

lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed

herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

**PART 706—[AMENDED]**

1. The authority citation for 32 CFR Part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

2. Table Four, Paragraph 15 of § 706.2 is amended by adding, in numerical order, the following entry for USS MASON:

**§ 706.2 Certifications of the Secretary of the Navy Under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

| Vessel          | Number | Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction |
|-----------------|--------|---|
| USS MASON ..... | DDG 87 | 1.87 meters   |

3. Table Four, Paragraph 16 of § 706.2 is amended by adding, in numerical

order, the following entry for USS MASON:

**§ 706.2 Certifications of the Secretary of the Navy Under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

| Vessel          | Number | Obstruction angle relative ship's headings |
|-----------------|--------|--|
| USS MASON ..... | DDG 87 | 108.03 thru 112.50°                        |

4. Table Five of § 706.2 is amended by adding, in numerical order, the following entry for USS MASON:

**§ 706.2 Certifications of the Secretary of the Navy Under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

TABLE FIVE

| Vessel          | No.    | Masthead lights not over all other lights and obstructions. annex I, sec. 2(f) | Forward masthead light not in forward quarter of ship. annex I, sec. 3(a) | After masthead light less than 1/2 ship's length aft of forward masthead light. annex I, sec. 3(a) | Percentage horizontal separation attained |
|-----------------|--------|--|---|--|---|
| USS Mason ..... | DDG 87 | X  | X   | X  | 14.5                                      |

Dated: October 11, 2002.  
**Dominick G. Yacono,**  
*Lieutenant Commander, JAGC, U.S. Navy,*  
*Deputy Assistant Judge Advocate General*  
*(Admiralty and Maritime Law).*  
 [FR Doc. 03-2635 Filed 2-4-03; 8:45 am]  
**BILLING CODE 3810-FF-U**

**DEPARTMENT OF TRANSPORTATION**  
**Coast Guard**  
**33 CFR Part 117**  
**[CGD01-03-003]**  
**Drawbridge Operation Regulations:**  
**Cheesequake Creek, NJ**  
**AGENCY:** Coast Guard, DOT.

**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) railroad bridge, mile 0.2, across Cheesequake Creek, at Morgan, South Amboy, New Jersey. Under this temporary deviation the

bridge may remain closed to vessel traffic from February 3, 2003, through February 16, 2003. This temporary deviation is necessary to facilitate repairs at the bridge.

**DATES:** This deviation is effective from February 3, 2003, through February 16, 2003.

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

**SUPPLEMENTARY INFORMATION:** The NJTRO railroad bridge has a vertical clearance in the closed position of 3 feet at mean high water and 8 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.709(b).

The bridge owner, New Jersey Transit Rail Operations, requested a temporary deviation from the drawbridge operation regulations to facilitate necessary maintenance, the refurbishment of the electrical controls, at the bridge. The bridge must remain in the closed position to perform these repairs. Vessels that can pass under the bridge without a bridge opening may do so at all times.

The waterway users who normally navigate Cheesequake Creek are predominantly recreational vessels. The proposed time period is historically the time period during which the fewest requests are made to open the bridge. The Coast Guard coordinated this closure with the mariners who normally use this waterway to help facilitate this necessary bridge repair and to minimize any disruption to the marine transportation system.

Under this temporary deviation the NJTRO railroad bridge may remain closed to vessel traffic from 8 a.m. on February 3, 2003, through 4 p.m. on February 16, 2003. The bridge shall open upon a four-hour advance notice for emergency situations.

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: January 24, 2003.

**Vivien S. Crea,**

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

[FR Doc. 03-2697 Filed 2-4-03; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD05-03-007]

RIN 2115-AA97

#### Security Zone: Chesapeake Bay, Elizabeth River, Port of Hampton Roads, Virginia

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a security zone encompassing the grounds, piers and waterside of Norfolk International Terminals, Norfolk, Virginia. This zone is needed to prevent destruction, loss, or injury to military equipment and supplies while military operations are being carried out at Norfolk International Terminals. The Captain of the Port, Hampton Roads, Virginia will enforce a security zone consisting of the Norfolk International Terminals property enclosed within the perimeter fence and extending westerly from the shoreline at position 36°-56.001' North latitude, 76°-19.726' West longitude to a point at 36°-55.996' North latitude, 76°-20.152' West longitude, thence southerly to a point at 36°-54.762' North latitude, 76°-20.244' West longitude, then southeasterly to a point at 36°-53.854' North latitude, 76°-20.093' West longitude, then to the shoreline at position 36°-54.216' North latitude, 76°-19.481' West longitude. Individuals or vessels will not be allowed to enter the security zone at Norfolk International Terminals, except as permitted by the Captain of the Port or his designated representative. Movement of individuals and vehicles within Norfolk International Terminals may be restricted or prohibited.

**DATES:** This section is effective from 5 a.m. January 28, 2003 to 11:59 p.m. February 4, 2003.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD05-03-007 and are available for inspection or copying at USCG Marine Safety Office Hampton Roads, 200 Granby Street, Suite 700, Norfolk, Virginia, 23510, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Mike Dolan, project officer, USCG Marine Safety Office Hampton Roads, telephone number (757) 668-5590.

**SUPPLEMENTARY INFORMATION:**

### Regulatory Information

We 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. Publishing an NPRM, which would incorporate a comment period before a final rule was issued, would be contrary to the public interest since immediate action is needed to prevent destruction, loss or injury to resources involved in the military operations taking place in the vicinity of the Norfolk International Terminals.

### Discussion of Rule

A security zone is being established encompassing the grounds, piers and waterside of Norfolk International Terminals, Norfolk, Virginia from 5 a.m. January 28, 2003 until 11:59 p.m. February 4, 2003. This zone is needed to safeguard materials and persons in the vicinity from sabotage or other subversive acts, accidents, or other causes of a similar nature while military operations are being conducted. This security zone will encompass the Virginia Port Authority property known as Norfolk International Terminals, at 7737 Hampton Blvd, Norfolk, Virginia, 23505, including all property that is enclosed by the perimeter fence. The security zone will also include the waters of the Elizabeth River in proximity to Norfolk International Terminals, as bounded by a line extending westerly from the shoreline at position 36°-56.001' North latitude, 76°-19.726' West longitude to a point at 36°-55.996' North latitude, 76°-20.152' West longitude, thence southerly to a point at 36°-54.762' North latitude, 76°-20.244' West longitude, then southeasterly to a point at 36°-53.854' North latitude, 76°-20.093' West longitude, then to the shoreline at position 36°-54.216' North latitude, 76°-19.481' West longitude. The security zone will be enforced from 5 a.m. January 28, 2003 until 11:59 p.m. February 4, 2003. U.S. Coast Guard personnel will be on scene at all times while the security zone is in effect. U.S. Coast Guard vessels will enforce the security zone over the water whenever a vessel involved in the military operation is inside the security zone. Commercial and recreational boats will not be permitted to enter the security zone, except as permitted by the Captain of the Port.

### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory