

determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing of Canada, Ltd., de Havilland Division: Applies to all de Havilland Model DHC-7 series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished. To prevent possible malfunction of the right main landing gear (MLG), accomplish the following:

A. Within 100 landings after the effective date of this AD, and thereafter at intervals not to exceed 500 landings, conduct a visual inspection of the right MLG frame and attachment bolts, in accordance with paragraph A. of the Accomplishment Instructions in de Havilland Service Bulletin No. 7-24-86, Revision B, dated June 23, 1989.

1. If no damage is found, reassemble parts and return the airplane to service.

2. If damage is found, replace with serviceable parts prior to further flight, in accordance with the service bulletin.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, New York Aircraft Certification Office, ANE-170, FAA, New England Region.

Note: The request should be forwarded through an FAA Principal Maintenance

Inspector (PMI), who will either concur or comment and then send it to the Manager, New York Aircraft Certification Office, ANE-170.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing of Canada, Ltd., de Havilland Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or at the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Valley Stream, New York.

This amendment becomes effective May 29, 1990.

Issued in Seattle, Washington, on April 11, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 90-8957 Filed 4-17-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-239-AD; Amdt. 39-6580]

Airworthiness Directives; McDonnell Douglas Model DC-9-81, DC-9-82, DC-9-83, and DC-9-87 Series Airplanes and Model MD-88 Airplanes, Fuselage Numbers 909 through 1619

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-9-80 series and Model MD-88 airplanes, which requires inspection and modification of all generator power feeder cable installations to preclude overheating of the firewall connector. This amendment is prompted by reports of the APU generator power feeder firewall connector overheating and burning attached wiring. This condition, if not corrected, could result in loss of electrical power from the affected generator and fire on board the airplane.

EFFECTIVE DATES: May 29, 1990.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach,

California 90846, Attention: Business Unit Manager, Technical Publications, C1-HCW (54-60). This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT:

Mr. Alan T. Shinseki, Aerospace Engineer, Systems and Equipment Branch, ANM-132L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5343.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to McDonnell Douglas Model DC-9-81, DC-9-82, DC-9-83, and DC-9-87 series airplanes and Model MD-88 airplanes, which requires a one-time inspection and modification of the generator power feeder cable firewall connector installation, was published in the *Federal Register* on December 19, 1989 (54 FR 51891).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

The Air Transport Association (ATA) of America, on behalf of its member operators, commented that the proposed 12-month compliance period for modification of all generator power feeder cable installations should be extended to 18 months after the effective date of the final rule, since the manhours required to perform the modification appear to have been underestimated and since operators may have difficulty in obtaining modification parts. The FAA disagrees. The airplane manufacturer has advised the FAA that ample required modification parts are readily available. The appropriate number of manhours required to accomplish the required actions, specified as 12 in the economic analysis paragraph, below, was provided to the FAA by the manufacturer based on the best data available to date. This number represents the time required to gain access, remove parts, inspect, modify, install, and close up. The cost analysis in AD rulemaking actions historically does not include planning time, as suggested by the commenter. The FAA has also determined that the 12-month compliance requirement is appropriate based on the nature of the unsafe

condition addressed and the anticipated effective date of this final rule.

ATA also commented that one of its member operators questioned the urgency of the modification and the need for the proposed AD. This operator previously had only one related occurrence in its MD-80 fleet, which has accumulated an average of 20,000 hours per aircraft. The FAA disagrees with the commenter's inference that the proposed rule lacks justification. While a majority of Model MD-80 airplanes may not have experienced this problem with the power feeder cable installations, evidence to date indicates that such occurrences are not considered isolated cases and, based on the similar design of this model, the problem is likely to exist or develop on other airplanes of this type design. The severity of the effects after experiencing the occurrence necessitate mandating the power feeder cable installation modification.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 531 McDonnell Douglas Model DC-9-81, DC-9-82, DC-9-83, and DC-9-87 series airplanes and Model MD-88 series airplanes of the affected design in the worldwide fleet. It is estimated that 375 airplanes of U.S. registry will be affected by this AD, that it will take approximately 12 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. The required parts will be provided by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$180,000.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the

regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9-81, DC-9-82, DC-9-83, and DC-9-87 series and Model MD-88 airplanes, Fuselage Numbers 909 through 1619, certificated in any category. Compliance required within 12 months after the effective date of this airworthiness directive (AD), unless previously accomplished.

