

**List of Subjects in 33 CFR Part 100**

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

**PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS**

1. The authority citation for Part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; 49 CFR 1.46.

2. From 7:30 a.m. to 5:30 p.m. on October 5, 2002, add a temporary § 100.35–T05–075 to read as follows:

**§ 100.35–T05–075 Cape Fear River, Wilmington, North Carolina.**

(a) *Definitions.*

(1) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Fort Macon.

(2) *Official Patrol.* The Official Patrol is any commissioned, warrant, or petty officer of the Coast Guard on board a vessel displaying a Coast Guard ensign.

(b) *Regulated area.* All waters of the Cape Fear River from shoreline to shoreline, bounded to the north by the Seaboard Coast Line Railroad Bridge at Navassa Turning Basin and bounded to the south by the Cape Fear Memorial Bridge.

(c) *Special local regulations:*

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol.

(ii) Proceed as directed by any official patrol.

(d) *Enforcement period.* This section will be enforced from 7:30 a.m. to 5:30 p.m. on October 5, 2002.

Dated: September 19, 2002.

**A.E. Brooks,**

*Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.*

[FR Doc. 02–24635 Filed 9–26–02; 8:45 am]

**BILLING CODE 4910–15–P**

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

[CGD11–02–005]

**Drawbridge Operation Regulations; Sacramento River, Walnut Grove, CA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eleventh Coast Guard District has issued a temporary deviation to the regulation governing the opening of the Walnut Grove Highway drawbridge, mile 26.7, over the Sacramento River at Walnut Grove, CA. This deviation allows the drawbridge to require 1 hour advance notice before opening, and allows the drawbridge to perform single leaf operation of the drawspan for vessel traffic. This deviation is necessary to allow Sacramento County to perform essential repairs to the bridge operating machinery.

**DATES:** This deviation is effective from 8 a.m. on Monday, October 28, until 5 p.m. on Friday, November 1, 2002.

**ADDRESSES:** Materials referred to in this rule are available for inspection or copying at the Eleventh Coast Guard District, Bridge Administration Section, Building 50–6 Coast Guard Island, Alameda, CA 94501–5100, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The phone number is (510) 437–3516. The Bridge Administration Section maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Mr. David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, phone (510) 437–3516.

**SUPPLEMENTARY INFORMATION:** The Walnut Grove Highway drawbridge, mile 26.7, over the Sacramento River at Walnut Grove, CA, is owned and operated by Sacramento County. It is a double leaf bascule drawbridge providing 21 feet vertical clearance above mean high water in the closed-to-navigation position. Vessels that can pass under the bridge without an opening may do so at all times. Presently, as set out in 33 CFR 117.189, the draw is required to open on signal from 9 a.m. to 5 p.m., November 1 through April 30; and 6 a.m. to 10 p.m., May 1 through October 31; and all other times if at least 4 hours advance notice is given. At the bridge location, the Sacramento River is navigated by commercial and recreational vessels

requiring several daily openings of the drawspan.

During the repair period, 1 hour advance notice will be required before opening and the bridge will perform single leaf operation of the drawspan for vessel traffic from 8 a.m. to 5 p.m. daily, October 28 through November 1, 2002. Single leaf openings will be provided for emergency operation upon 15 minute advance notice. Sacramento County requested a temporary deviation from the normal operation of the drawbridge in order to allow for repairs. This deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the normal operating regulations in 33 CFR 117.5 is authorized in accordance with the provisions of 33 CFR 117.35.

Dated: September 13, 2002.

**T.S. Sullivan,**

*U.S. Coast Guard, Acting Commander, Eleventh Coast Guard District.*

[FR Doc. 02–24663 Filed 9–26–02; 8:45 am]

**BILLING CODE 4910–15–P**

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

[CGD01–02–105]

**Drawbridge Operation Regulations; Harlem River, NY**

**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 103 Street (Wards Island) Bridge, mile 0.0, across the Harlem River at New York. This temporary deviation will allow the bridge to remain closed to navigation from 8 a.m. on September 23, 2002 through 5 p.m. on November 20, 2002. This temporary deviation is necessary to facilitate painting operations at the bridge.

