unwarranted, were identified and forwarded to the Bureau. The remainder were rejected either because of insufficient time remaining on the sentence to fully process the motion or because there existed in the files aggravating factors that could have caused the Commission itself to go above the applicable guidelines. The Parole Commission next began reviewing current files for possible recommendation, identifying another 171 cases for reduction recommendation. If all of these 572 recommendations had been accepted by the Bureau and, eventually, by the sentencing judge, a savings of 9,591 prisoner incarceration months or about 800 prisoner incarceration years could have been realized.

According to data supplied by the Bureau of Prisons, since December 1983, only 74 of the 572 cases submitted by the Parole Commission made it through the Bureau's processing for consideration by its Director. He denied 68 of these, approving 6 for further review by the appropriate U.S. attorney. Three of these six were referred to the sentencing judges after U.S. attorney review, with the sentencing judge actually reducing the minimum in only two cases.

As a result, in January 1985, the Director of the Bureau of Prisons, citing the extremely small number of cases actually referred to sentencing courts and the amount of staff time involved in identifying, preparing and processing the cases, proposed that the program be discontinued. The Parole Commission sought public comment on whether to accept that recommendation, publishing a proposed rule to delete 28 CFR 2.62 in the **Federal Register** (50 FR 24234, June 10, 1985).

The Parole Commission received three (3) comments on the proposed rule, one from an inmate, one from a private citizen, and one submitted by the University of Southern California Post-Conviction Justice Project.

The inmate argued against deletion of the section, stating that it would be "very debilitating and a grave injustice to the many federal prisoners who are definitely rehabilitated" to deny parole solely because of the judicially imposed minimum sentence. Additional comments from the inmate related to the role of the Bureau of Prisons in this process rather than that of the Parole Commission. The private citizen, on the other hand, supported the proposal, arguing that the court was the proper body to determine sentence length rather than a "professionally untrained bureaucratic body." She noted further her view that prison overcrowding was not a sufficient justification for consideration of early release.

The attorneys who wrote on behalf of the U.S.C. Post-Conviction Justice Project argued that the elimination of the section would be "premature and thus ill-advised." After reviewing the implementation of § 4205(g) and its legislative history, the commenters concluded that there is a need to review "the manner in which the Bureau of Prisons has handled the Commission's referrals to determine whether the Bureau of Prisons has abused its discretion by deviating from its published criteria and has, therefore, failed to carry out the Congressional intent expressed in the enactment of § 4205(g)." They urged the Commission to wait until there is adequate opportunity for public comment on the Bureau's implementation of this provision.

The Parole Commission, after reviewing these comments, accepted the recommendation of the Director of the Bureau of Prisons to delete § 2.62 from its rules at this time.

This rule change will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and Parole.

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 is revised to read:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

§ 2.62 [Removed]

2. 28 CFR 2.62, Recommendation for Reduction of Minimum *Sentence*, is removed.

Dated: August 20, 1985.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 85-21323 Filed 9-5-85; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Parole Commission is amending its rules to require all parolees (and mandatory releases) to satisfy outstanding court orders as a condition of their release, adding this condition to its Conditions of Release, 28 CFR 2.40. While mandated to add this condition as regards fines by the provisions of the Criminal Fine Enforcement Act of 1984, Pub. L. 98-596, and as regards restitution orders by the provisions of the Victim and Witness Protection Act of 1982, Pub. L. 97-291, the Parole Commission additionally will require the satisfaction of court costs and assessments, and court ordered child support or alimony payments. Furthermore, since current conditions of release already obligate a parolee to "not violate any law" (28 CFR 2.40(a)(6)) and to "support his legal dependents" (28 CFR 2.40(a)(8)), these changes will serve to clarify those existing obligations rather than resulting in totally new or additional requirements. To facilitate the payment of these obligations, the Parole Commission will require the parolee to provide relevant financial information and to cooperate, when appropriate, in the establishment of an installment payment plan. Other related amendments are being made to clarify and conform language to the terms of this new release condition. Finally, the Parole Commission is amending another condition of release, 28 CFR 2.40(a)(5), to clarify the parolee's obligations when reporting to his probation officer.

