

status by any of the Secretaries of the Military Departments. Each agreement must identify the specific MTF or geographical region in which medical care is requested, requiring close coordination among service program managers.

#### § 108.5 Eligible senior officials of the U.S. government.

(a) The following individuals are Secretarial Designees for space-available care in MTFs on a reimbursable basis, unless specified otherwise by a Service Secretary:

- (1) The President and Vice President, and their spouses and minor children.
- (2) Members of Congress.
- (3) Members of the Cabinet.
- (4) Officials of the Department of Defense appointed by the President and confirmed by the Senate.
- (5) Article III Federal Judges. (Article III courts are: The Supreme Court of the United States, U.S. Courts of Appeal, U.S. District Courts, U.S. Court of International Trade, United States Foreign Intelligence Surveillance Court, United States Foreign Intelligence Surveillance Court of Review.)
- (6) Judges of the U.S. Court of Appeals for the Armed Forces.
- (7) Assistants to the President.
- (8) Director of the White House Military Office.
- (9) Former Presidents of the United States and their spouses, widows, and minor children.
- (b) [Reserved].

#### § 108.6 Responsibilities.

- (a) The USD(P&R) shall:
- (1) Evaluate requests for and where appropriate, grant exceptions to policy established by this part and DoD Directive 5124.02,<sup>10</sup> including waiver of reimbursement, to the extent allowed by law.
  - (2) Following approval of the USD(P) and in coordination with USD(P) and the GC, DoD, and in accordance with DoD Directive 5530.3,<sup>11</sup> begin negotiations, negotiate, and have the authority to sign RHCAs.
- (b) The USD(P) shall evaluate requests and determine DoD mission interest for Secretarial Designee Status and RHCAs to identify those agreements that would be in the best interest of the Department of Defense and approve negotiations of RHCAs by the USD(P&R).
- (c) The USD(C) shall in coordination with USD(P&R), establish appropriate

reimbursement rates, including appropriate interagency rates and rates applicable to students in International Military Education and Training programs.

(d) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall evaluate requests for Exception to the Transportation Policy. The authority to grant such an exception is by USD(P&R) or the Secretary of the Military Department concerned.

(e) The Secretaries of the Military Departments shall:

- (1) Issue, revise or modify as appropriate, regulations to comply with this part.
- (2) Appoint a Military Department representative who will administer the Secretarial Designee Program within the Military Department and coordinate with other DoD Components in its effective operation.
- (3) Where and when appropriate, the Military Department concerned shall coordinate with U.S. Transportation Command/Global Patient Movement Requirements Center.
- (4) Identify Secretarial Designees treated at MTFs.
- (5) Provide an annual consolidated list reflecting the number of Secretarial Designees within their departments, reasons for such designation, location where designee is receiving treatment, the costs and sources of funding, nature and duration of treatment and expiration date of designee status to USD(P&R) and USD(C). The annual report is due 30 days after the start of the fiscal year reflecting the prior fiscal year's information.

(i) In cases where the USD(P&R) designates an individual as a Secretarial Designee, the Military Department concerned shall include this individual on any lists provided to USD(P&R) and USD(C) for reporting purposes.

(ii) Annually consolidate Secretarial Designee patient costs and forward those data to USD(P&R) and OSD(C), along with a report of collection for reimbursable costs.

(f) The Commanders of the Geographic Combatant Commands (GCCs) shall:

- (1) Refer requests to waive reimbursement through the Chairman of the Joint Chiefs of Staff to the USD(P&R).
- (2) Refer requests for Secretarial Designee status for medical care in the United States through the Chairman of the Joint Chiefs of Staff to USD(P&R).
- (3) Through the Chairman of the Joint Chiefs of Staff, provide written annual reports to the USD(P&R) and USD(C) reflecting the number of individuals designated as Secretarial Designees

within their geographic area of responsibility, the reasons for such designation, the expected duration of such designation, the costs and sources of funding authorizing the support of such designee status for each designee.

