

General (Admiralty and Maritime Law) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS GEORGE H. W. BUSH (CVN 77) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Rule 21(a), pertaining to the placement of the masthead lights over the fore and aft centerline of the ship; Annex I, paragraph 2(g), pertaining to the placement of the sidelights above the hull; and Annex I, paragraph 3(a), pertaining to the placement of the forward masthead light in the forward quarter of the ship. The Deputy Assistant Judge Advocate General (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), and Vessels.

■ For the reasons set forth in the preamble, amend 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 32 CFR part 706 continues to read as follows:

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

■ 2. Section 706.2 is amended as follows:

■ A. In Table Two by adding, in numerical order, the following entry for USS GEORGE H. W. BUSH (CVN 77):

■ B. In Table Five by adding, in numerical order, the following entry for USS GEORGE H. W. BUSH (CVN 77):

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

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TABLE TWO

Vessel	Number	Masthead lights, distance to stbd of keel in meters; Rule 21(a)	Forward anchor light, distance below flight dk in meters; § 2(K), Annex I	Forward anchor light, number of; Rule 30(a)(i)	Aft anchor light, distance below flight dk in meters; Rule 21(e), Rule 30(a)(ii)	Aft anchor light, number of; Rule 30(a)(ii)	Side lights, distance below flight dk in meters; § 2 (g), Annex I	Side lights, distance forward of forward masthead light in meters; § 3(b), Annex I	Side lights, distance in-board of ship's sides in meters; § 3(b), Annex I
USS GEORGE H. W. BUSH.	CVN-77	31.09	.....	.....	.....	.....	0.46	.....	.....

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TABLE FIVE

Vessel	Number	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 GEORGE H. W. BUSH .....	CVN-77 .....	.....	X	.....	.....

\* \* \* \* \*

**M. Robb Hyde,**  
*Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).*  
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**DEPARTMENT OF HOMELAND SECURITY**  
**Coast Guard**  
**33 CFR Part 105**  
**[Docket Nos. TSA-2006-24191; USCG-2006-24196]**  
**Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License**  
**AGENCY:** United States Coast Guard; DHS.

**ACTION:** Notice of extension of compliance date, Captain of the Port Zone Port Arthur.  


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**SUMMARY:** This document informs owners and operators of facilities located within Captain of the Port Zone Port Arthur that the date by which they must implement access control procedures utilizing TWIC has been extended to no later than April 14, 2009. This extension is due to the disruption in enrollment capacity caused by Hurricane Ike.  
**DATES:** The new compliance date for the TWIC regulations found in 33 CFR part

105 for Captain of the Port Zone Port Arthur is April 14, 2009.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this document as being available in the docket, are part of dockets TSA-2006-24191 and USCG-2006-24196, and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this document, call LCDR Jonathan Maiorine, telephone 1-877-687-2243. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-493-0402.

**SUPPLEMENTARY INFORMATION:**

**I. Regulatory History**

On May 22, 2006, the Department of Homeland Security (DHS) through the United States Coast Guard (Coast Guard) and the Transportation Security Administration (TSA) published a joint notice of proposed rulemaking entitled "Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License" in the *Federal Register* (71 FR 29396). This was followed by a 45-day comment period and four public meetings. The Coast Guard and TSA issued a joint final rule, under the same title, on January 25, 2007 (72 FR 3492) (hereinafter referred to as the original TWIC final rule). The preamble to that final rule contains a discussion of all the comments received on the NPRM, as well as a discussion of the provisions found in the original TWIC final rule, which became effective on March 26, 2007.

On May 7, 2008, the Coast Guard and TSA issued a final rule to realign the compliance date for implementation of the Transportation Worker Identification Credential. 73 FR 25562. The date by which mariners need to obtain a TWIC, and by which owners and operators of vessels and outer continental shelf facilities must implement access control procedures utilizing TWIC, is now April 15, 2009 instead of September 25, 2008. Owners and operators of facilities that must comply with 33 CFR part 105 will still be subject to earlier, rolling compliance dates, as set forth in 33 CFR 105.115(e).

The Coast Guard announced the rolling compliance dates, as provided in 33 CFR 105.115(e), at least 90 days in advance via notices published in the *Federal Register*. The final compliance date for all COTP Zones will not be later than April 15, 2009.

On July 16, 2008, we announced the compliance date for COTP Zone Port Arthur would be November 28, 2008. 73 FR 40739.

**II. Notice of Facility Compliance Date—COTP Zone Port Arthur**

Title 33 CFR 105.115(e) currently states that "[f]acility owners and operators must be operating in accordance with the TWIC provisions in this part by the date set by the Coast Guard in a Notice to be published in the *Federal Register*." Through this Notice, the Coast Guard informs the owners and operators of facilities subject to 33 CFR 105.115(e) located within COTP Zone Port Arthur that the deadline for their compliance with Coast Guard and TSA TWIC requirements has been extended until April 14, 2009.

This extension is being granted due to the disruption to enrollment and port activities in the wake of Hurricane Ike. The TSA and Coast Guard have determined that this new date provides sufficient time for the estimated population required to obtain TWICs for this COTP Zone to enroll and for TSA to complete the necessary security threat assessments for those enrollment applications. This date also aligns COTP Zone Port Arthur with the compliance date for COTP Zone Houston-Galveston. We strongly encourage persons requiring unescorted access to facilities regulated by 33 CFR part 105 and located in this COTP Zone to enroll for their TWIC as soon as possible, if they haven't already. Additionally, we note that the TWIC Final Rule advises owners and operators of MTSA regulated facilities of their responsibility to notify employees of the TWIC requirements. Specifically, 33 CFR 105.200(b)(14) requires owners or operators of MTSA regulated facilities to "[i]nform facility personnel of their responsibility to apply for and maintain a TWIC, including the deadlines and methods for such applications." Information on enrollment procedures, as well as a link to the pre-enrollment Web site (which will also enable an applicant to make an appointment for enrollment), may be found at <https://twicprogram.tsa.dhs.gov/TWICWebApp/>.

You may visit our Web site at [homeport.uscg.mil/twic](http://homeport.uscg.mil/twic) for a listing of all compliance dates by COTP Zone. This list is subject to change; any

changes in compliance dates will appear on that Web site and be announced in the *Federal Register* at least 90 days in advance.

Dated: October 15, 2008.

**Mark P. O'Malley,**

*Captain, U.S. Coast Guard Chief, Ports and Facilities Activities.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 105**

[Docket Nos. TSA-2006-24191; USCG-2006-24196]

**Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License**

**AGENCY:** United States Coast Guard; DHS.

**ACTION:** Notice of compliance date, Captain of the Port Zones Guam, Houston-Galveston, Los Angeles-Long Beach, and San Juan.

**SUMMARY:** This document informs owners and operators of facilities located within Captain of the Port Zones Guam, Houston-Galveston, Los Angeles-Long Beach, and San Juan that they must implement access control procedures utilizing TWIC no later than April 14, 2009.

**DATES:** The compliance date for the TWIC regulations found in 33 CFR part 105 for Captain of the Port Zones Guam, Houston-Galveston, Los Angeles-Long Beach, and San Juan is April 14, 2009.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this document as being available in the docket, are part of dockets TSA-2006-24191 and USCG-2006-24196, and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at [www.regulations.gov](http://www.regulations.gov).

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