EFFECTIVE DATE: November 4, 1985.

FOR FURTHER INFORMATION CONTACT: Alan J. Chaset, Deputy Director of Research and Program Development, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492-4980.

SUPPLEMENTARY INFORMATION: Currently the U.S. Parole Commission imposes several conditions on every grant of parole, conditions deemed necessary to provide adequate supervision and to protect the public welfare. The Commission is amending its set of conditions at 28 CFR 2.40 by adding the condition that parolees make a diligent effort to satisfy outstanding fines and other court ordered financial obligations such as restitution orders, court costs and assessments, and child support and alimony and, to that end, that they supply financial information and develop installment payment plans. The new condition as to fines is required by the Criminal Fine Enforcement Act of 1984, Pub. L. 98-596 and the Parole Commission is lending equal weight to the enforcement of these other court ordered financial obligations, as it did previously with restitution orders, by making their satisfaction a condition of parole.

In regard to this new condition of parole, several procedures will apply. If the parolee satisfactorily demonstrates that he cannot immediately satisfy the outstanding obligation in full, he and the U.S. Probation Officer will develop a written plan for the payment of the fine, restitution order, etc. The plan will include, among other things, a payment schedule and the amount to be paid at each installment. It will include also the following clause: "This plan, and the obligations described herein, are part of the conditions of my parole." The parolee will supply all financial information and records necessary to the development of the plan and will sign the plan, along with the U.S. Probation Officer. A copy of the signed plan will be forwarded to the Parole Commission.

As to the payment schedule and the amounts to be paid at each installment, the plan will include any relevant court ordered installment payment schedule. If no such installment payment schedule exists, one will be developed that takes into account, among other things, the amount of the fine [restitution order, etc.], any interest and penalties due as well as the parolee's employment status, earning ability, financial resources, and the economic burden that the payment of the obligation will impose on the parolee or his dependents. Where feasible, the installment payment term for fines and restitution orders should not exceed two years. When the parolee has an outstanding restitution order in addition to a fine or other financial obligation, the plan will give precedence to the satisfaction of the restitution order.

If the parolee refuses to accept the terms of the plan in general, refuses to accept the installment payment schedule, and/or refuses to sign the plan, the Parole Commission will then resolve any outstanding disputes as to terms and installment payment schedules, completing the plan as necessary and making the terms and schedules contained therein themselves a parole condition. Any changes to or modifications of the plan will be reduced to written form and signed by the parolee and the U.S. Probation Officer. A copy of the signed change or modification will be forwarded to the Parole Commission.

And, finally, if the parolee does not make diligent effort to make the payments according to the schedule in the plan, the U.S. Probation Officer will report such failure to the Parole Commission as a violation of the conditions of parole.

As a conforming amendment, the Parole Commission is deleting 28 CFR 2.7(b)(1). That subsection deals with unsatisfied orders of restitution automatically becoming a condition of release. The new condition renders this part of the subsection duplicative and thus unnecessary. The subsection also requires the inclusion of a payment plan. The Parole Commission will retain that requirement, but, for clarity, is amending the language and adding it to 28 CFR 2.33 (Release Plans) as new §2.33(d).

As a second conforming amendment, the Parole Commission is amending the language of 28 CFR 2.7(b)(3), to delete it from 28 CFR 2.7 and to add it to 28 CFR 2.52 as new §2.52(e). As presently drafted, the subsection deals with factors to be considered in determining whether to revoke parole for noncompliance with a condition of restitution. The amendment now requires that the same factors be considered in determining revocation for non-compliance with a condition of fine, court costs or assessment, and/or court ordered child support or alimony payment. The new subsection becomes part of 28 CFR 2.52 (Revocation Decisions). Finally, present 28 CFR 2.7(b)(2) is redesignated 28 CFR 2.7(b).

A proposed rule incorporating substantially all the above discussed amendments was published in the **Federal Register** (50 FR 24235, June 10, 1985). The Parole Commission received three (3) responses from the public on the proposed changes. A private citizen commended the Commission for the planned amendment citing it as "a much needed adjunct in the rehabilitation of criminals" and noting that it would "aid the parolee in developing a sense of social responsibility. And a Chief Probation Officer wrote that he was "sure the proposed rule will be a good one which will more clearly define the responsibility." He saw "no problem" with it.

