

of July 1, 2009, on page 153, in § 404.1, remove the first paragraph (i), including its subparagraphs (1) through (4).

[FR Doc. 2010-1740 Filed 1-26-10; 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 USS JASON DUNHAM (DDG 109) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**DATES:** This rule is effective January 27, 2010 and is applicable beginning January 14, 2010.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Ted Cook, (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 number: 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 USS JASON DUNHAM (DDG 109) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(f)(i), pertaining to the placement of the masthead light or lights above and clear of all other lights and obstructions; Annex I, paragraph 2(f)(ii), pertaining to the vertical placement of task lights; Annex I, paragraph 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and the horizontal distance between the forward and after masthead lights; and Annex I, paragraph 3(c), pertaining to placement of task lights not less than two meters from the fore and aft centerline of the ship in the athwartship direction. The Deputy Assistant Judge Advocate General (Admiralty 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 as follows:

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

■ 2. Section 706.2 is amended as follows:

■ A. In Table Four, Paragraph 15 by adding, in alpha numerical order, by vessel number, an entry for USS JASON DUNHAM (DDG 109):

■ B. In Table Four, Paragraph 16 by adding, in alpha numerical order, by vessel number, an entry for USS JASON DUNHAM (DDG 109):

■ C. In Table Five, by adding, in alpha numerical order, by vessel number, an entry for USS JASON DUNHAM (DDG 109):

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

\* \* \* \* \*

TABLE FOUR PARAGRAPH 15

Vessel	Number	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
USS JASON DUNHAM .....	DDG 109	1.89 meters.

\* \* \* \* \*

TABLE FOUR PARAGRAPH 16

Vessel	Number	Obstruction angle relative ship's headings
USS JASON DUNHAM .....	DDG 109	107.09 thru 112.50 [degrees].

\* \* \* \* \*

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	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 JASON DUNHAM .....	DDG 109	X	X	X	14.5

\* \* \* \* \*

Approved: January 14, 2010.  
**M. Robb Hyde,**  
*Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).*  
 Dated: January 19, 2010.  
**A.M. Vallandigham,**  
*Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.*  
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**FOR FURTHER INFORMATION CONTACT:** Elizabeth P. Martin, General Counsel, Joint Legal Services Center, U.S. Postal Inspection Service/Office of Inspector General, (703) 248-2100.  
**SUPPLEMENTARY INFORMATION:** The current rules governing conduct on Postal Service property establish the maximum penalty for a violation as a fine of not more than \$50 or imprisonment of not more than 30 days, or both. As revised by this notice, the maximum penalty for a violation will be increased to a fine of not more than that allowed under title 18 of the United States Code or imprisonment of not more than 30 days, or both.  
 To promote compliance with the regulation and to maintain the deterrent effect, the Postal Service has determined it is appropriate to increase the maximum penalty allowed for a violation of this regulation. The authorized maximum penalty should allow the courts more flexibility in determining the appropriate means of promoting compliance with the regulation.  
 The current regulations have not been changed for over 30 years. The current maximum fine does not reflect either the seriousness of some of the infractions, nor the effect that inflation has had over the past 30 years. This current low monetary penalty provision gives the court little flexibility in arriving at a fair and just resolution to

an infraction. The revisions to the maximum monetary penalty allow for this flexibility. Further, the revision to the maximum penalty more accurately reflects the range of conduct covered by this regulation.

**List of Subjects in 39 CFR Part 232**

Authority delegations (Government agencies), Crime, Federal buildings and facilities, Government property, Law enforcement officers, Postal Service, Security measures.

■ For the reasons stated in the preamble, the Postal Service amends 39 CFR Part 232 as set forth below:

**PART 232—[AMENDED]**

■ 1. The authority citation for part 232 continues to read as follows:

**Authority:** 18 U.S.C. 13, 3061; 21 U.S.C. 802, 844; 39 U.S.C. 401, 403(b)(3), 404(a)(7), 1201(2).

■ 2. In § 232.1, paragraph (p)(2) is revised to read as follows:

**§ 232.1 Conduct on postal property.**

\* \* \* \* \*  
 (p) \* \* \*

(2) Whoever shall be found guilty of violating the rules and regulations in this section while on property under the charge and control of the Postal Service is subject to fine of not more than that allowed under title 18 of the United States Code or imprisonment of not

**POSTAL SERVICE**

**39 CFR Part 232**

**Conduct on Postal Property; Penalties and Other Law**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Postal Service is amending the Code of Federal Regulations to increase the maximum penalty for violations of the rules concerning conduct on Postal Service property. The authorized maximum penalty should allow the courts more flexibility in determining the appropriate means of promoting compliance with the regulation.

**DATES:** *Effective Date:* January 27, 2010.