



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 OMAHA (LCS 12) 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 December 12, 2016.

FOR FURTHER INFORMATION CONTACT: Commander Theron R. Korsak, 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 number: 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 OMAHA (LCS 12) 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 (a) (i), pertaining to the height of the

forward masthead light above the hull; 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; Annex I, paragraph 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 light; Annex I, paragraph 3(c), pertaining to the task light's horizontal distance from the fore and aft centerline of the vessel in the athwartship direction. 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 as follows:

Authority: 33 U.S.C. 1605.

2. Section 706.2 is amended by:

a. In Table One, adding, in alpha numerical order, by vessel number, an entry for USS OMAHA (LCS 12);

b. In Table Four:

i. Under paragraph 15, adding, in alpha numerical order, by vessel number, an entry for USS OMAHA (LCS 12);

ii. Under paragraph 16, adding, in alpha numerical order, by vessel number, an entry for USS OMAHA (LCS 12); and

c. In Table Five, adding, in alpha numerical order, by vessel number, an entry for USS OMAHA (LCS 12).

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

* * * * *

Table One

Vessel	Number	Distance in meters of forward masthead light below minimum required height. §2(a)(i) Annex I
* * * * *		
USS OMAHA	LCS 12	4.27
* * * * *		

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Table Four

* * * * *

15. * * *

Vessel	Number	Horizontal distances from the fore and aft centerline of the vessel in the athwartship direction
***** USS OMAHA	LCS 12	Upper-0.17 meters Middle-1.3 meters Lower-1.3 meters

* * * * *

16. * * *

Vessel	Number	Obstruction angle relative ship's headings
***** USS OMAHA *****	LCS 12	72° thru 74° 286° thru 288°

* * * * *

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 mast-head light less than 1/2 ship's length aft of forward masthead light. annex I, sec. 3(a)	Percentage horizontal separation attained
***** USS OMAHA *****	LCS 12	--	X	X	17.3

Approved: December 12, 2016.

A. S. Janin,
Captain, USN, JAGC,
Deputy Assistant Judge Advocate,
General (Admiralty and Maritime Law).

Dated: December 27, 2016.

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

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