The third comment was received from the University of Southern California Post-Conviction Justice Project. The attorneys representing the U.S.C. Post-Conviction Justice Project argued that the Commission should "distinguish between fines and restitution orders on the one hand, and other court ordered financial obligations" on the other. The former are related to the parolee's criminal conviction and punishment and are appropriate, they said, for Parole Commission purposes. The latter result from separate and unrelated judicial proceedings and the Commission's involvement with them will be "entirely unnecessary and superfluous" as other judicial authorities are in a better position to monitor their satisfaction. They stated also that the proposed amendment "would criminalize an entire range of civil obligations" and "will discriminate against certain civil litigants."

The commenters objected further to requiring parolees to provide information relevant to the payment of the obligations. They felt that additional safeguards were necessary here to protect against an abuse of discretion. Finally, they objected to the "deliberately evading or refusing" standard in proposed §2.52(e). They recommended that a parolee should "only face revocation for not meeting a financial obligation if he or she is found to have willfully failed to make required payments and to have had the financial ability to do so."

The Parole Commission, after considering the comments received, has determined that it is appropriate to proceed with the rule as proposed. Since current conditions of release already obligate a parolee to "not violate any law" (28 CFR 2.40(a)(6)) and to "support his legal dependents" (28 CFR 2.40(a)(8)), these amendments serve to clarify those existing obligations rather than resulting in totally new or additonal requirements. Further, the Commission has determined that the "deliberately evading or refusing" standard is functionally equivalent to the "willful" standard recommended by one of the comments. For clarity, however, the Commission is substituting "court costs and assessment" for "other court ordered financial obligation of a similar nature" on the list of covered financial obligations.

The Parole Commission also is amending the release condition at 28 CFR 2.40(a)(5) in order to clarify the parolee's obligations when reporting to his probation officer. To parallel the existing requirement in subsection 2.40(a)(5) that parolees make complete and truthful written reports to probation officers, the subsection is amendment to require completeness and truthfulness at any time the parolee is reporting to his probation officer.

This rule change will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

List of Subjects in 28 CFR Part 2.

Administrative practice and procedure, Prisoners, Probation and parole.

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 is revised to read:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. 28 CFR 2.40, *Conditions of Release,* is amended by revising paragraph (a)(5) to read as follows:

(a) * * *

(5) The parolee shall make a complete and truthful written report (on a form provided for that purpose) to his probation officer between the first and third day of each month, and on the final day of parole. He shall also report to his probation officer, at other times as the probation officer directs, providing complete and truthful information.

* * * * *

3. 28 CFR 2.40, *Conditions of Release,* is further amended by adding new paragraph (a)(13) to read as follows:

§ 2.40 Conditions of Release.

(a) * * *

(13) The parolee shall make a diligent effort to satisfy any fine, restitution order, court costs or assessment, and/or court ordered child support or alimony payment that has been, or may be, imposed, and shall provide such financial information as may be requested, by his Probation Officer, relevant to the payment of the obligation. If unable to pay the obligation in one sum, the parolee will cooperate with his Probation Officer in establishing an installment payment schedule.

* * * * *

§ 2.7 [Amended]

4. 28 CFR 2.7(b)(1) and 2.7(b)(3) are removed and 28 CFR 2.7(b)(2) is redesignated 28 CFR 2.7(b). Also 28 CFR 2.33, Release Plans, is amended by adding new paragraph (d) to read as follows:

§ 2.33 Release Plans.

* * *

(d) When the prisoner has an unsatisfied fine or restitution order, a reasonable plan for payment [or performance of services, if so ordered by the court] shall, where feasible, be included in the parole release plan.

5. 28 CFR 2.52, *Revocation Decisions,* is amended by adding new paragraph (e) to read as follows:

§ 2.52 Revocation Decisions.

