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Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER H—PASSENGER VESSELS

[CGFR 67-51]

PART 80—DISCLOSURE OF SAFETY STANDARDS

Interpretive Rulings Regarding Advertising

1. The disclosure regulations were published in the *FEDERAL REGISTER* on April 25, 1967, and effective on and after May 6, 1967, and implemented Public Law 89-777 which amended in part, Title 46, United States Code, section 362. Many inquiries have been received from the advertising industry relative to the proper method of incorporating safety information in advertising material. Because of the number of these inquiries and since many of the questions were identical, an informal meeting was held in Washington on June 15, 1967, to discuss these problems and to describe the proper application of the regulations. This meeting resulted in a better appreciation, on the part of all concerned, with these mutual problems, both technical and regulatory, which face both industry and Coast Guard. It is desired by all concerned to comply with the intent of Congress as set forth in this new law that the advertising information will " * * no-

tify each prospective passenger of the safety standards with which the vessel complies or does not comply."

2. The purpose of this document is to describe in general terms the interpretive rulings given with respect to the rules and regulations in this part as they apply to advertising information.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, United States Code, and Department of Transportation Order 1100.1 delegating authority to prescribe rules and regulations under laws transferred by subsection 6(b)(1) of the Department of Transportation Act, the following interpretive rulings designated § 80.15-1 are prescribed and effective on and after publication in the *FEDERAL REGISTER*.

4. Part 80 is amended by inserting after § 80.10-20 a new Subpart 80.15, consisting of § 80.15-1, reading as follows:

Subpart 80.15—Interpretive Rulings

§ 80.15-1 Advertising information.

(a) Because of the number of inquiries and since many of the questions were identical, the interpretive rulings in this section are published for the guidance of all concerned.

(b) From the point of view of contents, when is it necessary to incorporate into an advertisement the safety information required by this part? (Ruling) The safety information statement is required in an advertisement when either one of two conditions are described; i.e., (1) a vessel is named, or (2) a voyage is described.

RULES AND REGULATIONS

(c) What is meant by the word "voyage" as used in this part? (Ruling) As used in this part, "voyage" (route) consists of three conditions which must be stated and are (1) port or area of departure; (2) port or area of destination; and (3) a schedule.

(d) What is meant by the word "schedule" as used in § 80.10-20(e)? (Ruling) A "schedule" is the posted and published day(s) of departure and/or arrival. A description of a limited time interval during which a voyage will commence, i.e., such as "departing 10:30 a.m., September 7," "departing every Monday," "departing first Tuesday of every month," etc., are deemed to come within the meaning of term "schedule." The phrases "weekly sailings," "sailing twice weekly," "September Sailing," "Summer Cruise", etc., are not deemed to come within the meaning of the term "schedule."

(e) Are there any exceptions to the description in § 80.10-5(a) which states that "All promotional literature or advertising in or over any medium of communication . . . shall include . . ." safety information? (Ruling) Because of the nature of the display, the exception allowed concerns advertising signs towed or displayed by aircraft (including skywriting by aircraft). This ruling is based on the premise of practicability, and it is believed that Congress did not intend to prohibit this type of advertising.

(f) Does § 80.10-20(c) (1) relate to billboard type advertisements, especially since it specifies a minimum type size of printing of 6 points? (Ruling) This regulation does relate to billboard type advertising and shall be followed. Attention is directed to the wording which states ". . . the safety information statement shall be at least the same size type as the body of the text . . ."

(g) Because of the precise language in § 80.10-20(e), how much latitude is given with respect to the placement and cross references about safety information statements in brochures, pamphlets, schedules, etc.? (Ruling) The first two sentences of § 80.10-20(e) contain the basic requirements of this regulation, and strict compliance is necessary in order to effectively advise prospective passengers of the safety standards of the named vessels. The balance of § 80.10-20(e) is explanatory and suggestive in nature. By using an example the last sentence of this regulation suggests how these basic requirements may be met. It must be kept in mind that this regulation must be read and complied with in the context of the regulation as a whole.

(h) Are advertisements in trade publications required to comply with the disclosure requirements in this part? (Ruling) Trade publications are deemed to be those directed to a specific group of people or organizations and are not intended or used for general distribution to the public. In those instances where advertisements are not used or intended

to be distributed to the general public for solicitation of passage on vessels, the advertisements are not deemed to be subject to the requirements in this part.

