United States Code. Such decisions shall become final without further proceedings unless there is an appeal to the Secretary by a party to the proceeding in accordance with the applicable rules of practice: *Provided, however*, That no decision shall be final for purposes of judicial review except a final decision of the Secretary upon appeal. As used herein, "Secretary" means the Secretary of Agriculture, the Judicial Officer, or other officer or employee of the Department delegated, pursuant ot the Act of April 4, 1940 (7 U.S.C. 450c–450g), and Reorganization Plan No. 2 of 1953, "regulatory functions" as that term is defined in the 1940 Act, in acting as final deciding officer in adjudication and rate proceedings subject to sections 556 and 557 of title 5, United States Code. Administrative Law Judges are delegated authority to hold hearings and perform related duties as provided in the Rules of Practice Governing Cease and Desist Proceedings under section 2 of the Capper-Volstead Act set forth in 7 CFR part 1, subpart I.

* * * * *

Signed in Washington, DC, on this day of March 27, 1992.

Edward Madigan,

Secretary of Agriculture.

[FR Doc. 92-7618 Filed 4-1-92; 8:45 am]

BILLING CODE 3410-11-M

Agricultural Marketing Service

7 CFR Part 1240

[AMS-FV-91-272-C]

RIN 0581-AA46

Honey Research, Promotion, and Consumer Information Order; Amendments to the Order, and the Rules and Regulations Issued Thereunder; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This action makes a correction to the supplementary information in a final rule pertaining to the administration and processing of refund requests which appeared in the **Federal Register** on December 10, 1991.

EFFECTIVE DATE: April 2, 1992.

FOR FURTHER INFORMATION CONTACT: Sheila Young, Agriculture Marketing Specialist, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, room 2533-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-6930.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Service published a final rule concerning the refund provisions of the Honey Research, Promotion, and Consumer Information Order and regulation in the **Federal Register** on December 10, 1991 (56 FR 64475). That rule amended the Order and the regulations issued thereunder in order to remove refund provisions as they pertain to producers and importers. The amendments were made as a result of the vote in the first reconfirmation referendum conducted pursuant to the amendments of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601-4612). A majority of honey producers and importers voting in the referendum favored termination of the refund provisions. The last paragraph in column 1 on page 64476 of the supplementary information stated that: "For purposes of administering the refund requests made prior to the effective date of this rule, all refund request applications received by the Board prior to the effective date of this rule will be considered for refunds of assessments. All refund request applications received by the Board on or after the effective date of this rule will not be considered for a refund of assessments." This paragraph is hereby revised to read: Any refund applications mailed to the Board within 90 days (on or before March 9, 1992) from the publication date of the final rule (December 10, 1991) will be eligible for payment of refunds provided that the assessment was payable within 90 days prior to the publication date of this final rule (on or after September 11, 1991, through December 9, 1991). Any assessment payable on or after the publication date of the final rule will not be eligible for a refund. For honey that goes through the loan program, the "loan disbursement date" is the date the assessment is payable.

This change is being made since the provision of § 1240.117 of the regulations pertaining to the administration and processing of refunds allowed for up to 90 days from the date the assessment became payable for the mailing of an application for refunds.

Preserving the 90 day period during which refunds may be requested should alleviate any confusion which might otherwise arise, and will allow for flexibility in the transition to the new program under the amendments to the Act.

Dated: March 27, 1992.

Daniel Haley,

Administrator.

[FR Doc. 92-7526 Filed 4-1-92; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL ELECTION COMMISSION

11 CFR Parts 100 and 104

[Notice 1992-5]

Loans From Lending Institutions to Candidates and Political Committees

AGENCY: Federal Election Commission.

ACTION: Final rule: Announcement of effective date.

SUMMARY: On December 27, 1991 (56 FR 67118), the Commission published the text of revised regulations at 11 CFR parts 100 and 104, governing loans from lending institutions to candidates and political committees. These regulations implement 2 U.S.C. 431(8)(B)(vii), a provision of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 431 *et seq.* The Commission announces that these rules are effective as of April 2, 1992. The Commission's new forms implementing the reporting provisions of these regulations will also take effect on April 2, 1992.

EFFECTIVE DATE: April 2, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 219-3690 or toll free (800) 424-9530).

SUPPLEMENTARY INFORMATION: Section 438(d) of title 2, United States Code, requires that any rule or regulation prescribed by the Commission to implement title 2 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate thirty legislative days prior to final promulgation. The revisions to 11 CFR parts 100 and 104 were transmitted to Congress on December 20, 1991. Thirty legislative days expired in the Senate on March 11 1992, and in the House of Representatives on March 19, 1992.

Section 438(d) also requires that any form prescribed by the Commission be transmitted to the Speaker of the House of Representatives and the President of the Senate ten legislative days before final promulgation. Two new reporting forms, Schedules C-1 and C-P-1, were transmitted to Congress on December 20, 1991. These forms, which supplement the information currently reported on Schedules C and C-P, implement the reporting requirements of the revised bank loan regulations. Ten legislative days expired in the Senate on February 3, 1992, and in the House on February 11, 1992. Thus, the Commission may prescribe these new reporting forms.

The revised rules apply to all lines of credit established on or after the effective date, and to all loans whose proceeds are disbursed on or after that date. These loans and lines of credit must be reported on the new forms and filed with the next report due from the recipient committee.

Announcement of Effective Date

The amendments to 11 CFR 100.7(b)(11), 100.8(b)(12), and 104.3(d), as published at 56 FR 67118, are effective as of April 2, 1992. New forms implementing the reporting provisions of these regulations are also effective as of April 2, 1992.

Dated: March 27, 1992.

Scott E. Thomas,

Vice Chairman, Federal Election Commission.

[FR Doc. 92-7509 Filed 4-1-92; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 606

[Docket No. 92N-0141]

Biological Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations to make a minor, technical amendment. The pressure stated at which a sustained sterilization temperature is attained is incorrect. This document corrects that error.

EFFECTIVE DATE: April 2, 1992.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857. All documents and received comments are on display at this address and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Daniel Kearns, Center for Biologics Evaluation and Research (HFB-130), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20892, 301-295-8188.

SUPPLEMENTARY INFORMATION: FDA is amending § 606.60(c) (21 CFR 606.60(c)) to correct a statement regarding the pressure at which a sustained sterilization temperature is attained. As published in the **Federal Register** of November 18, 1975 (40 FR 53532), § 606.60(c) currently reads, in part, as follows:

* * * The effectiveness of the sterilization procedure shall be no less than that achieved by an attained temperature of 121.5 °C (251 °F) maintained for 20 minutes by saturated steam at a pressure of 15 atmospheres or by an attained temperature of 170 °C (338 °F) maintained for 2 hours with dry heat.

The statement is incorrect in that 121.5 °C is attained at a pressure of 15 pounds per square inch, not at a pressure of 15 atmospheres. In addition, since the temperature of saturated steam is a function of the pressure, it is not necessary to state the pressure. This amendment would bring the statement into conformity with the general biologics establishment standards covered in 21 CFR 600.11(b) which reads:

* * * The effectiveness of the sterilization procedure shall be no less than that achieved by an attained temperature of 121.5 °C maintained for 20 minutes by saturated steam or by an attained temperature of 170 °C maintained for 2 hours with dry heat. * * *

Publication of this document constitutes final action on this change under the Administrative Procedure Act (5 U.S.C. 553). Notice and public procedure and delayed effective date on this correction are unnecessary and not in the public interest (5 U.S.C. 553 (b) and (d)), because this final rule is not controversial and, when effective, it will provide notice of accepted standards.

List of Subjects in 21 CFR Part 606

Blood Labeling, Laboratories, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and under authority delegated to the Commissioner of Food and Drugs, 31 CFR part 606 is amended as follows:

PART 606—CURRENT GOOD MANUFACTURING PRACTICE FOR BLOOD AND BLOOD COMPONENTS

1. The authority citation for 21 CFR part 606 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 505, 510, 520, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 355, 360, 360j, 371, 374); secs. 215, 351, 353, 361 of the Public Health Services Act (42 U.S.C. 216, 262, 263a, 264).

§ 606.60 Amended

2. *Section 606.60 Equipment* is amended in paragraph (c) in the second sentence by removing the phrase "at a pressure of atmospheres".

Dated: March 27, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-7583 Filed 4-1-92; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 750

[Docket No. R-92-1524; FR-2956-C-02]

RIN 2502-AF19

Supportive Housing for the Elderly; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule and request for comments; Correction.

SUMMARY: On June 12, 1991 (56 FR 27104), the Department published in the **Federal Register** an interim rule and request for public comments that amended 24 CFR part 885 and provided for the continued applicability of part 885 to projects for which section 202 loan reservations were made in FY 1990 and prior years. The interim rule also added a new part 889 to the list of programs covered by 24 CFR part 750 (disclosure and verification of social security numbers and employer identification numbers by applicants and participants). The purpose of this document is to remove a duplicate amendment to 24 CFR part 750 that had already been amended in another interim rule also published on June 12, 1991 (56 FR 27070).

EFFECTIVE DATE: July 12, 1991.

FOR FURTHER INFORMATION CONTACT: Robert Wilden, Director, Housing for the Elderly and Handicapped People Division, Department of Housing and Urban Development, 451 Seventh Street, SW, room 6116, Washington, DC 20410, telephone (202) 708-2730. (This is not a toll-free number). Hearing- or speech-impaired individuals may call HUD's TDD number (202) 708-4594. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Accordingly, FR Doc. 91-13635, the interim rule that amends 24 CFR part 750, published in the **Federal Register** on June 12, 1991 (56 FR 27104) is corrected by removing the duplicate amendment to 24 CFR part 750, consisting of §§ 750.3 and 750.5, in its entirety from the words of issuance at the bottom of page 27110, in the third column, and from page 27111, in the first and second columns.

Dated: March 27, 1992.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 92-7554 Filed 4-1-92; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 20, 25, 301 and 602

[T.D. 8395]

RIN 1545-AP44

Special Valuation Rules; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to Treasury Decision 8395, which was published in the **Federal Register** for Thursday, February 4, 1992 (56 FR 4250). The final regulations relate to chapter 14 of the Internal Revenue Code as enacted in the Omnibus Budget Reconciliation Act of 1990, concerning special valuation rules for purposes of federal estate and gift taxes and rules involving lapsing rights and other transactions that are treated as completed transfers.

EFFECTIVE DATE: January 28, 1992.

FOR FURTHER INFORMATION CONTACT: Fred E. Grundeman, (202) 535-9512 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections conform the regulations to section 2701 through 2704 of the Internal Revenue Code. These regulations provide special valuation rules for purposes of the Federal estate and gift taxes imposed under chapters 11 and 12 of the Internal Revenue Code. In addition these regulations provide rules involving lapsing rights and other transactions that are treated as completed transfers under chapter 14.

Need for Correction

As published, T.D. 8395 contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations (T.D. 8395), which was the subject of FR Doc. 92-2175, is corrected as follows:

1. On page 4250, in column 1 in the heading, the language "26 CFR Parts 20, 25 and 301" is corrected to read "26 CFR Parts 20, 25, 301, and 602".

2. On page 4250, column 1, in the preamble under the heading **SUMMARY**, line 9, the language "under chapters 1 and l2 of the Code. In" is corrected to read "under chapters 11 and 12 of the Internal Revenue Code. In".

3. On page 4250, column 1, in the preamble under the heading **SUPPLEMENTARY INFORMATION**, remove the second sentence in the first paragraph.

