



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 PELELIU (LHA 5) 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 [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] and is applicable beginning October 3, 2012.

FOR FURTHER INFORMATION CONTACT: Lieutenant Jocelyn Loftus-Williams, JAGC, U.S. Navy, Admiralty Attorney, (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 PELELIU (LHA 5) 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 horizontal

distance between the forward and aft masthead lights; Rule 21(a) pertaining to placement of masthead lights over the fore and aft centerline of the vessel; Annex I, paragraph 2(g) pertaining to the placement of sidelights above the hull of the vessel; Annex I, paragraph 2(i)(iii) pertaining the vertical position and spacing of task 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), and Vessels.

For the reasons set forth in the preamble, amend part

706 of title 32 of the CFR 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 as follows:

Authority: 33 U.S.C. 1605.

2. Section 706.2 is amended as follows:

A. In Table Two by revising the entry for USS PELELIU
(LHA 5);

B. In Table Three by adding, in alpha numerical
order, by vessel number, an entry for USS PELELIU (LHA 5);
and

C. In Table Four, paragraph 22, by adding, in alpha
numerical order, by vessel number, an entry for USS PELELIU
(LHA 5).

§ 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) (i)	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 masthead light in meters; § 3(b), Annex I	Side lights, distance inboard of ship's sides in meters; § 3(b), Annex I
***** * USS PELELIU ***** *	LHA 5	10.13	----	4	----	----	2.64	70.05	----

Table 3

Vessel	No.	Masthead Lights arc of visibility rule 21(a)	Side light arc of visibility; rule 21(b)	Stern light arc of visibility; rule 21(c)	Side lights distance in board 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 (2K) annex 1
* * * * * * USS PELELIU * * * * * *	LHA 5	214.5	-----	-----	-----	-----	-----	-----

Table 4

22. ***

Vessel	No	Vertical separation of the task light array is not equally spaced, the separation between the middle and lower task light exceed the separation between the upper and middle light by
* * * * * USS PELELIU	LHA 5	0.18 meter

APPROVED: October _3_, 2012

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

Dated: October 9, 2012

C. K. CHIAPPETTA,
Lieutenant Commander,
Office of the Judge Advocate General,
U.S. Navy,
Federal Register Liaison Officer.

[FR Doc. 2012-25416 Filed 10/15/2012 at 8:45 am; Publication
Date: 10/16/2012]