(4) Identify Secretarial Designees treated at MTFs within their geographic area of responsibility.

(5) Provide for an accounting and collection system for reimbursement of medical costs within their geographic area of responsibility.

(g) The Commander, United States Transportation Command shall:

- (1) Coordinate patient movement with all concerned Military Departments.
- (2) Upon request of the Military Department concerned or Commanders of the GCCs, determine availability of DoD transportation assets, or when cost effective, coordinate with civilian ambulance authorities, to effect transportation of Secretarial Designee as appropriate.
- (3) Ensure the Global Patient Movement Requirements Center, as the regulating agency, will consistently serve as the single point of contact for patient movement for Secretarial Designee patients using DoD assets upon request.
- (4) Annually consolidate Secretarial Designee patient listing who utilized the DoD patient movement system and forward to USD(P&R) and USD(C).

Dated: November 15, 2010.

**Patricia L. Toppings,**

*OSD Federal Register, Liaison Officer,  
Department of Defense.*

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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 (DoN) 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 (DAJAG) (Admiralty and Maritime Law) has determined that USS ANTIETAM (CG 54) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72

<sup>10</sup> Copies available on the Internet at <http://www.dtic.mil/whs/directives/corres/pdf/512402p.pdf>.

<sup>11</sup> Copies available on the Internet at <http://www.dtic.mil/whs/directives/corres/pdf/553003p.pdf>.

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 November 26, 2010 and is applicable beginning November 17, 2010.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Jaewon Choi, JAGC, U.S. Navy, Admiralty Attorney, (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 DoN amends 32 CFR Part 706.

This amendment provides notice that the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS ANTIETAM (CG 54) 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 3(a), pertaining to the horizontal distance between the forward and after masthead lights. The DAJAG (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 CFR 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 in Table Five, by revising, in alpha numerical order, by vessel number, an entry for USS ANTIETAM (CG 54):

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

\* \* \* \* \*

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 ANTIETAM .....	CG 54	.....	X	X	36.8
* .....	* .....	* .....	* .....	* .....	* .....

\* \* \* \* \*  
Approved: November 17, 2010.

**M. Robb Hyde,**  
Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).

Dated: November 18, 2010.

**D.J. Werner,**  
Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2010-29771 Filed 11-24-10; 8:45 am]

**BILLING CODE 3810-FF-P**

**POSTAL SERVICE**

**39 CFR Part 111**

**Express Mail Open and Distribute and Priority Mail Open and Distribute**

**AGENCY:** Postal Service.™

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is revising *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) 705.16 to require the use of a single-ply address label containing a service barcode with unique Service Type Code “723” or a “DB” prefix along with new Tag 257, Tag 267, or Label 257S, on all Express Mail® Open and Distribute containers. The Postal Service is also revising the service commitment for Express Mail Open and Distribute as a guaranteed end of day product; and adding a five-pound minimum weight requirement for Express Mail Open and Distribute and Priority Mail® Open and Distribute sacks.

**DATES:** *Effective Date:* January 2, 2011.

**FOR FURTHER INFORMATION CONTACT:** Jewelyn Harrington at 202-268-7648 or Garry Rodriguez at 202-268-7281.

**SUPPLEMENTARY INFORMATION:** On September 17, 2010, the Postal Service published a proposed rule in the *Federal Register* (75 FR 56920-56922)

to change the standards for Express Mail Open and Distribute. After reviewing the comments, and upon further consideration of the proposed revisions, the Postal Service has decided to adopt the proposed regulations with a minor revision.

**Comments**

The Postal Service received three comments and a request for clarification:

1. All three comments raised concerns about the five-pound minimum weight limit for Express Mail Open and Distribute and Priority Mail Open and Distribute sacks. As a result, the Postal Service is making a minor revision to allow an Open and Distribute sack to be less than 5 pounds if the sack contains mail in a qualifying tray.

2. One commenter also requested a clarification of the end of day service commitment for Express Mail Open and