



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 certain vessels of the VIRGINIA SSN Class are vessels of the Navy which, due to their special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with their

special function as a naval ships. 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 May 29, 2018.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Kyle Fralick, (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 certain vessels of the Virginia SSN Class are vessels of the Navy which, due to their special construction and purpose, cannot fully comply with the following specific provisions

of 72 COLREGS without interfering with their special function as a naval ship: Rule 23(a) and Annex I, paragraph 2(a)(i), pertaining to the vertical placement of the masthead, light and Annex I, paragraph 2(f)(i), pertaining to the masthead light being above and clear of all other lights and obstructions; Rule 30 (a), Rule 21(e), and Annex I, paragraph 2(k), pertaining to the vertical separation of the anchor lights, vertical placement of the forward anchor light above the hull, and the arc of visibility of all around lights; Rule 23 (a) and Annex I, paragraph 3(b), pertaining to the location of the sidelights; and Rule 21(c), pertaining to the location and arc of visibility of the sternlight. 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 these vessels in a manner differently from that prescribed

herein will adversely affect these vessel's ability to perform their 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 SOUTH DAKOTA (SSN 790);

b. In Table Three, adding, in alpha numerical order, by vessel number, an entry for USS SOUTH DAKOTA (SSN 790); and

c. In Table Four:

i. In paragraph 25, by adding, in alpha numerical order, by vessel number, an entry for USS SOUTH DAKOTA (SSN 790); and

ii. In paragraph 26, by adding, in alpha numerical order, by vessel number, an entry for USS SOUTH DAKOTA (SSN 790).

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 ONE

| Vessel | Number | Distance in meters of forward masthead light below minimum required height. §2(a)(i) Annex I |
|------------------------------------|---------|---|
| ***** USS SOUTH DAKOTA ***** | SSN 790 | 2.76 |

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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 relationship of aft light to forward light in meters 2(K) annex 1 |
|---------------------------------------|---------|---|---|---|--|--|---|---|
| ***** USS SOUTH DAKOTA ***** | SSN 790 | - | - | 206.0° | 4.37 | 11.05 | 2.8 | 0.30 |

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TABLE FOUR

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25. * * *

| Vessel | No. | Distance in meters of masthead light below the submarine identification lights |
|---------------------------|---------|--|
| ***** USS SOUTH DAKOTA | SSN 790 | 0.81 |

26. * * *

| Vessel | No. | Obstruction angle relative to ship's headings | |
|---------------------------|---------|---|------------------|
| | | Forward anchor light | Aft anchor light |
| ***** USS SOUTH DAKOTA | SSN 790 | 172° to 188° | 359° to 1° |

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Approved: May 29, 2018.

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

Dated: June 13, 2018.

E. K. Baldini,
Lieutenant Commander,
Judge Advocate General's Corps,
U.S. Navy,
Federal Register Liaison Officer.

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