

■ 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 JAMES E. WILLIAMS:

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

\* \* \* \* \*

| Vessel                      | Number       | Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction |
|-----------------------------|--------------|-------------------------------------------------------------------------------------------------|
| USS JAMES E. WILLIAMS ..... | DDG 95 ..... | 1.89 meters.                                                                                    |
| * * * * *                   | * * * * *    | * * * * *                                                                                       |

■ 3. Table Four, Paragraph 16 of § 706.2 is amended by adding, in numerical

order, the following entry for USS JAMES E. WILLIAMS:

**§ 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 JAMES E. WILLIAMS ..... | DDG 95 ..... | 108.79 thru 112.50°.                       |
| * * * * *                   | * * * * *    | * * * * *                                  |

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

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

\* \* \* \* \*

| Vessel                      | Number       | 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 mast-head light less than 1/2 ship's length aft of forward mast-head light. Annex I, sec. 3(a0) | Percentage horizontal separation attained |
|-----------------------------|--------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-------------------------------------------|
| USS JAMES E. WILLIAMS ..... | DDG 95 ..... | X                                                                              | X                                                                          | X                                                                                                     | 14.6                                      |
| * * * * *                   | * * * * *    | * * * * *                                                                      | * * * * *                                                                  | * * * * *                                                                                             | * * * * *                                 |

Approved: July 9, 2004.

G.A. Cervi,

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

[FR Doc. 04-23214 Filed 10-15-04; 8:45 am]

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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 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) (Acting) has determined that USS OKLAHOMA CITY (SSN 723) 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:** *Effective Date:* February 5, 2004.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander M. Robb Hyde,

JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) (Acting), 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) (Acting), under authority delegated by the Secretary of the Navy, has certified that USS OKLAHOMA CITY (SSN 723) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provision of 72

COLREGS without interfering with its special function as a naval ship: Rule 21(a), pertaining to the location of the masthead lights over the fore and aft centerline of the ship. The Deputy Assistant Judge Advocate General of the Navy (Admiralty and Maritime Law) (Acting) 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 OKLAHOMA CITY:

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

\* \* \* \* \*

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 inboard of ship's sides in meters; § 3(b), Annex I |
|--------------------|---------------|-----------------------------------------------------------------|---------------------------------------------------------------------------|------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------------------|------------------------------------------------------------------|------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| USS OKLAHOMA CITY. | SSN 723 ..... | 0.41                                                            |                                                                           |                                                |                                                                                  |                                             |                                                                  |                                                                                    |                                                                          |
| *                  | *             | *                                                               | *                                                                         | *                                              | *                                                                                | *                                           | *                                                                | *                                                                                  | *                                                                        |

Approved: February 5, 2004.

**M.R. Hyde,**

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

**Editorial Note.** This document was received at the Office of the Federal Register October 13, 2004.

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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 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 (Admiralty and Maritime Law) has determined that USS CHUNG-HOON (DDG 93) 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:** January 12, 2004.

**FOR FURTHER INFORMATION CONTACT:** Commander Scott A. Kenney, 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 (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS CHUNG-HOON (DDG 93) 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 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; Annex I, paragraph 3(c), pertaining to placement of task lights not less than two meters from the fore and aft centerline of the ship in the athwartship direction; Annex I, paragraph 2(f)(i), pertaining to the placement of the masthead light or lights above and clear of all other lights and obstructions; and Annex I,