(i) Does the descriptive phrase ". . . all promotion literature or advertising in or over any medium of communication within the United States . . ." in subsection 362(b) of Title 46, United States Code, include literature (such as magazines, newspapers, periodicals, etc.) and advertising produced in a foreign country and introduced into the United States, and would such materials be subject to the regulations in this part? (Ruling) Any literature (such as magazines, newspapers, periodicals, etc.) and advertising introduced into the United States of America for the purpose of offering passage or soliciting passengers for ocean voyages must comply with the requirements in this part. Advertisements in foreign magazines, newspapers, periodicals, etc., produced outside the United States and having a limited distribution in the United States need not comply with the requirements in this part: *Provided, however, That American editions of such media and travel advertisements extracted from such media for distribution in the United States must comply with the requirements in this part.*

(R.S. 4400, as amended; 46 U.S.C. 362, Department of Transportation Order 1100.1, dated Mar. 31, 1967; 49 CFR 1.4(a) (2), 32 F.R. 5806)

Dated: August 24, 1967.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67-10120; Filed, Aug. 28, 1967;
8:48 a.m.]

§ 401.105-10 Calling-in.

An explosive vessel shall report the Seaway Explosives Permit number, and both explosive and hazardous cargo vessels shall report the nature of their cargo, in addition to the other required information, when calling-in as provided by §§ 401.103-4 and 401.103-5.

§ 401.105-11 Safety restrictions for passing through.

The passing through of explosive vessels and hazardous cargo vessels may be directed in a special manner by the officer in charge.

V. Part II of § 401.120-1 (Preclearance Form) is revised to provide more complete information as to required and recommended equipment for vessels; as follows:

§ 401.120-1 Preclearance form.

PART II—INFORMATION ON VESSEL.

The furnishing of inaccurate information is an offense under the regulations.

1. Managing Owner or Operator of the Vessel:

- (a) Name of Company.....
 (b) Address.....
 2. Type of Vessel:
 (a) Cargo.....☐
 (b) Tanker.....☐
 (c) Passenger only.....☐
 (d) Cargo/Passenger.....☐
 (more than 12 passengers)
 (e) Cargo/Passenger.....☐
 (under 12 passengers)
 (f) Under tow.....☐
 (g) Dredge.....☐
 (h) Scow.....☐
 Barge.....☐
 Tank Barge.....☐
 (i) Tug.....☐
 (j) Naval (MIL).....☐
 (k) Government.....☐
 (l) Other (specify).....☐
 3. Type of service for which constructed:
 (a) Inland.....☐
 (b) Ocean.....☐
 4. Specifications:
 (a) Gross Tons.....☐
 (b) Net Tons.....☐
 (c) Length (overall).....☐
 (d) Extreme breadth (including fenders).....☐

Note: It is of the utmost importance to furnish the precise overall length of all vessels in order that traffic controllers may arrange lockages accordingly.

5. Machinery:

- (a) Steam.....☐
 (b) Diesel.....☐
 (c) Turbine.....☐
 Is vessel fitted with—
 (a) Adjustable pitch propeller? Yes ☐ No ☐
 (b) Bridge control? Yes ☐ No ☐
 (c) Gyro compass? Yes ☐ No ☐
 (d) Oil-water separator? Yes ☐ No ☐
 (e) Radar? Yes ☐ No ☐
 (f) Rudder angle indicator? Yes ☐ No ☐
 (g) Sewage disposal system? Yes ☐ No ☐
 (h) Stern anchor? Yes ☐ No ☐
 (i) Wrong way propeller direction alarm? Yes ☐ No ☐

(50 Stat. 93-97, 33 U.S.C. 981-990, as amended)

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
 [SEAL] JOSEPH H. MCCANN,
 Administrator.