To eliminate a potential fire ignition source from the generator power feeder cable installations, accomplish the following:

- A. Visually inspect all generator power feeder cable installations at the firewall receptacles for evidence of arcing, burning, or chafing. If damage is found, prior to further flight, replace the damaged feeder cable.
- B. Modify each generator power feeder firewall connector installation in accordance with the Accomplishment Instructions of McDonnell Douglas MD-80 Alert Service Bulletin A24-113, dated October 30, 1989.
- C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when, approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through and FAA Principal Avionics Inspector (PAI), who will either concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

- D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service document from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention:

Business Unit Manager, Technical Publications, C1-HCW (54-60). This document may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

This amendment becomes effective May 29, 1990.

Issued in Seattle, Washington, on April 11, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-8958 Filed 4-17-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 179

[Docket No. 89N-0397]

Irradiation in the Production, Processing, and Handling of Food; Labeling

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulation on the labeling of irradiated food by removing the provision (21 CFR 179.26(c)(4)) that established an expiration date for the requirement that the phrase "Treated with radiation" or "Treated by irradiation" appear on the label and labeling of retail packages of, or, in some cases, on counter signs, cards, or other appropriate devices that accompany, irradiated food. The amended regulation will continue to require that foods that have been irradiated bear, prominently and conspicuously, a logo representing that fact in conjunction with the required phrase.

DATES: Effective April 18, 1990; written objections and requests for a hearing by May 18, 1990.

ADDRESSES: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Clyde A. Takeguchi, Center for Food Safety and Applied Nutrition (HFF-330), Food and Drug Administration,

200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 8, 1990 (55 FR 646), FDA proposed to amend the regulation in § 179.26(c)(4) (21 CFR 179.26(c)(4)) on the use of radiation in the production, processing, and handling of food, to revoke the expiration date for the current wording requirement. This regulation requires that foods that have been irradiated must bear a specified logo prominently and conspicuously in conjunction with the required phrase, "Treated with radiation" or "Treated by irradiation," on the label and labeling of retail packages, or, in some cases, on counter signs or cards (or other appropriate devices). The wording requirements would have expired April 18, 1990, unless this expiration date were changed by notice and comment rulemaking.

I. Comments

FDA received 174 comments on the proposal. Of these, 139 were filed within the comment period, and the rest were filed shortly after the comment period ended on March 9, 1990. Four of the comments did not address the proposed labeling requirement and cannot be considered. Of the rest, all agreed that the current labeling requirement should not be allowed to expire in April 1990, and 167 agreed with FDA's proposal that the requirement for prescribed wording should no longer have an expiration date. The comments that simply agreed with FDA's proposal need not be discussed further.

1. Seventy-two of the 167 comments mentioned above requested that FDA require that an explicit statement be included on the label whenever an irradiated ingredient is used in a food that has not been irradiated.

These comments are beyond the scope of the proposed rule. Moreover, they seek to have the agency treat foods containing irradiated ingredients differently than it treats foods that contain ingredients processed by other means. In its response to objections on 21 CFR 179.26, issued on December 30, 1988 (53 FR 53176 at 53204), FDA explained the basis for its final decision not to do so. FDA has not received any information that would provide a basis to reconsider that decision.

2. Two comments agreed with FDA's intent to continue the requirement for the prescribed wording but requested an extended expiration date for such a requirement rather than elimination of the expiration date.

As discussed in the proposal, FDA has no basis for estimating when the

required wording may become unnecessary. These comments did not provide such a basis and are therefore rejected. Should the commentators decide at some point in the future that the required wording has become unnecessary, they can petition the agency to remove this requirement.

3. One comment requested a 45-day extension of the comment period and gave several reasons why it opposed the proposal.

The comment did not state what additional information would be provided if the comment period were extended. Therefore, FDA is denying this request to extend the comment period.

The comment stated that it did not support FDA's proposal but added that it did not want the wording requirement to expire either. It gave three reasons for disagreeing with the proposal: (a) The proposal did not require food labels to state when an irradiated ingredient was added to a food that had not been irradiated; (b) the proposal did not state what evaluation criteria FDA would use if it received a petition to eliminate the wording at a later date on the basis that consumers recognized the required logo such that the wording requirement had become unnecessary; and (c) FDA concluded that continuing the current wording requirement would have no significant effect on the human environment. The comment asserted that deletion of the expiration date for the wording requirement would resolve uncertainty about labeling, and that resolution of uncertainty may encourage the food industry to proceed with commercial irradiation of a wide variety of foods.

FDA has addressed the first reason given in its response to the first comment above. It is not necessary to establish specific criteria that may be needed at some future date to determine whether the wording requirement should be removed. Finally, the possible environmental effects of operating food irradiation facilities were assessed by FDA when it issued regulations permitting irradiation of food. This proposed rule does not change the conditions FDA considered in reaching its earlier decision but merely maintains current regulations for labeling irradiated food. Therefore, FDA concluded that the comment does not provide a basis for changing FDA's proposal to eliminate the expiration date for the wording requirement.

