



DEPARTMENT OF DEFENSE

Department of the Navy

Certificate of Alternate Compliance for USS DELAWARE (SSN 791)

AGENCY: Department of the Navy, DoD.

ACTION: Notice of issuance of Certificate of Alternate Compliance.

SUMMARY: The U.S. Navy hereby announces that a Certificate of Alternate Compliance has been issued for USS DELAWARE (SSN 791). Due to the special construction and purpose of this vessel, the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined that it is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the certain provisions of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) without interfering with its special functions as a naval ship. The intended effect of this notice is to warn mariners in waters where 72 COLREGS apply.

DATES: This Certificate of Alternate Compliance is effective **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]** and is applicable beginning February 14, 2019.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Matt Rector, JAGC, U.S. Navy, Admiralty Attorney, Office of the Judge Advocate General, Admiralty and Maritime Law Division (Code 11), 1322 Patterson Ave., S.E., Suite 3000, Washington Navy Yard, DC 20374-5066, telephone number: 202-685-5040, or admiralty@navy.mil.

SUPPLEMENTARY INFORMATION: Background and Purpose. Executive Order 11964 of January 19, 1977 and 33 USC 1605 provide that the requirements of the 72 COLREGS, as to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, shall not apply to a vessel or class of vessels of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction or purpose, it is not possible for such vessel(s) to comply fully with the provisions without interfering with the special function of the vessel(s). Notice of issuance of a Certificate of Alternate Compliance must be made in the Federal Register.

In accordance with 33 USC 1605, the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, hereby finds and certifies that USS DELAWARE (SSN 791) is a vessel of special construction or purpose, and that, with respect to the position of the following navigational lights, it is not possible to comply fully with the requirements of the

provisions enumerated in the 72 COLREGS without interfering with the special function of the vessel:

Rule 23(a) and Annex I, paragraph 2(a)(i), pertaining to the vertical placement of the masthead light, and Annex I, paragraph 2(f)(i), pertaining to the masthead light being above and clear of all other lights and obstructions;

Rule 30 (a), Rule 21(e), and Annex I, paragraph 2(k), pertaining to the vertical separation of the anchor lights, vertical placement of the forward anchor light above the hull, and the arc of visibility of all-around lights;

Rule 23 (a) and Annex I, paragraph 3(b), pertaining to the location of the sidelights; and

Rule 21(c), pertaining to the location and arc of visibility of the sternlight.

The DAJAG (Admiralty and Maritime Law) further finds and certifies that these navigational lights are in closest possible compliance with the applicable provision of the 72 COLREGS.

Authority: 33 USC 1605(c), E.O. 11964.

Dated: February 21, 2019.

M. S. WERNER,

Commander,

Judge Advocate General's Corps,

U.S. Navy,

Federal Register Liaison Officer.

[FR Doc. 2019-03341 Filed: 2/26/2019 8:45 am; Publication Date: 2/27/2019]