**DATES:** This deviation is effective from September 23, 2002 through November 20, 2002.

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

**SUPPLEMENTARY INFORMATION:** The bridge owner, New York City Department of

Transportation, requested a temporary deviation from the drawbridge operating regulations to facilitate necessary maintenance, to install paint containment, scaffold, and implement painting operations, at the bridge. The installation of the paint containment and scaffold, necessary to conduct painting operations, require the bridge to remain in the closed position.

Under this temporary deviation the 103 Street (Wards Island) Bridge may remain closed to vessel traffic from 8 a.m. on September 23, 2002 through 5 p.m. on November 20, 2002.

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: September 12, 2002.

**V.S. Crea,**

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

[FR Doc. 02-24664 Filed 9-26-02; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[COTP San Juan 02-038]

RIN 2115-AA97

#### **Safety Zones; Ponce Bay, Tallaboa Bay, and Guayanilla Bay, Puerto Rico and Limetree Bay, St. Croix, U.S. Virgin Islands**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing moving safety zones around all Liquefied Hazardous Gas (LHG) vessels with product aboard in the waters of the Caribbean Sea and the Bays of Ponce, Tallaboa, Guayanilla, Puerto Rico and Limetree Bay, U.S. Virgin Islands. This action is necessary due to the highly volatile nature of this cargo. This rule is necessary to enhance public and maritime safety by requiring vessel traffic to maintain a safe distance from these LHG vessels while they are underway.

**DATES:** This rule is effective October 28, 2002.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket are part of docket [COTP San Juan 02-038] and are available for inspection or copying at Coast Guard Marine Safety Office San Juan, Rodriguez and Del Valle Building,

San Martin Street, Carr. #2, Km. 4.9, Guaynabo, Puerto Rico, 00968, between the hours of 7 a.m. and 3:30 p.m., Monday through Friday, excluding Federal Holidays.

#### **FOR FURTHER INFORMATION CONTACT:**

Lieutenant Chip Lopez, Coast Guard Marine Safety Office San Juan, Puerto Rico, at (787) 706-2444.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

On June 4, 2002, we published a notice of proposed rulemaking (NPRM) entitled "Safety Zones; Ponce Bay, Tallaboa Bay, Guayanilla Bay, Puerto Rico, and Limetree Bay, St. Croix U.S.V.I." in the **Federal Register** (67 FR 38451). We received no letters commenting on the proposed rule. No public hearing was requested and none was held.

##### **Background and Purpose**

These rules are needed to provide for the safety of life on navigable waters from the hazards associated with Liquefied Hazardous Gas (LHG) carriers. The safety zones are needed because of the significant risks LHG ships present to public safety due to their size, draft, and volatile cargoes. We anticipate periodic arrivals of vessels carrying LHG in Ponce, Tallaboa and Guayanilla Bays, Puerto Rico and Limetree Bay, St. Croix, U.S. Virgin Islands. This rule will keep vessel traffic at least 100 yards away from LHG vessels thereby decreasing the risk of a collision, allision, or grounding.

This rule establishes a 100-yard safety zone in the waters of the Caribbean Sea surrounding all LHG vessels with product aboard while transiting on approach to or departing from the following Ports, north of the latitudes indicated. Port of Ponce, Puerto Rico north of Latitude 17°56.00' N. Ports of Tallaboa and Guayanilla, Puerto Rico north of Latitude 17°57.00' N. Port of Limetree Bay, St. Croix, U.S. Virgin Islands north of 17°39.00' N. All coordinates are NAD 83. These safety zones remain in affect until the LHG vessel is safely moored. The Marine Safety Office San Juan will notify the maritime community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures on LHG carriers via a broadcast notice to mariners on VHF Marine Band Radio, Channel 16 (156.8 MHz).

##### **Discussion of Comments and Changes**

No comments were received on the proposed rule.

##### **Regulatory Evaluation**

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it 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). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary due to the relatively infrequent arrival of LHG carriers, the limited size of the safety zone, and the relatively sparse nature of other commercial traffic in Ponce, Tallaboa, Guayanilla, and Limetree Bays.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "Small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule may affect the following entities, some of which may be small entities: the owners and operators of vessels intending to transit a portion of Ponce, Tallaboa, Guayanilla, and Limetree Bays while a LHG vessel transits and docks at a facility. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities because of the relative infrequent arrivals of LHG carriers, the limited size of the safety zone, and the relatively sparse nature of other commercial traffic in Ponce, Tallaboa, Guayanilla, and Limetree Bays.

##### **Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant