

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 117****[CGD01-03-031]****Drawbridge Operation Regulations: Mianus River, CT****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 Metro North Bridge, mile 1.0, across the Mianus River in Cos Cob, Connecticut. Under this temporary deviation a three-hour advance notice for bridge openings will be required from April 25, 2003 through May 26, 2003. This temporary deviation is necessary to facilitate structural repairs at the bridge.

**DATES:** This deviation is effective from April 25, 2003 through May 26, 2003.

**FOR FURTHER INFORMATION CONTACT:** Joseph Schmied, Project Officer, First Coast Guard District, at (212) 668-7195.

**SUPPLEMENTARY INFORMATION:** The Metro North Bridge has a vertical clearance in the closed position of 20 feet at mean high water and 27 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.209.

The bridge owner, Metro North Commuter Railroad, requested a temporary deviation from the drawbridge operation regulations to facilitate necessary maintenance, the replacement of damaged miter rails and timbers, at the bridge. The bridge must remain in the closed position to perform these repairs.

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 for the Metro North Bridge, a three-hour advance notice will be required for bridge openings from April 25, 2003 through May 26, 2003.

The bridge owner did not provide the required thirty-day notice to the Coast Guard for this deviation; however, this deviation was approved because the repairs are necessary repairs that must be performed without delay in order to assure the continued safe reliable operation of the bridge.

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: April 21, 2003.

**John L. Grenier,**

*Captain, Coast Guard, Acting Commander, First Coast Guard District.*

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**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 165****[CGD13-03-012]****RIN 1625-AA00****Security and Safety Zone: Protection of Large Passenger Vessels, Portland, OR****AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule; request for comments.

**SUMMARY:** Increases in the Coast Guard's maritime security posture necessitate establishing temporary regulations for the safety and security of large passenger vessels in the navigable waters of the Portland, OR Captain of the Port zone. This security zone will provide for the regulation of vessel traffic in the vicinity of large passenger vessels.

**DATES:** This regulation is effective March 12, 2003, until September 12, 2003. Comments and related material must reach the Coast Guard on or before June 2, 2003.

**ADDRESSES:** You may mail comments and related material to Marine Safety Office/Group Portland, 6767 North Basin Ave, Portland, OR, 97217. Marine Safety Office Portland maintains the public docket [CGD13-03-012] for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Marine Safety Office Portland between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LTJG Tad Drozdowski, c/o Captain of the Port Portland, 6767 North Basin Ave, Portland, OR, (503) 240-2584.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

We encourage you to participate in this rulemaking by submitting

comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD13-03-012], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this temporary final rule in view of them.

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for not publishing an NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. Publishing a NPRM would be contrary to public interest since immediate action is necessary to safeguard large passenger vessels from sabotage, other subversive acts, or accidents. If normal notice and comment procedures were followed, this rule would not become effective soon enough to provide immediate protection to large passenger vessels from the threats posed by hostile entities and would compromise the vital national interest in protecting maritime transportation and commerce. The security and safety zone in this regulation has been carefully designed to minimally impact the public while providing a reasonable level of protection for large passenger vessels. For these reasons, following normal rulemaking procedures in this case would be impracticable, unnecessary, and contrary to the public interest.

**Background and Purpose**

Recent events highlight the fact that there are hostile entities operating with the intent to harm U.S. National Security. The President has continued the national emergencies he declared following the September 11, 2001 terrorist attacks (67 FR 58317 (Sept. 13, 2002) (continuing national emergency with respect to terrorist attacks)), 67 FR 59447 (Sept. 20, 2002) (continuing national emergency with respect to persons who commit, threaten to commit or support terrorism)). The President also has found pursuant to law, including the Act of June 15, 1917, as amended August 9, 1950, by the Magnuson Act (50 U.S.C. 191 *et. seq.*),