This comment also claimed that the proposed rule was inadequate because neither it, nor FDA regulations, provide for enforcement of labeling requirements.

Under section 403(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(a)), a food is misbranded if its labeling is misleading in any particular. Under section 201(n) (21 U.S.C. 321(n)), a label is misleading if it fails to disclose a material fact. Under 21 CFR 179.26(c), the statement that the food has been treated with irradiation is a natural fact that must be disclosed on the food label. Therefore, there is no basis for the claim that additional regulations are needed to enforce labeling requirements.

II. Objections

Any person who will be adversely affected by this regulation may at any time on or before May 18, 1990, file with the Dockets Management Branch (address above) written objections thereto.

Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Agency Action

In accordance with the Regulatory Flexibility Act and Executive Order 12291, the agency has previously considered the potential effects of specifying the label and labeling requirements for retail packages of irradiated food on small entities, including small businesses. As announced in the proposal, the agency has determined that these labeling requirements would not result in a significant impact.

Because this rule merely deletes an expiration date, the agency has determined, in accordance with section 605(b) of the Regulatory Flexibility Act,

that no significant impact on a substantial number of small entities would derive from this action. Further, in accordance with Executive Order 12291, the agency has determined that this rule is not a major rule as defined by the Order.

The agency has previously considered the environmental effects of this rule as announced in the proposed rule (55 FR 646). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

List of Subjects in 21 CFR Part 179

Food additives, Food labeling, Food packaging, Irradiation of foods, Radiation protection, Reporting and recordkeeping requirements, Signs and symbols.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 179 is amended as follows:

PART 179—IRRADIATION IN THE PRODUCTION, PROCESSING AND HANDLING OF FOOD

1. The authority citation for 21 CFR part 179 continues to read as follows:

Authority: Secs. 201, 402, 403, 409, 703, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 343, 348, 373, 374).

§ 179.26 [Amended]

2. Section 179.16 Ionizing radiation for the treatment of food is amended by removing paragraph (c)(4).

Dated: April 12, 1990.

Ronald G. Chesemore,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 90-9030 Filed 4-13-90; 2:54 pm]

BILLING CODE 4160-01-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

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 Judge Advocate General of the Navy has determined that USS *Miami* (SSN-755), USS *Asheville* (SSN-758), and USS *Jefferson City* (SSN-759) 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 naval submarines. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: March 27, 1990.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, 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 Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS *Miami* (SSN-755), USS *Asheville* (SSN-758), and USS *Jefferson City* (SSN-759) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(c), pertaining to the arc of visibility of the sternlight; Annex I, section 2(a)(i), pertaining to the height of the masthead light; Annex I, section 2(k), pertaining to the height and relative positions of the anchor lights; and Annex I, section 3(b), pertaining to the location of the sidelights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the vessels. The Judge Advocate General of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS *Miami* (SSN-755), USS

Asheville (SSN-758), and USS *Jefferson City* (SSN-759) are members of the SSN-688 class of vessels for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to USS *Miami* (SSN-755), USS *Asheville* (SSN-758), and USS *Jefferson City* (SSN-759). 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 the vessels' ability to perform their 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:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table one of § 706.2 is amended by adding the following vessels:

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i), Annex I
USS <i>Miami</i>	SSN-755...	3.5
USS <i>Asheville</i>	SSN-758...	3.5
USS <i>Jefferson City</i>	SSN-759...	3.5

3. Table three of § 706.2 is amended by adding the following vessels:

Vessel	Number	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 I	Stern light distance forward of stern in meters; Rule 21(c)	Forward anchor light, height above hull in meters; § 2(k), Annex I	Anchor lights, relationship of aft light to forward light in meters; § 2(k), Annex I
USS Miami	SSN-755			206°	4.2	6.2	3.5	1.7 below
USS Asheville	SSN-758			209°	4.3	6.1	3.4	1.7 below
USS Jefferson City	SSN-759			209°	4.3	6.1	3.4	1.7 below

Dated: March 27, 1990.

J.E. Gordon,

Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

[FR Doc. 90-8936 Filed 4-17-90; 8:45 am]

BILLING CODE 3810-01-M

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 Judge Advocate General of the Navy has determined that USS CHOSIN (CG-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 functions as naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: March 30, 1990.

FOR FURTHER INFORMATION CONTACT:

Captain P.C. Turner, 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 Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS CHOSIN (CG-65) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, the placement of the after masthead light, and the horizontal distance between the forward and after masthead lights, without interfering with its special functions as a naval cruiser. The Judge Advocate General of the Navy has also certified that the aforementioned 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 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:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table five of § 706.2 is amended by adding the following vessel:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained.
USS Chosin	CG-65						X	X	38