4. On page 4250, column 1, in the preamble under the heading **SUPPLEMENTARY INFORMATION**, next to the last line of paragraph 1, the language "annual burden per respondent is ten" is corrected to read "annual burden per respondent is 20".

5. On page 4250, column 1, in the preamble under the heading **SUPPLEMENTARY INFORMATION**, the last two sentences in paragraph 2 are corrected to read "They are based upon the information available to the Internal Revenue Service. Individual respondents may require more or less time, depending on their particular circumstances.".

6. On page 4250, column 1, in the preamble under the heading **SUPPLEMENTARY INFORMATION**, the last five lines of that column are corrected to read "the Internal Revenue Service, Attn: IRS Reports Clearance Officer, T:FP, Washington, DC 20224, and to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.".

7. On page 4250, column 3, in the preamble under the heading "*Scope of Section 2701*", line 3 of the first full paragraph of that column, the language "termination of an interest held indirectly" is corrected to read "transfer of an interest held indirectly".

8. On page 4251, column 2, in the preamble under the heading "*The Subtraction Method of Valuation*", first full paragraph from the top of that column, next to last line, the language "See § 25.2512-9(a)(1)(i). The proposed" is corrected to read "See § 25.2512-5(a)(1)(i). The proposed".

9. On page 4251, column 2, in the preamble under the heading "*The Subtraction Method of Valuation*', last paragraph of that column, line 6 from bottom of that column, the language "chapter 4 does not affect minority" is corrected to read "chapter 14 does not affect minority".

10. On page 4252, column 1, in the preamble under the heading "*Indirect Ownership*", line 5, the language "of transfer that included the termination" is corrected to read "of transfer that included the transfer".

11. On page 4254, column 2, in the preamble under the heading "Adoption of Amendments to the Regulations", lines 1 and 2, the language "Accordingly, 26 CFR parts 20, 25 and 301 are amended as follows:" is corrected to read "Accordingly, 26 CFR parts 20, 25, 301, and 602 are amended as follows:".

§ 25.2701-1 [Corrected]

12. On page 4256, column 2, § 25.2701-1(b)(2)(i)(C) introductory text, line 3, the language "§ 25.2701-6) if—" is corrected to read "§ 25.2701-6) (or a contribution to capital by an entity to the extent an individual indirectly holds an interest in the entity), if—".

13. On page 4256, column 2, § 25.2701-1(b)(2)(i)(C)(*2*), line 1, the language "If the termination is not treated as" is corrected to read "If the termination (or contribution) is not treated as".

14. On page 4256, column 2, § 25.2701-1(b)(2)(ii) introductory text, line 3, the language "if the termination of an indirect holding" is corrected to read "if the transfer of an indirect holding".

15. On page 4256, column 2, § 25.2701-1(b)(2)(ii)(E), line 1, the language "Last to any other indirect holder(s)" is corrected to read "Last, to any other indirect holder(s)".

16. On page 4256, column 3, § 25.2701-1(c)(3), line 7, the language "class is proportional to the class of the" is corrected to read "class is the same class as (or is proportional to the class of) the".

17. On page 4256, column 3, § 25.2701-1(c)(3), line 9, the language "identical or proportional to the rights of" is corrected to read "identical (or proportional) to the rights of".

18. On page 4256, column 3, § 25.2701-1(c)(3), line 18, the language "the Internal Revenue Code (e.q., section" is corrected to read "the Internal Revenue Code (e.g., section".

19. On page 4256, column 3, § 25.2701-1(c)(4), line 3, the language "individual of equity interests to the" is corrected to read "individual to a member of the individual's family of equity interests to the".

§ 25.2701-3 [Corrected]

20. On page 4259, column 3, § 25.2701-3(b)(1), is corrected to read as follows:

* * * * *

(b) * * *

(1) *Step 1—Valuation of family-held interest*—(i) *In general.* Except as provided in paragraph (b)(1)(ii) of this section determine the fair market value of all family-held equity interests in the entity immediately after the transfer. The fair market value is determined by assuming that the interests are held by one individual, using a consistent set of assumptions.