[P.R. Doc. 97-4808; Filed, Apr. 24, 1967; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER H—PASSENGER VESSELS

[CGFR 87-21]

PART 70—GENERAL PROVISIONS

PART 80—DISCLOSURE OF SAFETY STANDARDS

Miscellaneous Amendments

1. Public Law 89-777, approved November 6, 1966, added paragraphs (b) and (c) to section 362 of Title 46, U.S. Code (R.S. 4400, as amended). On and after May 6, 1967, this law requires under certain conditions the disclosure of safety standards of foreign and U.S.-flag passenger vessels that are 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers. The disclosure of safety standards must be in accordance with the regulations in this document and designated 46 CFR Part 80. These regulations implement section 362 of Title 46, U.S. Code, and are also effective May 6, 1967.

2. A notice of proposed rule making setting forth the proposed regulations on disclosure of safety standards of passenger vessels and the announcement of a public hearing by the Merchant Marine Council were published in the FEDERAL REGISTER of February 22, 1967 (32 F.R. 3153-3155). The written comments submitted at or prior to the public hearing and the oral comments made at the Merchant Marine Council Public Hearing held March 20, 1967, were considered and are identified in the record as Item PH 13-67. A number of comments submitted were not responsive to the proposals, but in effect objected to the new statutory requirements. Other comments raised hypothetical questions with respect to application or administration of the law and implementing regulations. Due to the nature of such comments, no actions could be taken with respect thereto.

Application. 3. The amendments to 46 CFR 70.05-1 and 70.05-3 in this document clarify the application of the passenger vessel regulations with respect to the addition of 46 CFR Part 80. These changes are based on the description in 46 CFR 80.05-1 and 80.05-3.

Safety information. 4. It is the intent of the regulations in 46 CFR Part 80 to inform all who are subject thereto as to what needs to be done without obtaining prior approval or clearance from the Coast Guard. In response to comments received, changes were made in 46 CFR 80.10-1, 80.10-10, 80.10-15, and 80.10-20. The important change was to provide in § 80.10-15 for a short safety information statement for those U.S.-flag vessels built subsequent to May 26, 1936.

Promotional literature or advertising. 5. A number of comments recommended that the phrase "promotional literature or advertising" be considered in the alternative rather than an all inclusive descriptive term. These comments were not accepted. The term "promotional

literature or advertising" is deemed to be an all inclusive description.

Details of information printed or spoken. 6. The intent of the regulations is to have the safety information when printed, to be readable, easily identified and readily recognized. The safety information in a television broadcast shall be spoken regardless of whether or not it is made available as a part of the picture transmitted. The printing of safety information statements in certain types of promotional literature or advertising is covered in a new paragraph designated 46 CFR 80.10-20(e).

Civil penalties. 7. The provisions of section 362 of Title 46, U.S. Code, provide for civil penalties to be applied when violations of the law and regulations in 46 CFR Part 80 may occur. The navigation and shipping laws have provided for the assessment, mitigation, or remission of civil penalties in cases of alleged violations. The regulations describing the procedures are set forth in 46 CFR 2.50 and the same procedures will be utilized in the enforcement of the regulations in this document. If a person, organization, or company objects to the Coast Guard's findings of a violation of law or regulations and the assessment of a civil penalty by the Coast Guard and refuses to pay the civil penalty assessed, then the matter is referred to the Department of Justice for appropriate action. If the penalty is not paid, the case may be tried in the U.S. District Court having jurisdiction in a civil trial de novo. A reference to these procedures has been added to 46 CFR 80.20-1.

Regulations promulgated and effective dates. 8. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, and Department of Transportation Order 1100.1 delegating authority to prescribe regulations under laws transferred by subsection 6(b) (1) of the Department of Transportation Act, the following actions are ordered:

A. The vessel inspection regulations in 46 CFR Chapter I shall be amended in accordance with the changes and additions in this document.

B. The regulations in this document shall be effective on and after May 6, 1967.

C. On and after November 2, 1968, the safety information based on § 80.10-1 shall show whether or not the particular passenger vessel meets the 1966 fire safety requirements.

D. Promotional literature or advertising printed, filmed, or electronically recorded prior to May 6, 1967, or contracted for prior to that date, may be used without the safety information required by 46 CFR Part 80 until January 31, 1968.

E. All promotional literature or advertising printed, filmed, or electronically recorded and disclosed or utilized after January 31, 1968, shall contain the safety information required for the specific passenger vessel by 46 CFR Part 80.

Subpart 70.05—Application

9. Section 70.05-1 is amended by adding a paragraph (b) reading as follows:

§ 70.05-1 U.S.-flag vessels subject to the requirements of this subchapter.

