

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 117**

[CGD01-04-091]

**Drawbridge Operation Regulations: Raritan River, NJ****AGENCY:** Coast Guard, DHS.**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the New Jersey Transit Rail Operations (NJTRO) Bridge, at mile 0.5, across the Raritan River, at Perth Amboy, New Jersey. Under this temporary deviation the bridge may remain in the closed position from 10 p.m. on July 30, 2004, through 10 a.m. on July 31, 2004, in order to perform scheduled bridge maintenance. An alternate date, in case of inclement weather, shall be from 10 p.m. on August 6, 2004, through 10 a.m. on August 7, 2004.

**DATES:** This deviation is effective from July 30, 2004, through August 7, 2004.

**FOR FURTHER INFORMATION CONTACT:** Joe Arca, Project Officer, First Coast Guard District, at (212) 668-7165.

**SUPPLEMENTARY INFORMATION:**

The NJTRO Bridge has a vertical clearance in the closed position of 8 feet at mean high water and 13 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.747.

The bridge owner, New Jersey Transit Rail Operations (NJTRO), requested a temporary deviation from the drawbridge operation regulations to facilitate necessary scheduled bridge maintenance. The bridge must remain in the closed position during the performance of these repairs.

Therefore, under this temporary deviation the NJTRO Bridge may remain in the closed position from 10 p.m. on July 30, 2004, through 10 a.m. on July 31, 2004.

An alternate date, in case of inclement weather, shall be from 10 p.m. on August 6, 2004, through 10 a.m. on August 7, 2004.

This deviation from the operating regulations is authorized under 33 CFR 117.35, and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: July 14, 2004.

**David P. Pekoske,***Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.*

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**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165**

[CGD01-04-046]

RIN 1625-AA00

**Safety Zone; Democratic Governors Association Fireworks Display—Boston, MA****AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Democratic Governors Association Fireworks Display on July 26, 2004 in Boston, MA, temporarily closing all waters of Boston Inner Harbor within a 400 yard radius of the fireworks barge. This action is necessary to protect the public from hazards posed by a fireworks display. The safety zone prohibits entry into or movement within this portion of Boston Inner Harbor during the closure period.

**DATES:** This rule is effective from 10 p.m. until 11 p.m. e.d.t. on July 26, 2004.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD01-04-046 and are available for inspection or copying at Marine Safety Office Boston, 455 Commercial Street, Boston, MA between 9 a.m. and 3 p.m. Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Chief Petty Officer Daniel Dugery, Marine Safety Office Boston, Waterways Safety and Response Division, at (617) 223-3000.

**SUPPLEMENTARY INFORMATION:****Regulatory Information**

The Coast Guard did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Information on the fireworks display was not supplied to the Coast Guard in sufficient time to draft and publish an NPRM. Any delay encountered in this regulation's effective date would be contrary to

public interest since the safety zone is needed to prevent traffic from transiting a portion of Boston Harbor, Massachusetts during the fireworks event and to provide for the safety of life on navigable waters. Additionally, the zone will have a negligible impact on vessel transits due to the fact that vessels will be limited from the area for only one hour, and vessels can still transit in other areas in the majority of Boston Harbor during the event.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Any delay encountered in this regulation's effective date would be contrary to public interest since the safety zone is needed to prevent traffic from transiting a portion of Boston Harbor, Massachusetts during the fireworks event and to provide for the safety of life on navigable waters. Additionally, the zone should have a negligible impact on vessel transits due to the fact that vessels will be limited from the area for only one hour, and vessels can still transit in other areas in the majority of Boston Harbor during the event.

**Background and Purpose**

This regulation establishes a safety zone in Boston Inner Harbor within a 400-yard radius of the fireworks barge located at position 42°22.263" N, 071°02.956" W. The safety zone is in effect from 10 p.m. until 11 p.m. on July 26, 2004.

The zone restricts movement within this portion of Boston Inner Harbor and is needed to protect the maritime public from the dangers posed by a fireworks display. Marine traffic may transit safely outside of the safety zone during the effective periods. The Captain of the Port anticipates minimal negative impact on vessel traffic due to this event. Public notifications will be made prior to the effective period via safety marine information broadcasts and local notice to mariners.

**Discussion of Rule**

The Coast Guard is establishing a temporary safety zone for the Democratic Governors Association Fireworks Display on July 26, 2004 in Boston, MA, temporarily closing all waters of Boston Inner Harbor within a 400-yard radius of the fireworks barge located at approximate position 42°22.263" N, 071°02.956" W. This action is necessary to protect the public from hazards posed by a fireworks display. The safety zone prohibits entry into or movement within this portion of