

information applies and must be submitted with the transmittal accompanying the data for on-time performance in the form and manner set forth in accounting and reporting directives issued by the Director, Office of Airline Information.

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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 (DoN) 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 (DAJAG) (Admiralty and Maritime Law) has determined that USS PORTLAND (LPD 27) 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.

**DATES:** This rule is effective March 22, 2017 and is applicable beginning March 2, 2017.

**FOR FURTHER INFORMATION CONTACT:** Commander Theron R. Korsak, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave. SE., Suite 3000, Washington Navy Yard, DC 20374-5066, telephone 202-685-5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the DoN amends 32 CFR part 706.

This amendment provides notice that the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS PORTLAND (LPD 27) 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(i)(i), Rule 27(a)(i) and (b)(i), pertaining to the placement of all-round task lights in a vertical line; Annex I, paragraph 3(a), pertaining to the horizontal distance between the forward and after masthead lights; and Annex I, paragraph 2(k) as described in Rule 30(a)(i), pertaining to the vertical separation between anchor lights. The DAJAG (Admiralty and Maritime Law) 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.

For the reasons set forth in the preamble, the DoN amends part 706 of title 32 of the Code of Federal Regulations as follows:

**PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972**

■ 1. The authority citation for part 706 continues to read:

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

■ 2. Section 706.2 is amended by:

■ a. In Table Three, adding, in alpha numerical order, by vessel number, an entry for USS PORTLAND (LPD 27);

■ b. In Table Four, paragraph 20., adding, in alpha numerical order, by vessel number, an entry for USS PORTLAND (LPD 27); and

■ c. In Table Five, by adding, in alpha numerical order, by vessel number, an entry for USS PORTLAND (LPD 27).

The additions read as follows:

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

\* \* \* \* \*

TABLE THREE

| Vessel       | No.    | Masthead lights arc of visibility; rule 21(a) | Side lights arc of visibility; rule 21(b) | Stern light arc of visibility; rule 21(c) | Side lights distance inboard of ship's sides in meters 3(b) annex 1 | Stern light, distance forward of stern in meters; rule 21(c) | Forward anchor light, height above hull in meters; 2(K) annex 1 | Anchor lights relationship of aft light to forward light in meters 2(K) annex 1 |
|--------------|--------|---|---|---|---|--|---|---|
| USS PORTLAND | LPD 27 | *   | *   | *   | *   | *  | *   | 1.55 below.   |

\* \* \* \* \*

Table Four

20. \* \* \*

\* \* \* \* \*

| Vessel             | Number       | Angle in degrees of task lights off the vertical as viewed from directly ahead or astern |
|--------------------|--------------|--|
| USS PORTLAND ..... | LPD 27 ..... | 10   |

\* \* \* \* \*

TABLE FIVE

| Vessel             | Number       | Masthead lights not over all other lights and obstructions. Annex 1, sec. 2(f) | Forward masthead light not in forward quarter of ship. Annex 1, sec. 3(a) | After masthead light less than 1/2 ship's length aft of forward masthead light. Annex 1, sec. 3(a) | Percentage horizontal separation attained |
|--------------------|--------------|--|---|--|---|
| USS PORTLAND ..... | LPD 27 ..... |  |   | X  | 71  |

Approved: March 2, 2017.

**A.S. Janin,**

*Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).*

Dated: March 8, 2017.

**A.M. Nichols,**

*Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[Docket No. USCG-2017-0137]

**Drawbridge Operation Regulation; Shark River, Avon, NJ**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the NJ Transit Railroad Bridge across Shark River (South Channel), mile 0.9, at Avon, NJ.

This deviation is necessary to facilitate testing and replacement of the drive motor. This deviation allows the bridge to remain in the closed-to-navigation position.

**DATES:** This deviation is effective from 10 p.m. on March 24, 2017, through 6 a.m. on March 25, 2017.

**ADDRESSES:** The docket for this deviation, [USCG-2017-0137] is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Mr. Martin Bridges, Bridge Administration Branch Fifth District, Coast Guard, telephone 757-398-6422, email [Martin.A.Bridges@uscg.mil](mailto:Martin.A.Bridges@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The New Jersey Transit, who owns and operates the NJ Transit Railroad Bridge across the Shark River, mile 0.9, at Avon, NJ, has requested a temporary deviation from the current operating regulation set out in 33 CFR 117.751, to facilitate replacement of the drive motor on the vertical span of the bridge.

Under this temporary deviation, the bridge will remain in the closed-to-

navigation position from 10 p.m., March 24, 2017, to 6 a.m., March 25, 2017. The drawbridge is a single span which has a vertical clearance in the closed-to-navigation position of 9 feet above mean high water.

The NJ Transit Railroad Bridge is used by recreational vessels, tug and barge traffic, fishing vessels, and small commercial vessels. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge span will not be able to open in case of an emergency and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local Notice and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.