(b) The requirements for notification of safety standards to prospective passengers apply to every domestic passenger vessel of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers as set forth in Part 80 of this subchapter. The requirements for safety information in promotional literature or advertising apply to such passenger vessels only on international ocean voyages and U.S. domestic ocean voyages.

10. Section 70.05-3 is amended by revising the introductory text of paragraph (a), but not Table 70.05-1(a) and the subparagraphs thereunder, the introductory text of paragraph (b), but not the subparagraphs thereunder, and by adding a new paragraph (d), which read as follows:

§ 70.05-3 Foreign vessels subject to the requirements of this subchapter.

(a) Except as specifically noted in paragraph (b) of this section, Parts 70 to 78, inclusive, of this subchapter shall be applicable to the extent prescribed by law to all foreign vessels of the following classifications indicated in column 4 of Table 70.05-1(a) that are 100 gross tons or over;

(b) The provisions of Parts 70 to 78, inclusive, of this subchapter shall not be applicable to those foreign vessels covered by paragraph (a) of this section which are:

(d) The provisions of Part 80 of this subchapter regarding disclosure of safety standards shall apply to foreign passenger vessels of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers, as well as to the owners, operators, agents, or any persons involved in offering passage or soliciting passengers or selling passage on such vessels, when such vessels embark passengers at U.S. ports; or for such vessels on international ocean voyages anywhere in the world for which any offers of passage or soliciting of passengers is made by or through promotional literature or advertising in or over any medium of communication within the United States.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 373, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4421, as amended, 4426, as amended, 4453, as amended, 4486, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 395, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1644, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 404, 399, 435, 481, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Department of Transportation Order 1100.1, dated Mar. 31, 1967, 49 CFR 14(a) (2), 32 F.R. 5606)

11. Subchapter H is amended by inserting after Part 78 the following new Part 80:

Subpart 80.01—Authority and Purpose

Sec.

80.01-1 Purpose.
80.01-5 Authority.

Subpart 80.05—Application

80.05-1 Passenger vessels embarking passengers at U.S. ports.
80.05-3 Promotional literature or advertising.
80.05-10 Companies, organizations, and persons.

Subpart 80.10—Disclosure of Passenger Vessel Information

80.10-1 General.
80.10-3 Notification of safety to prospective passengers.
80.10-5 Promotional literature or advertising information requirements for international ocean voyages and U.S. domestic ocean voyages.
80.10-10 Safety information requirements for passenger vessels other than U.S. passenger vessels engaged on voyages on U.S. domestic inland and Great Lakes voyages.
80.10-15 Safety information requirements for U.S. passenger vessels engaged on U.S. domestic inland and Great Lakes voyages.
80.10-20 Details of information required to be printed or spoken.

Subpart 80.20—Penalties

80.20-1 Civil penalty assessed.

AUTHORITY: The provisions of this Part 80 issued under R.S. 4400, as amended; 46 U.S.C. 362. Department of Transportation Order 1100.1, dated March 31, 1967; 49 CFR 1.4(a) (2), 32 F.R. 5606.

Subpart 80.01—Authority and Purpose

§ 80.01-1 Purpose.

(a) The purpose of the regulations in this part is to require the disclosure of safety standards of passenger vessels and to specify the manner in which the disclosure shall be made.

§ 80.01-5 Authority.

(a) The regulations in this part regarding disclosure of safety standards of passenger vessels interpret or apply section 362 of 46 U.S. Code (R.S. 4400, as amended).

Subpart 80.05—Application

§ 80.05-1 Passenger vessels embarking passengers at U.S. ports.

(a) The regulations in this part apply to passenger vessels of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers and embarking passengers in:

- (1) The United States;
- (2) The Commonwealth of Puerto Rico;
- (3) The Virgin Islands; or,
- (4) Guam; and;

On one or more of the following type voyages:

- (i) International voyages;
- (ii) U.S. domestic ocean voyages;
- (iii) Voyages on the Great Lakes; or
- (iv) Coastwise voyages, including those voyages conducted solely on U.S. inland waters.

§ 80.05-3 Promotional literature or advertising.

