

Dated: March 6, 1997.

Approved:

W. T. Storz,

*Commander, JAGC, U.S. Navy, Acting Deputy
Assistant Judge Advocate General
(Admiralty).*

[FR Doc. 97-9599 Filed 4-14-97; 8:45 am]

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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 MAHAN (DDG 72) 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 19, 1997.

FOR FURTHER INFORMATION CONTACT:

Captain R. R. Pixa, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (703) 325-9744.

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) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS MAHAN (DDG 72) 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 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 placement of task lights not less than two meters from the fore and aft centerline of the ship in the athwartship direction. The Deputy Assistant Judge Advocate

General (Admiralty) 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 Four, Paragraph 15 of § 706.2 is amended by adding, in numerical order, the following entry for USS MAHAN:

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

* * * * *

Vessel					Number	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
* * * * *						
USS MAHAN	DDG 72	1.90 meters.			
* * * * *						

3. Table Four, Paragraph 16 of § 706.2 is amended by adding, in numerical order, the following entry for USS MAHAN:

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

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Vessel					Number	Obstruction angle relative ship's headings
* * * * *						
USS MAHAN	DDG 72	102.11 thru 112.50°.			
* * * * *						

4. Table Five of § 706.2 is amended by adding, in numerical order, the following entry for USS MAHAN:

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

* * * * *

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex 1, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex 1, sec. 3(a)	After mast-head light less than 1/2 ship's length aft of forward masthead light. annex 1, sec. 3(a)	Percentage horizontal separation attained
USS MAHAN	DDG 72	X	X	X	13.9

Dated: March 19, 1997.

Approved:

R.R. Pixa,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).

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PANAMA CANAL COMMISSION

35 CFR Parts 103 and 104

RIN 3207-AA40

Preference in the Transit Schedule/Order of Transiting Vessels; Passenger Steamers Given Preference in Transiting

AGENCY: Panama Canal Commission.

ACTION: Interim rule.

SUMMARY: This document announces a test of a revised vessel transit reservation system. The interim rule to be tested incorporates certain new features, including increasing the number of available reserved transit slots, creation of a third booking period, establishment of new booking fees for transit reservations whenever the total number of vessels awaiting transit is excessively high, and clarification and refinement of procedures concerning cancellations, refunds, and penalties.

The revised vessel transit reservation system to be tested also makes certain passenger vessels seeking preference over other vessels in transiting the Panama Canal, that heretofore were exempt, subject to this interim rule.

DATES: The test and the effective date of the interim rule shall commence at 2:00 p.m. (1400 hours) April 21, 1997.

ADDRESSES: Written comments concerning any aspect of the test should be directed to John A. Mills, Secretary, Panama Canal Commission, 1825 I Street, NW, Suite 1050, Washington, DC 20006-5402, Telephone (202) 634-6441, Fax (202) 634-6439, Internet E-Mail: PanCanalWO@AOL.COM.

FOR FURTHER INFORMATION CONTACT: John A. Mills, Secretary, Panama Canal Commission, 1825 I Street, NW, Suite 1050, Washington, DC 20006-5402, Telephone: (202) 634-6441, Fax (202) 634-6439, Internet E-Mail: PanCanalWO@AOL.COM.

SUPPLEMENTARY INFORMATION: Section 1801 of the Panama Canal Act of 1979, as amended (22 U.S.C. 3811), authorizes the Panama Canal Commission (PCC) to prescribe and, from time to time, amend regulations governing the passage and control of vessels through the Panama Canal or any part thereof, including the locks and approaches thereto. This interim rule constitutes such a regulation.

Articles II and III of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal expressly provides for payment of tolls and other charges for transit and ancillary services that are just, reasonable, equitable and consistent with international law. The booking fees that are a component of this interim rule are for transit and ancillary services.

This interim rule involves public property, the Panama Canal, and, therefore, is excluded from coverage of the Administrative Procedures Act. 5 U.S.C. 553(a)(2). Nevertheless, in implementing this interim rule, PCC has elected to proceed in a manner generally consistent with the provisions of the Administrative Procedures Act concerning notice of proposed rule making.

On March 5, 1997, PCC published in the **Federal Register** (Volume 62, Number 43, Pages 9997-10000), a notice of proposed rule with request for comments concerning a test of this interim rule. During the 30-day comment period, PCC received a number of written submissions from interested persons.

PCC considered all data, views, comments and suggestions submitted, some of which remain under

consideration and will be assessed in light of the test results.

PCC believes this interim rule is the best mechanism for fairly testing the various new features of the revised vessel transit reservation system, and will thus enable PCC at the end of the test to make informed, objective assessments concerning which system features are mutually beneficial to PCC and its customers. Depending on the test results, PCC may modify this interim rule in some aspects prior to implementation of the final rule.

To insure thoroughness in testing this interim rule, throughout the test period, PCC solicits detailed, objective data concerning the operational and economic impact of this interim rule on Canal customers.

The test of the revised Panama Canal Vessel Transit Reservation System will commence at 2:00 p.m. (1400 hours), on April 21, 1997. The test will be 120 days or longer in duration.

PCC strongly encourages all interested persons to submit written data, views or arguments anytime during the test period. All will be considered by PCC. Whenever suggested revisions to the interim rule are indicated, revisions based thereon will be incorporated into the final rule to be published at the conclusion of the test.

PCC is exempt from Executive Order 12866. The provisions of that directive, therefore, do not apply to this interim rule. Even if the Order was applicable, this interim rule would not have any significant economic impact on any substantial number of small entities under the Regulatory Flexibility Act of 1980.

Additionally, PCC has determined that implementation of this interim rule will not have an adverse effect on competition, employment, investment, productivity, innovation, or the ability of the U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.