

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:

**Authority:** 33 U.S.C. 1605.

2. Table 3 of § 706.2 is amended by adding, in numerical order, the following entry for USS *Tornado*:

**PART 706—[AMENDED]**

1. The authority citation for 32 CFR part 706 continues to read as follows:

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

\* \* \* \* \*

TABLE 3

| 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 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 2(K) annex 1 |
|--------------------------|-------|-----------------------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------|---------------------------------------------------------------------------------|
| USS <i>Tornado</i> ..... | PC-14 | .....                                         | .....                                     | .....                                     | .....                                                                | 27.8 <sup>1</sup>                                            | 3.01                                                            | 1.1 below                                                                       |

<sup>1</sup> Only when towing.

\* \* \* \* \*  
 Approved: January 24, 2000.

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

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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) of the Navy has determined that USS *Benfold* (DDG 65) is a vessel of the Navy which, due to its special construction and purpose,

cannot comply fully 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.

**EFFECTIVE DATE:** June 5, 2000.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander G. A. Cervi, JAGC, U.S. Navy Deputy Assistant Judge Advocate (Admiralty and Maritime Law), Office of the Judge Advocate General, Navy, Department, 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) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS *Benfold* (DDG 65) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully 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 after masthead lights. The Deputy Assistant Judge Advocate General

(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 because it is based on technical findings that the placement of lights on this vessel in a manner different 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.

**PART 706—[AMENDED]**

Accordingly, 32 CFR part 706 is amended as follows:

1. The authority citation for 32 CFR part 706 continues to read:

**Authority:** 33 U.S.C. 1605.

2. Table 5 of § 706.2 is amended by revising the entry for USS *Benfold* to read as follows:

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

\* \* \* \* \*

TABLE 5

| Vessel                   | No.    | Masthead lights not over all otehr 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(a) | Percentage horizontal separation attained. |
|--------------------------|--------|--------------------------------------------------------------------------------|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------|
| USS <i>Benfold</i> ..... | DDG 65 | X                                                                              | X                                                                          | X                                                                                                    | 20.0                                       |

Approved: June 5, 2000.  
**G.A. Cervi**,  
*Lieutenant Commander, JAGC, U.S. Navy,*  
*Deputy Assistant Judge Advocate General*  
*(Admiralty and Maritime Law).*  
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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) has determined that USS *Winston S. Churchill* (DDG 81) 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.

**EFFECTIVE DATE:** March 7, 2000.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Gregg A. Cervi, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General, Navy Department, Washington Navy Yard, Washington, 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), under authority delegated by the Secretary of the Navy, has certified that USS *Winston S. Churchill* (DDG 81) 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(f)(i) pertaining to placement of the masthead light or lights above and clear of all other lights and obstructions, Annex I paragraph 2(f)(ii) pertaining to the vertical placement of the task lights, 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, and Annex I paragraph 3(c) pertaining to the horizontal placement of the task lights.

The Deputy Assistant Judge Advocate General of the Navy (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.

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 4, paragraph 15 of § 706.2 is amended by adding, in numerical order, the following entry for USS *Winston S. Churchill*:

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

\* \* \* \* \*

TABLE 4

| Vessel                                | Number | Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction |
|---------------------------------------|--------|-------------------------------------------------------------------------------------------------|
| USS <i>Winston S. Churchill</i> ..... | DDG 81 | 1.87 meters.                                                                                    |

\* \* \* \* \*