* * *

(e) In determining whether to revoke parole for non-compliance with a condition of fine, restitution, court costs or assessment, and/or court ordered child support or alimony payment, the Parole Commission shall consider the parolee's employment status, earning ability, financial resources, and any other special circumstances that may have a bearing on the matter. Revocation shall not be ordered unless the parolee is found to be deliberately evading or refusing compliance.

Dated: August 20, 1985.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 85-21325 Filed 9-5-85; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners; Information Considered

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Parole Commission is amending its rules at 28 CFR 2.19 (Information Considered) to facilitate and clarify the procedure by which material concerning a prisoner is submitted for consideration by the Commission. The amendment to § 2.19 adds new subsection 2.19(b)(2) which requires that the material containing the information to be considered be forwarded sufficiently in advance so as to be received by the Commission no later than the first day of the month preceding the month of the docket. Also added is new subsection 2.19(b)(3) which states that, if a large amount of material is first submitted at the time of the hearing and the hearing panel concludes that it is not feasible to read the information submitted at that time, the person submitting the information will be permitted to briefly summarize the material. Further, the submitted material will become part of the record to be considered by the Commission upon review of the panel's recommendation. As a conforming amendment, 28 CFR 2.19(b) will become § 2.19(b)(1).

EFFECTIVE DATE: November 4, 1985.

FOR FURTHER INFORMATION CONTACT: Alan J. Chaset, Deputy Director of Research and Program Development, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492-4980.

SUPPLEMENTARY INFORMATION: In making a parole or reparole determination, the Commission considers a number of reports and other documents concerning the prisoner. It will also take into consideration additional relevant information concerning the prisoner, including information submitted by the prisoner or by other interested persons. The rules governing the information so considered are at 28 CFR 2.19.

Occasionally, at the hearing, a prisoner or his representative will submit for the first time voluminous material concerning the prisoner to be considered by the panel. In such instances, it is generally impossible for the examiner to read all the material submitted without seriously disturbing the hearing schedule.

To remedy this situation and to ensure that the information contained in the submitted material receives appropriate attention and review, the Commission is amending its rule to provide that material to be considered concerning the prisoner should be forwarded to the Commission sufficiently in advance so as to be received by the Commission no later than the first day of the month preceding the month of the docket (i.e., if the hearing is scheduled for an August docket, the material should be received by the Commission by July 1). This new requirement coincides with the time schedule that the institutions must follow when forwarding information to the Commission for pre-hearing reviews. This procedure is contained in new subsection 2.19(b)(2).

Further, the new subsection contains a procedure for handling material that is first submitted at the hearing. If that material contains more than six (6), double-spaced, letter-sized pages, and the panel concludes that it is not feasible to read the material at that time, the person submitting the material will be permitted to briefly summarize the material. Also, the material submitted, in its entirety, will become part of the record to be considered by the Regional Commissioner upon review of the panel's recommendation.

As an additional conforming amendment, the present subsection 2.19(b) will be redesignated 2.19(b)(1).

This rule change will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, prisoners, probation and parole.

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 is revised to read:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. 29 CFR 2.19, *Information considered,* is amended to redesignate (b) as (b)(1) and to add two new

paragraphs, (b)(2) and (b)(3) to read as follows:

§ 2.19 Information considered.

* * * * *

(b)(1) There shall also be taken into consideration such additional relevant information concerning the prisoner (including information submitted by the prisoner) as may be reasonably available (18 U.S.C. 4207). The Commission encourages the submission of relevant information concerning an eligible prisoner by interested persons.

(2) To permit adequate review of information concerning the prisoner, materials submitted to the Commission should be received by the Commission no later than the first day of the month preceding the month of the scheduled hearing docket.

(3) If material of more than six (6), double-spaced, letter-sized pages is first submitted at the time of the hearing and the hearing panel concludes that it is not feasible to read all the material at that time, the person submitting the material will be permitted to summarize it briefly at the hearing. The summarized material, in its entirety, will become part of the record to be considered by the Commission in its review of the panel's recommendation.