(a) All promotional literature or advertising in or over any medium of communication within the United States offering passage or soliciting passengers for international ocean voyages anywhere in the world and for U.S. domestic ocean voyages shall comply with regulations in this part.

§ 80.05-10 Companies, organizations, and persons.

(a) Owners, operators, or agents of passenger vessels subject to this part, or persons offering or selling passage on either a foreign or U.S.-flag passenger vessel shall be governed by applicable regulations in this part.

Subpart 80.10—Disclosure of Passenger Vessel Information

§ 80.10-1 General.

(a) All information required by this subpart or furnished voluntarily by or in any means of communication shall be accurate and factual. Owners and operators of passenger vessels subject to this part shall furnish the required information to agents or persons offering or selling passage on foreign or U.S. passenger vessels subject to this part.

(b) Agents or persons offering or selling passage by or through any medium shall be deemed to have complied with this section if they repeat the information furnished them by the owner or operator of the vessel on which they offer or sell passage.

§ 80.10-3 Notification of safety to prospective passengers.

(a) Every prospective passenger shall be given a notification of safety for the passenger vessel on which such person desires to sail which will inform him of the safety standards which the vessel does or does not meet. This information shall be furnished by the owner, operator, or agent selling passage on the vessel and shall include all the information required by § 80.10-10 or § 80.10-15 as appropriate and shall be furnished in writing to each prospective passenger at or prior to his purchase of passage.

(b) This notification of safety shall be furnished separately from any promotional literature or advertising used.

§ 80.10-5 Promotional literature or advertising information requirements for international ocean voyages and U.S. domestic ocean voyages.

(a) All promotional literature or advertising in or over any medium of communication offering passage on or soliciting passengers for specific vessels, voyages or cruises on international ocean voyages and U.S. domestic ocean voyages shall include all the information required by this part.

NOTE: This requirement shall be applicable on and after May 6, 1967; however, all promotional literature or advertising printed, filmed or electronically recorded prior to May 6, 1967, or contracted for prior to that date, may be utilized until January 31, 1968.

RULES AND REGULATIONS

§ 80.10-10 Safety information requirements for passenger vessels other than U.S. passenger vessels engaged on voyages on U.S. domestic inland and Great Lakes voyages.

(a) Information required for notification to a prospective passenger and for promotional literature or advertising in or over any medium of communication shall be as set forth in this paragraph. Select appropriate parenthetical word, phrase or date which accurately describes the vessel. Wording in brackets may be used but will not be required until November 2, 1968.

(1) For vessels meeting 1948 or 1960 International Convention for the Safety of Life at Sea (SOLAS) standards for new vessels:

SAFETY INFORMATION

The _____ registered in
(Name)
_____ meets International
(Country)
Safety Standards for new ships developed
in _____ [(and meets)
(1948) (1960)
(but does not meet) the 1966 fire safety
requirements].

(2) For vessels in which the hull, decks and deckhouses (except isolated deckhouses containing no accommodations) are of steel or aluminum and which substantially comply with all other safety standards of the 1948 or 1960 SOLAS Convention for new vessels:

SAFETY INFORMATION

The _____ registered in
(Name)
_____ substantially meets
(Country)
International Safety Standards for new ships
developed in _____ [(and
(1948) (1960)
meets) (but does not meet) the 1966 fire
safety requirements].

(3) For vessels not included in subparagraphs (1) and (2) of this paragraph:

The _____ registered in
(Name)
_____ (meets Interna-
(Country)
tional Standards for new ships developed in
1929) (does not meet any International
Safety Standards developed as a result of an
International Convention). Vessel's hull is
of (combustible) (incombustible) material.
Vessel's decks are of (combustible) (incom-
bustible) material. Vessel's deckhouses are
of (combustible) (incombustible) material.
Vessel's structural bulkheads are of (com-
bustible) (incombustible) material. Internal
partitions are of (combustible) (incom-
bustible) (both combustible and incombusti-
ble) materials. An automatic sprinkler sys-
tem (is) (is not) fitted in passenger living
and public spaces. [The vessel (meets) (does
not meet) the 1966 fire safety requirements].

(b) Additional factual information regarding a passenger vessel's safety may be added separately from the required information.

(c) Descriptive information as to hull structure and partitions of identical materials may be consolidated.

