

Vessel					Number	Distance in meters of sidelights above maximum allowed height
*	*	*	*	*	*	*
USS OGDEN					LPD 5	3.40
*	*	*	*	*	*	*

4. Table Five of § 706.2 is amended by revising the entry for the USS OGDEN (LPD 5) to read as follows:

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

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TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and ob- structions. annex I, sec. 2(f)	Forward mast- head 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 mast- head light. annex I, sec. 3(a)	Percentage horizontal separation at- tained
*	*	*	*	*	*
USS OGDEN	LPD 5	N/A	N/A	X	56.6
*	*	*	*	*	*

Dated: February 3, 1999.

R.R. Pixa,

CAPT, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).

[FR Doc. 99-12026 Filed 5-11-99; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS PORTER (DDG 78) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: February 24, 1999.

FOR FURTHER INFORMATION CONTACT:

Captain R.R. Pixa, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, Washington Navy Yard, Washington, DC 20374-5066, Telephone number: (202) 685-5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS PORTER (DDG 78) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(f)(i) pertaining to placement of the masthead light or lights above and clear of all other lights and obstructions, and Annex I, paragraph 3(a) pertaining to the location of the forward masthead light in the forward quarter of the vessel, and the horizontal distance between the forward and after masthead lights. The Deputy Assistant Judge Advocate General (Admiralty) has also certified that the 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), 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 PORTER, and Table Five of § 706.2 is amended by adding, in numerical order, the following entry for USS PORTER:

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

* * * * *

Vessel	No.	Obstruction angle relative ship's headings
USS PORTER	DDG 78	104.60 THRU 112.50°

* * * * *

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward mast-head 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 mast-head light, annex I, sec. 3(a)	Percentage horizontal separation attained
USS PORTER	DDG 78	X	X	X	13.5

Dated: February 24, 1999.

R.R. Pixa,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty).

[FR Doc. 99-12021 Filed 5-11-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117**

[CGD01-99-029]

**Drawbridge Operation Regulations;
Merrimack River, MA**

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations and request for comments.

SUMMARY: The Commander, First Coast Guard District has issued a temporary 90 day deviation from the existing drawbridge operation regulations governing the operation of the Newburyport US1 Bridge, mile 3.4, across the Merrimack River between Newburyport and Salsbury, Massachusetts. This deviation from the existing operating regulations is necessary in order to test an alternate drawbridge operation schedule. It is expected that scheduled bridge openings for vessels will help eliminate the traffic congestion during the summer months.

DATES: This deviation is effective from June 3, 1999 through August 31, 1999.

Comments must reach the Coast Guard on or before October 30, 1999.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, Massachusetts, 02110-3350. The telephone number is (617) 223-8364.

FOR FURTHER INFORMATION CONTACT: John W. McDonald, Project Officer, First Coast Guard District, (617) 223-8364.

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard encourages interested persons to submit comments, written data, views, or arguments, concerning this 90 day deviation from the drawbridge operation regulations. Persons submitting comments should include their names and addresses, identify this notice (CGD01-99-029) and give reasons for each comment. The Coast Guard requests that all comments and attachments be no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope. Persons may submit comments by writing to, Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, Massachusetts, 02110-3350.

Background

The Newburyport US1 Bridge, mile 3.4, across the Merrimack River has a vertical clearance of 35 feet at mean high water (MHW) and 42 feet at mean low water (MLW) in the closed position.

The current regulations listed at 33 CFR § 117.605 require the bridge to open on signal from May 1st through November 15th, from 6 a.m. to 10 p.m. At all other times the draw shall open on signal if at least one hour advance notice is given by calling the number posted at the bridge.

The bridge owner, the Massachusetts Highway Department (MHD), requested a temporary deviation from the operating regulations for the Newburyport US1 Bridge to test an alternate drawbridge operating schedule. The local towns, Newburyport and Salsbury, have asked MHD and the Coast Guard for relief from the significant vehicular traffic congestion in Newburyport and Salsbury during the summer months caused by the frequent and unscheduled opening of the bridge.

The Newburyport US1 Bridge will open on signal in accordance with the following schedule from June 3 through August 31, 1999:

(1) Monday through Friday, from 6 a.m. to 10 p.m., the bridge shall open only at half past the hour.

(2) Saturday and Sunday, from 11 a.m. to 3 p.m., the bridge shall open only at half past the hour and from 6 a.m. to 11 a.m. and 3 p.m. to 10 p.m., the bridge shall open on the hour and half hour.

(3) At all other times the bridge shall open on signal after at least one hour advance notice is given by calling the number posted at the bridge.

It is expected that this action will help alleviate vehicular traffic congestion during the summer months by scheduling the bridge openings.