing in confined waters. A second safety zone, for a fireworks display will be in place on these waters from 8 p.m. to 10 p.m. on the same date and has been published separately.

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 this portion of the Metedeconk River to through vessel traffic on July 4, 1995, from 11:30 a.m. until 4:30 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 is not significant for several reasons: the limited duration of the event; that mariners can transit to the south or to the east of this area; this portion of the river is used mainly by recreational craft; 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 Paper 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 raised 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. An appropriate environmental analysis of the powerboat race 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 section, 165.T01-062 is added to read as follows:

§ 165.T01-062 Safety Zone; Brick Summerfest Bricktown Race, Metedeconk River, Brick, New Jersey.

(a) *Location.* All waters of the Metedeconk River within a rectangular area extending 400 yards off of the Windward Beach shoreline from the Metedeconk River Light "6" to a point approximately 1200 yards west at or near 40°03'31" N latitude, 074°07'00" W longitude (NAD 1983).

(b) *Effective period.* This section is in effect on July 4, 1995, from 11:30 a.m. until 4:30 p.m., unless extended or terminated sooner by the Captain of the Port, New York.

(c) *Regulations.* (1) Vessels not participating in this event, swimmers, and personal watercraft of any nature are precluded from entering or moving within the safety zone.

(2) The general regulations contained in 33 C.F.R. 165.23 apply to this safety zone.

(3) 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 15, 1995.

T. H. Gilmour,

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

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BILLING CODE 4910-14-M

33 CFR Part 165

[CGD01-95-082]

Safety Zone: Bristol Harbor, RI

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in Bristol Harbor, Bristol, RI for the Bristol Fourth of July Fireworks celebration. The event, sponsored by the Bristol's Fourth of July Committee, will take place on Tuesday, July 4, 1995 from 9:30 p.m. until 10 p.m. This safety zone will preclude all vessels from transiting a small portion of Bristol Harbor and is needed to protect the boating public from the hazards associated with the exploding of pyrotechnics in the area.

EFFECTIVE DATE: This rule is in effect from 9:30 p.m. until 10 p.m. on July 4, 1995.

FOR FURTHER INFORMATION CONTACT:

LT J.C. Wong, Coast Guard Marine Safety Field Office, New Bedford, at (508) 999-0072.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are LT J.C. Wong, Project Manager, Captain of the Port, Providence and CDR J. Astley, Project Counsel, First Coast Guard District Legal Office.

Regulatory History

Pursuant to 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. Complying with standard procedures would effectively cancel the event. Due to this event's historic significance and role in the nation's celebration of Independence Day, any delays which would result in cancellation would be undesirable. Publishing a notice of proposed rulemaking and delaying the events would be contrary to the public's interest since the event is the oldest Independence Day celebration in this country, and an event viewed with patriotic zeal and pride by thousands of people travelling great distances to participate in the event. Immediate action is necessary to respond to any potential hazards associated with the conduct of this event.

Background and Purpose

The town of Bristol in Rhode Island annually provides a fireworks program to mark Independence Day. The celebration is an important event for the town of Bristol as it draws numerous people to the area for the weekend, increasing tourism and economically benefiting the town.

The Coast Guard is establishing a temporary safety zone regulation in the waters of Bristol Harbor within a 350 yard radius from the center point of a fireworks barge anchored at or near N 41-39.8 latitude, W 071-16.92 longitude. The exclusionary zone will be in effect for a 30 minute period during the evening of July 4, 1995. The safety zone will preclude all vessels from transiting this portion of Bristol Harbor and is necessary to protect the fireworks barge and attending tug, spectator craft, and other vessels or personnel in the area, from the hazards associated with explosive laden barges and the display itself. No vessel will be permitted to enter or move within the effected area unless expressly authorized to do so by the Captain of the Port, Providence.

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.

Although this regulation will prevent vessels from transiting the effected area, the Coast Guard expects the economic impact of this proposal to be minimal for several reasons. Due to the fact that the time period for the safety zone is extremely limited, the event is conducted during the evening hours of a federal holiday in a remote portion of Narragansett Bay, as well as the fact that extensive, advance advisories will be made to the affected maritime community, the impact of this regulation is expected to be minimal.

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 the reasons outlined in the Regulatory Evaluation above, the Coast Guard expects the impact to be minimal on all entities. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule 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 et seq.).

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.