(ii) *Special rule for contributions to capital.* In the case of a contribution to capital, determine the fair market value of the contribution.

* * * * *

21. On page 4259, column 3, § 25.2701-3(b)(2), is corrected to read as follows:

* * * * *

(b) * * *

(2) *Step 2—Subtract the value of senior equity interests*—(i) *In general.* If the amount determined in *Step 1* of paragraph (b)(1) of this section is not determined under the special rule for contributions to capital, from that value subtract the following amounts:

(A) An amount equal to the sum of the fair market value of all family-held senior equity interests, (other than applicable retained interests held by the transferor or applicable family members) and the fair market value of any family-held equity interests of the same class or a subordinate class to the transferred interests held by persons other than the transferor, members of the transferor's family, and applicable family members of the transferor. The fair market value of an interest is its pro rata share of the fair market value of all family-held senior equity interests of the same class (determined, immediately after the transfer, as is all family-held senior equity interests were held by one individual); and

(B) The value of all applicable retained interests held by the transferor or applicable family members (other than an interest received as consideration for the transfer) determined under § 25.2701-2, taking into account the adjustment described in paragraph (b)(5) of this section.

(ii) *Special rule for contributions to capital.* If the value determined in *Step 1* of paragraph (b)(1) of this section is determined under the special rule for contributions to capital, subtract the value of any applicable retained interest received in exchange for the contribution to capital determined under § 25.2701-2.

* * * * *

22. On page 4260, column 1, § 25.2701-3(b)(3), lines 6 and 7, the language "transferred interests and other family-held subordinate equity interests. If" is corrected to read "transferred interests and other subordinate equity interests held by the transferor, applicable family members, and members of the transferor's family. If".

23. On page 4260, column 1, § 25.2701-3(b)(4)(ii)(A), line 3 from the bottom of that paragraph, the language "who had no other interest in the entity," is corrected to read "who had no interest in the entity other than the family-held interests of the same class,".

24. On page 4260, column 2, § 25.2701-3(b)(4)(iv), last line of that paragraph, the language "section 2701." is corrected to read "section 2701 except that, in the case of a contribution to capital, the *Step 4* value of such an interest is zero.".

25. On page 4260, column 2, § 25.2701-3(b)(5)(i), line 6, the language "family members exceeds the family" is corrected to read "family members (including any interest received as consideration for the transfer) exceeds the family".

26. On page 4260, column 3, § 25.2701-3(d), *Step 4* of *Example 1*, is corrected to read as follows:

* * * * *

(d) * * *

Example 1. * * *

Step 4: Because no consideration was furnished for the transfer, the adjustment under *Step 4* is limited to the amount of any appropriate minority or similar discount. Before the application of *Step 4* the amount of A's gift is $520,000.

* * * * *

27. On page 4260, column 3, § 25.2701-3(d), Step 2 of *Example 2*, lines 2 and 3, the language "*Step 1*, subtract $500,000 ($400,000, the fair market value of 500 shares of A's preferred" is corrected to read "*Step 1*, subtract $500,000 ($400,000, the value of 500 shares of A's preferred".

28. On page 4261, column 1, § 25.2701-3(d), Step 4 of *Example 2*, lines 1 and 2, the language "*Step 4*: No adjustment is made under *Step 4* for the same reasons set forth in *Example 1*.", is corrected to read "*Step 4*: The adjustment under *Step 4* is the same as in *Example 1*.".

29. On page 4261, column 1, § 25.2701-3(d), Step 3 of *Example 4*, line 1, the language "*Step 3*. The amount allocated to the" is corrected to read "*Step 3*. The amount allocated to the transferred.".

30. On page 4261, column 2, § 25.2701-3(d), *Step 4* of *Example 4*, the last three lines of *Step 4* are corrected to read, "is $83,333. If the section 2701 value of the applicable retained interested were $100,000, the *Step 4* adjustment would have been a $33,333 reduction for consideration received ((250/750) x $100,000).".

