



3810-FF

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 PORTLAND (LPD 27) 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 March 2, 2017.

FOR FURTHER INFORMATION CONTACT: Commander Theron R. Korsak, (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 PORTLAND (LPD 27) 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 (i) (i), Rule 27 (a) (i) and (b) (i), pertaining to the placement of all-round task lights in a vertical line; Annex I, paragraph 3(a), pertaining to the horizontal distance between the forward and after masthead lights; and Annex I, paragraph 2(k) as described in Rule 30 (a) (i), pertaining to the vertical separation between anchor 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), 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:

Authority: 33 U.S.C. 1605.

2. Section 706.2 is amended by:

a. In Table Three, adding, in alpha numerical order, by vessel number, an entry for USS PORTLAND (LPD 27);

b. In Table Four, paragraph 20., adding, in alpha numerical order, by vessel number, an entry for USS PORTLAND (LPD 27); and

c. In Table Five, by adding, in alpha numerical order,

by vessel number, an entry for USS PORTLAND (LPD 27).

The additions read as follows:

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

* * * * *

Table Three

Vessel	No.	Masthead lights arc of visibility; rule 21(a)	Side lights arc of visibility; rule 21(b)	Stern light arc of visibility; rule 21(c)	Side lights distance inboard 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 relation -ship of aft light to forward light in meters 2(K) annex 1
***** USS PORTLAND *****	LPD 27	-----	-----	-----	-----	-----	--	1.55 below

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Table Four

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20. * * *

Vessel	Number	Angle in degrees of task lights off the vertical as viewed from directly ahead or astern
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USS PORTLAND	LPD 27	10

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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 PORTLAND *****	LPD 27	-----	-----	X	71

Approved: March 2, 2017.

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

Dated: March 8, 2017.

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

[FR Doc. 2017-05159 Filed: 3/21/2017 8:45 am; Publication Date: 3/22/2017]