Dated: August 20, 1985.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 85-21324 Filed 9-5-85; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Parole Commission is amending 28 CFR by deleting several items that are obsolete or unnecessary. Two of the sections (28 CFR 2.9(b) (Study Prior to Sentencing); 28 CFR 2.16(d) (Parole of Prisoner in State, Local, or Territorial Institution)) involve the Federal Youth Corrections Act, legislation that was repealed by the Comprehensive Crime Control Act of 1984 (Pub. L. 98-473). A third item (28 CFR 2.43(a)(2) (Early Termination)) also involves the Federal Youth Corrections Act and contains an obsolete provision. The Parole Commission is amending that subsection by deleting that part that deals with youth offenders sentenced to a term of one year or less and by adding language to clarify that the retained part of the subsection deals with youth offenders sentenced to a term of more than one year. A fourth item involves 28 CFR 2.2(e) (Eligibility for Parole: Adult Sentences). The Parole Commission is amending that subsection by deleting that part that deals with sentences of six months to 1 year that were imposed prior to May 15, 1976. That part of the subsection is deemed obsolete. Should there be cases remaining in the system to which the deleted provisions are applicable, the cases will continue to be handled under the provisions existing prior to the deletion. Finally, as a conforming amendment, 28 CFR 2.9(a) is redesignated § 2.9.

EFFECTIVE DATE: November 4, 1985.

FOR FURTHER INFORMATION CONTACT: Alan J. Chaset, Deputy Director of Research and Program Development, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492-4980.

SUPPLEMENTARY INFORMATION: In maintaining its rules, the Parole Commission makes amendments that reflect legislative developments and changes and makes deletions of materials that has become obsolete or unnecessary. Four such amendments are being accomplished at this time.

The first two amendments involve the Federal Youth Corrections Act, legislation that was repealed as part of the Comprehensive Crime Control Act of 1984 (Pub. L. No. 98-473). Subsection (b) of 28 CFR 2.9 (Study Prior to Sentencing) is the rule governing the Commission's role in reporting to the sentencing courts on the observation and study of youths committed pursuant to 18 U.S.C. 5010(e). Subsection (d) of 28 CFR 2.16 (Parole of Prisoner in State, Local, or Territorial Institution) is the rule governing the parole of Federal Youth Corrections Act offenders committed under 18 U.S.C. § 3401 and who are given commitments of six months or less. Since YCA was repealed, these subsections became obsolete and can be deleted. Should there be cases remaining in the system to which the deleted provisions are applicable, the cases will continue to be handled under the provisions existing prior to the deletion.

The third amendment also involves the Federal Youth Corrections Act. Subsection (a)(2) of 28 CFR 2.43 (Early Termination) contains the rule governing the early termination of supervision of youth offenders. The first clause of that subsection deals with youth offenders sentenced to terms of one year or less under 18 U.S.C. 3401(g). The repeal of the Federal Youth Corrections Act has made that clause obsolete and it can be deleted. While the remainder of the subsection also involves offenders sentenced under the Federal Youth Corrections Act, the Parole Commission has a continuing responsibility for supervising those youth offenders sentenced before the repeal of the Act. The Parole Commission is amending the retained part of the subsection to clarify that that part deals with youth offenders sentenced to a term of more than one year.

Next, 28 CFR 2.2 (Eligibility for Parole: Adult Sentences) reflects the statutory provision that Federal prisoners serving a maximum of one year or less are not eligible for parole consideration by the Commission. However, the subsection states that, as an exception, Federal prisoners sentenced, prior to May 14, 1976, to a maximum of at least six months but not more than one year are eligible for parole consideration after service of one-third of such term. The Commission has determined that that exception is obsolete and may be deleted. Should there be cases remaining in the system to which this deleted provision is applicable, the cases will continue to be handled under the provision existing prior to the deletion.

This rule change will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, prisoners, probation and parole.

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 is revised to read:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. 28 CFR 2.2, *Eligibility for Parole: Adult Sentences*, is amended by revising paragraph (e) to read as follows:

§ 2.2 Eligibility for Parole: Adult Sentences.

* * * * *

(e) A Federal prisoner serving a maximum term or terms of one year or less is not eligible for parole consideration by the Commission.

3. 28 CFR. 2.9, *Study Prior to Sentencing*, is revised to read as follows:

§ 2.9 Study Prior to Sentencing.