31. On page 4261, column 2, § 25.2701-3(d), *Step 3* of *Example 5*, line 1, the language "*Step 3*. The amount allocated to the" is corrected to read "*Step 3*. The amount allocated to the transferred".

32. On page 4261, column 2, § 25.2701-3(d), *Step 4* of *Example 5*, the last sentence of *Step 4* is corrected to read "Thus, the amount of the gift is $666,667.".

§ 25.2702-5 [Corrected]

33. On page 4271, column 3, § 25.2702-5(c)(8)(ii)(C)(*2*) (*i*) and (*ii*) are corrected and (*iii*) is removed, to read as follows:

* * * * *

(c) * * *

(8) * * *

(ii) * * *

(C) * * *

(*2*) * * *

(*i*) For the original term of the term holder's interest; and

(*ii*) At the rate used in valuing the retained interest at the time of the original transfer.

* * * * *

34. On page 4272, column 1, § 25.2702-5(c)(8)(ii)(C)(*3*), lines 9 through 12 from top of the column, the language "conversion date over the amount (including acquisition costs) reinvested in the new residence or expended for repairs of the existing residence, and the" is corrected to read "conversion date over the fair market value of the assets as to which the trust continues as a qualified personal residence trust, and the".

§ 25.2704-2 [Corrected]

35. On page 4276, column 2, § 25.2704-2(b), line 20, the language "See § 25.2704-1(e)(1)(B) for a discussion" is corrected to read "See § 25.2704-1(c)(1)(B) for a discussion".

§ 25.2704-3 [Corrected]

36. On page 4277, column 1, § 25.2704-3, line 2 the language "occurring after January 28, 1992 of rights" is corrected to read "occurring after January 28, 1992, of rights".

37. On page 4277, column 1, § 25.2704-3, line 5, the language "after January 28, 1992 of property" is corrected to read "after January 28, 1992, of property".

§ 301.6501(c)-1 [Corrected]

38. On page 4277, column 3, after § 301.6501(c)-1(e)(3) and preceding the signature "Fred T. Goldberg, Jr." The following language should have appeared:

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 14. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 15. The table of OMB Control Numbers in § 602.101(c) is amended by adding the following citations to read as follows:

§ 602.101 OMB Control numbers.

* * * * *

(c) * * *

CFR part or section where identified and described	Current OMB control No.
* * * *	*
25.2701-2	1545-1241
25.2701-4	1545-1241
25.2702-6	1545-1273
* * * *	*
301.6501(c)-1	1545-1241
* * * *	*

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92-7276 Filed 4-1-92; 8:45 am]

BILLING CODE 4830-01-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 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 ANNAPOLIS (SSN 760) 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 a naval submarine. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: February 28, 1992.

FOR FURTHER INFORMATION CONTACT: Captain R.R. ROSSI, 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 Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS ANNAPOLIS (SSN 760) is a vessel of the Navy which, due to its 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 1, section 2(k), pertaining to the height and relative positions of the anchor lights; and Annex 1, 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 vessel. 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 ANNAPOLIS (SSN 760) is a member 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 ANNAPOLIS (SSN 760).

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.

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.

§ 706.2 [Amended]

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

Vessel	Number	Distance in meters of forward masthead light below minimum required height. Sec. 2(a)(i), Annex I
USS ANNAPOLIS	SSN 760	3.5

3. Table Three of § 706.2 is amended by adding the following vessel:

Vessel	Number	Masthead light arc of visibility rule 21(A)	Side lights arc of visibility rule 21(B)	Stern lights arc of visibility rule 21(C)	Side lights distance inboard of ship sides in meters Annex I section 3(b)	Stern lights distance forward of stern in meters rule 21(C)	Forward anchor lights height above hull in meters Annex I section 2(k)	Anchor lights relationship of aft light, to forward light in meters Annex I sec. 2(k).
USS ANNAPOLIS	SSN 760	—	—	205	4.2	6.2	3.5	1.7 below.