

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-95-064]

RIN 2115-AA97

#### Safety Zone: Belmar Power Boat Race, Shark River, Belmar, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a safety zone for the Belmar Power Boat Race located in the Shark River, Belmar, New Jersey. The safety zone would be in effect on Sunday, August 20, 1995, from 11 a.m. until 5 p.m., unless extended or terminated sooner by the Captain of the Port, New York. The proposed rectangular safety zone would close the waters of the Shark River ranging from 100 to 350 yards off the northern shoreline of Maclearie Park, Belmar, New Jersey, from the Municipal Boat Basin western entrance, extending westerly approximately 750 yards.

**DATES:** Comments must be received on or before July 31, 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. Good cause exists for publishing this Notice of proposed rulemaking (NPRM) with a 30 day comment period. A 30 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 as it would delay publication of a final rule. 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 (CGD01-95-064) 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

The East Coast Boat Racing Club of New Jersey submitted an Application for Approval of Marine Event for a power boat race in Shark River, New Jersey. This regulation would establish a rectangular safety zone in the waters of the Shark River ranging from 100 to 350 yards off the northern shoreline of Maclearie Park, Belmar, New Jersey, from the Municipal Boat Basin western entrance, extending westerly approximately 750 yards, and bounded

by the lines of latitude 40°10'48" N and 40°10'55" N, and the lines of longitude 074°01'58" W and 074°02'26" W (NAD 1983). This proposed regulation would be in effect on August 20, 1995, from 11 a.m. until 5 p.m., unless extended or terminated sooner by the Captain of the Port New York. This safety zone would prevent vessels not participating in this event from transiting this portion of the Shark River, Belmar, 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. This regulation is needed to protect the boating public from the hazards associated with high speed power boat racing in confined waters.

##### 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 Shark River to non-participating vessel traffic on August 20, 1995, from 11 a.m. until 5 p.m., unless extended or terminated sooner by the Captain of the Port New York. Although this regulation would prevent traffic from transiting the area of the safety zone, the effect of this regulation would be significant for several reasons: The limited duration of the event; mariners can transit around the safety zone using the channels to the north and to the south of this area; this portion of Shark River is charted as having only 2 feet of water and is only navigable by small 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 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, 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.

### Proposed Regulation

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, 6.04-6, and 160.5; 49 CFR 1.46.

2. A temporary section 165.T01-064, is added to read as follows:

#### § 165.T01-064 Safety Zone; Belmar Power Boat Race, Shark River, Belmar, New Jersey.

(a) *Location.* This rectangular safety zone includes all waters of the Shark River ranging from 100 to 350 yards off the northern shoreline of Maclearie Park, Belmar, New Jersey, from the Municipal Boat Basin western entrance, extending westerly approximately 750 yards, and bounded by the lines of latitude 40°10'48"N and 40°10'55"N, and the lines of longitude 074°01'58"W and 074°02'26"W (NAD 1983).

(b) *Effective period.* This section is in effect on August 20, 1995, from 11 a.m. until 5 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 CFR 165.23 apply.

(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 20, 1995.

**T.H. Gilmour,**

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

[FR Doc. 95-16150 Filed 6-29-95; 8:45 am]

BILLING CODE 4910-14-M

### ASSASSINATION RECORDS REVIEW BOARD

#### 36 CFR Part 1410

#### Rules Implementing the Freedom of Information Act

**AGENCY:** Assassination Records Review Board.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The Assassination Records Review Board (Review Board) proposes the following set of regulations to discharge its responsibilities under the Freedom of Information Act (FOIA). The

FOIA law establishes: basic procedures for public access to agency records and guidelines for waiver or reduction of fees the agency would otherwise assess for the response to the records request; categories of records that are exempt for various reasons from public disclosure; and basic requirements for federal agencies regarding their processing of and response to requests for agency records. The Review Board invites comments from interested groups and members of the public on these proposed regulations.

**DATES:** To be considered, comments must be mailed, delivered in person, or faxed to the address listed below by 5 p.m. on July 31, 1995.

**ADDRESSES:** Comments on these proposed regulations should be mailed, faxed or delivered to the Assassination Records Review Board, 600 E Street NW., 2nd Floor, Washington, D.C. 20530, fax (202) 724-0457. All comments received within the comment period will be placed in the Review Board's public files and will be available for inspection between 10 a.m. and 4:30 p.m., Monday through Friday (except on Federal holidays), in the Review Board's Public Reading Room at the same address.

**FOR FURTHER INFORMATION CONTACT:** T. Jeremy Gunn, Acting General Counsel, Assassination Records Review Board, 600 E Street, NW., 2nd Floor, Washington, D.C. 20530, (202) 724-0088.

#### SUPPLEMENTARY INFORMATION:

#### Background and Statutory Authority

This proposed rule complies with the requirements of the Freedom of Information Act, 5 U.S.C. 552, as amended by the Freedom of Information Reform Act of 1986, Pub. L. 99-570, Title I, sections 1802, 1803, 100 Stat. 3207-48, 3207-49 (FOIA), to issue implementing regulations. In particular, proposed 1410.30 and 1410.35 implement the Reform Act of 1986 and the Office of Management and Budget's Uniform Freedom of Information Act Fee Schedules and Guidelines, 52 FR 10012. This proposed rule also incorporates the presidential memorandum on the administration of the Freedom of Information Act, issued on October 4, 1993, which calls upon agencies to comply with the letter and spirit of the FOIA's commitment to openness and to its proper administration.

Further, this proposed rule incorporates the presumption of openness that was a driving force behind enactment of the Review Board's enabling legislation, the *President John*