

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

| * * * * *          |  |  |  |  |        |                                                                                                             |
|--------------------|--|--|--|--|--------|-------------------------------------------------------------------------------------------------------------|
| Vessel             |  |  |  |  | No.    | Horizontal distance (in meters) from the fore and aft centerline of the vessel in the athwartship direction |
| * * * * *          |  |  |  |  |        |                                                                                                             |
| USS BULKELEY ..... |  |  |  |  | DDG 84 | 1.90                                                                                                        |
| * * * * *          |  |  |  |  |        |                                                                                                             |

3. Table Four, Paragraph 16 of § 706.2 is amended by adding, in numerical order, the following entry for USS BULKELEY:

## § 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 BULKELEY ..... |  |  |  |  | DDG 84 | 104.74 thru 112.50°                        |
| * * * * *          |  |  |  |  |        |                                            |

4. Table Five of § 706.2 is amended by adding, in numerical order, the following entry for USS BULKELEY:

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

|                    |           |                                                                                |                                                                            |                                                                                                    |                                           |  |
|--------------------|-----------|--------------------------------------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------|--|
| * * * * *          |           |                                                                                |                                                                            |                                                                                                    |                                           |  |
| 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 ½ ship's length aft of forward mast-head light. Annex I, sec. 3(a). | Percentage horizontal separation attained |  |
| * * * * *          |           |                                                                                |                                                                            |                                                                                                    |                                           |  |
| USS BULKELEY ..... | DDG 84    | X                                                                              | X                                                                          | X                                                                                                  | 14.1                                      |  |
| * * * * *          | * * * * * | * * * * *                                                                      | * * * * *                                                                  | * * * * *                                                                                          | * * * * *                                 |  |

Dated: June 15, 2001.

**Richard T. Evans,**

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

[FR Doc. 01-26639 Filed 10-22-01; 8:45 am]

BILLING CODE 3810-FF-P

## 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 of the Navy (Admiralty and Maritime Law) has determined that USS LASSEN (DDG 82) 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:** November 8, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Commander Gregg A. Cervi, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (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 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 of the Navy (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS LASSEN (DDG 82) 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, Annex I paragraph 2(f)(iii) pertaining to the vertical placement of the task lights, 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, and

Annex I paragraph 3(c) pertaining to the horizontal placement of the task lights. The Deputy Assistant Judge Advocate General of the Navy (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.

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 LASSEN:

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

|            |        |      |  |  | No. | Horizontal distance (in meters) from the fore and aft centerline of the vessel in the athwartship direction |
|------------|--------|------|--|--|-----|-------------------------------------------------------------------------------------------------------------|
| Vessel     |        |      |  |  |     |                                                                                                             |
| USS LASSEN | DDG 82 | 1.93 |  |  |     |                                                                                                             |

3. Table Four, Paragraph 16 of § 706.2 is amended by adding, in numerical order, the following entry for USS LASSEN:

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

| Vessel     |        |                     |  |  | Number | Obstruction angle relative ship's headings |
|------------|--------|---------------------|--|--|--------|--------------------------------------------|
| USS LASSEN | DDG 82 | 102.30 thru 112.50° |  |  |        |                                            |

4. Table Five of § 706.2 is amended by adding, in numerical order, the following entry for USS LASSEN:

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

| TABLE FIVE |        |                                                                            |                                                                            |                                                                                                    |                                           |  |
|------------|--------|----------------------------------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------|--|
| Vessel     | No.    | Masthead lights not over all other lights 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 masthead light. annex I, sec. 3(a) | Percentage horizontal separation attained |  |
| USS LASSEN | DDG 82 | X                                                                          | X                                                                          | X                                                                                                  | 13.7                                      |  |

Dated: November 8, 2000.

**G.A. Cervi,**

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

**Editorial Note:** This document was received at the Office of the Federal Register on October 18, 2001.

FR Doc. 01-26641 Filed 10-22-01; 8:45 am]

BILLING CODE 3810-FF-P

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### 32 CFR Part 706

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

**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 of the Navy (Admiralty and Maritime Law) has determined that USS IWO JIMA (LHD 7) 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 functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** November 28, 2001.

**FOR FURTHER INFORMATION CONTACT:** Commander Gregg A. Cervi, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (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 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 of the Navy (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS IWO JIMA (LHD 7) 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: Rule 21(a), pertaining to the location of the masthead lights over the fore and aft centerline of the ship; Annex I, section 2(g), pertaining to the distance of the sidelights above the hull; Annex I, section 3(a), pertaining to the location of the forward masthead light in the

forward quarter of the ship; and the horizontal distance between the forward and after masthead lights; and Annex I, section 3(b), pertaining to the positioning of the sidelights in relationship to the forward masthead light, without interfering with its special functions as an amphibious assault ship. The Deputy Assistant Judge Advocate General of the Navy (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.

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 Two of § 706.2 is amended by adding the following entry for USS IWO JIMA:

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

\* \* \* \* \*

TABLE TWO

| Vessel             | No.         | 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 <sup>6</sup> | 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) <sup>6</sup> | 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 IWO JIMA ..... | LHD 7 ..... | .....                                                           | .....                                                                                  | .....                                          | .....                                                                                         | .....                                       | 2.97                                                             | 88.80                                                                              | .....                                                                     |

<sup>6</sup> Blank (or no entry) under this column indicates full compliance with the specific COLREGS requirement.

3. Table Five of § 706.2 is amended by adding the following entry for USS IWO JIMA:

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

\* \* \* \* \*

TABLE FIVE

| Vessel             | No.         | 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 ½ ship's length aft of forward masthead light. annex I, sec. 3(a) | Percentage horizontal separation attained |
|--------------------|-------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|-------------------------------------------|
| USS IWO JIMA ..... | LHD 7 ..... | .....                                                                          | X                                                                         | X                                                                                                | 40.9                                      |