When an adult Federal offender has been committed to an institution by the sentencing court for observation and study prior to sentencing, under the provisions of 18 U.S.C. 4205(c), the report to the sentencing court is

prepared and submitted directly by the United States Federal Prison System.

§ 2.16 [Amended]

4. 28 CFR 2.16, *Parole of Prisoner in State, Local, or Territorial Institution*, is amended by removing paragraph (d).

5. 28 CFR 2.43, *Early Termination*, is amended by revising paragraph (a)(2) to read as follows:

§ 2.43 Early Termination.

(a) * * *

(2) A committed youth offender sentenced to a term of more than one year may not be granted an early termination of jurisdiction earlier than after one year of continuous supervision on parole. When termination of jurisdiction prior to the expiration of sentence is granted in the case of a youth offender, his conviction shall be automatically set aside. A certificate setting aside his conviction shall be issued in lieu of a certificate of termination.

Dated: August 20, 1985.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 21326 Filed 9-5-85; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy amends its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that Landing Craft Air Cushion (LCAC) class amphibious vessels are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special functions as landing craft air cushion vessels. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 22, 1985.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 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 Secretary of the Navy has certified that Landing Craft Air Cushion (LCAC) class amphibious vessels are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with the 72 COLREGS: Rule 21(a), pertaining to the centerline positioning of the masthead light; Rule 21(b), pertaining to the positioning of the sidelights; Rule 22(b), pertaining to the range of visibility of the sidelights; Annex I, section 2(a)(i), pertaining to the height of the masthead light above the hull; Annex I, section 2(g), pertaining to the placement of the sidelights at a height above the hull not greater than three-quarters of that of the masthead light; and Annex I, section 3(b), pertaining to the placement of the sidelights at or near the sides of the vessel, without interfering with their special functions as landing craft air cushion vessels. The Secretary of the Navy has also certified that the above-mentioned lights 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 LCAC-class amphibious vessels in a manner differently from that prescribed herein will adversely affect their ability to perform their functions as landing craft air cushion vessels.

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 Part 706 is revised to read as follows:

Authority: 33 U.S.C. 1605.

§§ 706.2 and 706.3 [Amended]

2. The authority citation following §§ 706.2 and 706.3 are removed.

§ 706.2 [Amended]

1. Table One of § 706.2 is amended by adding the following class of vessels to the list:

Vessel	Number	Distance in meters of forward masthead light below minimum required height; section 2(a)(i), annex I
LCAC (class)	LCAC 1 through LCAC 100	[1] 6.51
LCAC (class)	LCAC 1 through LCAC 100	[2] 7.94

[1] The permanent masthead light is 5.26 meters athwartship to port of centerline, 5.49 meters above the main deck.
[2] The temporary masthead light is 3.98 meters athwartship to starboard of centerline, 4.06 meters above the main deck.

2. Table Two of § 706.2 is amended by adding the following class of vessels to the list.

Vessel	Number	Masthead lights, distance to starboard of keel in meters; rule 21(a)	Forward anchor light, distance below flight deck in meters; section 2(k), Annex I	Forward anchor light, number of; rule 30(a)(i)	Aft anchor light, distance below flight deck in meters; rule 21(e), rule 30(a)(ii)	Aft anchor light, number of; rule 30(a)(ii)	Side lights, distance below flight deck in meters; section 2(g), Annex I	Side lights, distance forward of forward masthead light in meters; section 3(b), Annex I	Side lights, distance inboard of ship's sides in meters; section 3(b), Annex I
LCAC (class)	LCAC 1 through LCAC 100	5.26 (Perm.)[3]							[1] 1.5
LCAC (class)	LCAC 1 through LCAC 100	3.98 (Temp.)[4]							[2] 1.5

[1] The permanent masthead light is 5.26 meters athwartship to port of centerline, at frame 3, 5.49 meters above the main deck.
[2] The sidelights are on top of the port and starboard deckhouses 3.28 meters above the hull.
[4] The temporary masthead light is 3.98 meters athwartship to starboard of centerline 4.06 meters above the main deck.