

**PART 938—PENNSYLVANIA**

■ 1. The authority citation for part 938 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

**§ 938.16 [Amended]**

■ 2. In § 938.16, remove paragraph (h).

[FR Doc. E8-24477 Filed 10-14-08; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**32 CFR Part 706**

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

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has determined that Unmanned Surface Vehicles with hull numbers 11MUC0601, 11MUC0602, 11MUC0603 and 11MUC0604, are vessels of the Navy which, due to their special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with their special function as naval vessels. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**DATES:** This rule is effective October 15, 2008 and is applicable beginning 16 June 2008).

**FOR FURTHER INFORMATION CONTACT:** Commander M. Robb Hyde, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374-5066, telephone 202-685-5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that Unmanned Surface Vehicles with hull numbers 11MUC0601, 11MUC0602, 11MUC0603 and 11MUC0604 are vessels of the Navy which, due to their special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Rule 21(a), pertaining to the position of the masthead light or lights being located over the fore and aft centerline of the vessel; Annex I, paragraph 2(f)(i), pertaining to the placement of the masthead light or lights above and clear of all other lights and obstructions; Rule 27(b)(i), pertaining to the placement of three all-round lights in a vertical line and Annex I, paragraph 2(i)(ii), pertaining to the vertical separation of the Restricted Maneuvering Light Array lights. The Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment

for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest 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.

■ For the reasons set forth in the preamble, amend part 706 of title 32 of the Code of Federal Regulations as follows:

**PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972**

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

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

■ 2. Section 706.2 is amended as follows:

■ A. In Table Two, by adding, at the end of the table under the "Vessel" category, the following entry for Unmanned Surface Vehicles with hull numbers 11MUC0601, 11MUC0602, 11MUC0603 and 11MUC0604:

■ B. In Table Four, Paragraph Sixteen by adding, at the end of the table under the "Vessel" category, the following entry for Unmanned Surface Vehicles with hull numbers 11MUC0601, 11MUC0602, 11MUC0603 and 11MUC0604:

■ C. In Table Four by adding new paragraphs 23 and 24:

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

\* \* \* \* \*

Vessel	Number	Masthead lights, distance to stbd of keel in meters; Rule 21(a)	Forward anchor light, distance below flight dk in meters; §2(k), Annex I	Forward anchor light, number of; Rule 30(a)(i)	AFT anchor light, distance below flight dk in meters; Rule 21(e), Rule 30(a)(ii)	AFT anchor light, number of; Rule 30(a)(ii)	Side lights, distance below flight dk in meters; §2(g), Annex I	Side lights, distance forward of forward masthead light in meters; §3(b), Annex I	Side lights, distance inboard of ship's sides in meters; §3(b), Annex I
USV ....	11MUC0601, 11MUC0602, 11MUC0603, 11MUC0604.	0.40	.....	.....	.....	.....	.....	.....	.....

\* \* \* \* \*

**Table 4**

16. \* \* \*

\* \* \* \* \*

Vessel	Number	Obstruction angle relative ship's headings
USV .....	11MUC0601, 11MUC0602, 11MUC0603, 11MUC0604 .....	271° thru 278°.

\* \* \* \* \*  
 23. On the following ships the verticality of the restricted maneuvering light array do not meet verticality requirements described in Rule 27(b)(i).

Vessel	Number	Verticality of lights, when viewed from directly port or starboard, the lower task light is out of alignment with the upper and middle task light in meters by:
USV .....	11MUCO601, 11MUCO602, 11MUCO603, 11MUCO604 .....	0.85

24. On the following ships the vertical separation of the Restricted Maneuvering Light Array lights do not meet requirements described in Annex I, paragraph 2(i)(ii).

Vessel	Number	Restricted maneuvering light array, vertical spacing in meters
USV .....	11MUCO601, 11MUCO602, 11MUCO603, 11MUCO604 .....	0.49

Approved: June 16, 2008.  
**M. Robb Hyde**,  
*Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).*  
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**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**32 CFR Part 750**

[USN-2006-0038]

RIN 0703-AA78

**General Claims Regulations**

**AGENCY:** Department of the Navy, DoD.  
**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy has adopted as final, an interim rule amending regulations concerning the administrative processing and consideration of claims on behalf of and against the United States. The revisions will ensure the proper administrative processing and consideration of claims on behalf of and against the United States. This rule is being published by the Department of the Navy for guidance and interest of the public in accordance with 5 U.S.C. 552(a)(1).

**DATES:** This rule is effective October 15, 2008.

**FOR FURTHER INFORMATION CONTACT:** Mr. Hal Dronberger, Claims and Tort Litigation Division (Code 15), Office of the Judge Advocate General, 1322

Patterson Avenue, SE., Washington Navy Yard, DC 20374, telephone: 202-685-4600.

**SUPPLEMENTARY INFORMATION:** The Department of the Navy published an interim rule at 72 FR 53417 on September 19, 2007, to amend regulations concerning the administrative processing and consideration of claims on behalf of and against the United States. No comments on the interim final rule were submitted. Accordingly, the interim rule amending 32 CFR part 750 is adopted as a final rule with no changes.

Executive Order 12866, "Regulatory Planning and Review." It has been determined that the changes to 32 CFR part 750 are not considered a "significant regulatory action." The rule does not:

- (1) Have an annual affect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector in the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of the recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104-4). It has been certified

that 32 CFR part 750 does not contain Federal Mandates that result in expenditures by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601). It has been determined that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule implements the processing of the proper administrative processing and consideration of claims on behalf of and against the United States, and does not economically impact the Federal government's relations with the private sector.

Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35). This rule does not impose collection of information requirements for purposes of the Paperwork Reduction Act (44 U.S.C. Chapter 35, 5 CFR part 1320).

Executive Order 13132, "Federalism". It has been certified that 32 CFR part 750 does not have federalism implications as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

- (1) The States;
- (2) The relationship between the National Government and the States; or
- (3) The distribution of power and responsibilities among the various levels of Government.

Accordingly, the interim rule amending 32 CFR part 750 which was published at 72 FR 53417 on September