

**§ 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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### 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.