§ 80.10-15 Safety information requirements for U.S. passenger vessels engaged on U.S. domestic inland and Great Lakes voyages.

(a) Information required for notification to a prospective passenger shall be as set forth in this paragraph. Select appropriate parenthetical word, phrase, or date which accurately describes the vessel.

(1) For vessels built on or after May 26, 1936:

SAFETY INFORMATION

The _____ meets U.S. Coast Guard
(Name)
standards for vessels built in _____
(Year)

(2) For vessels built prior to May 26, 1936:

SAFETY INFORMATION

The _____ meets U.S.
(Name)
Coast Guard standards for a vessel built to
_____ regulations for inland waters.
(Year)

Vessel's decks are of (combustible) (incombustible materials. Vessel's deckhouses are of (combustible) (incombustible) materials. Vessel's structural bulkheads are of (combustible) (incombustible) materials. Internal partitions are of (combustible) (incombustible) (both combustible and incombustible) materials. An automatic sprinkler system (is) (is not) fitted in passenger living and public spaces.

(b) Additional factual information regarding a passenger vessel's safety may be added separately from the required information providing it is not misleading to a prospective passenger.

(c) Descriptive information as to hull structure and partitions of identical materials may be consolidated.

§ 80.10-20 Details of information required to be printed or spoken.

(a) The information concerning any passenger vessel required by this section on all printed promotional literature or advertising, including notifications, shall be in the same wording and format as set forth in § 80.10-10 or § 80.10-15, as applicable.

(1) The word "text" as used in this section means any portion of the printed matter, including any heading, wherein voyage or vessel description is made.

(b) Information disclosed on any type of electronic communications shall be spoken in the same wording and format as required by the applicable § 80.10-10.

(c) The wording and format in printed media, as required by the applicable § 80.10-10 or § 80.10-15, shall meet the following minimum requirements:

(1) The safety information statement shall be in at least the same size type as the body of text but in no event smaller than 6 point American point system.

(2) The heading "Safety Information" shall be in all caps, bold face type of a size at least as large as that used in the statement itself.

(3) The safety information heading and text shall be separated from other portions of advertisement, promotional literature, notifications, etc. by at least a double spacing or a box ruling.

(d) In promotional literature or advertising listing 2 or more passenger vessels, the safety information may be varied from that required by § 80.10-10 for each vessel to eliminate unnecessary repetition, so long as it is clear what standards each vessel meets. This may be done by inserting in the list of vessels appropriate footnote or asterisk reference after each vessel and in the safety information text have corresponding information which will be easily understood.

(e) In the brochures, pamphlets, schedules, etc., it is only necessary that the safety information for each vessel named therein be given once in each publication. Appropriate references shall be made as to where the safety information statement may be found for each vessel. For example, in a book or pamphlet the safety information statements for all vessels named therein may be printed on one page and the table of contents and notes throughout the text where the vessels are named may refer to such page and thereby eliminate repeating the safety information statement for each vessel on each and every page; or if the reference to safety information statements for all passenger vessels is noted prominently on the cover as to the page or place on which printed therein, the reference or notes about safety information with each vessel named may be omitted.

Subpart 80.20—Penalties

§ 80.20-1 Civil penalty assessed.

(a) For each violation of regulations in this part, the owner, operator, agent, or other person involved shall be subject to a civil penalty of not more than \$10,000 for which the vessel on which passage is to be sold shall be liable. If tickets are sold, the owner, operator, agent, or any other person involved in each violation of regulations in this part shall also be subject to a civil penalty of \$500 for each ticket sold for which the vessel on which passage is sold shall be liable.

(b) Procedures for assessment, mitigation, or remission of civil penalties in Subpart 2.50 in Part 2 of Subchapter A (Procedures Applicable to the Public) of this chapter will be followed in handling violations of regulations in this part.

Dated: April 20, 1967.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67-4549; Filed, Apr. 24, 1967;
8:50 a.m.]

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MAY 19 1967

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Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER E—LOAD LINES
[CGFR 66-70]

PART 43—FOREIGN OR COASTWISE VOYAGE

Subpart 43.03—Special Load Line Provisions Applicable to Certain Ships

The International Convention on Load Lines, 1966, with annexes, was signed for the United States at London on April 5, 1966, and recommended to the U.S. Senate on September 12, 1966 (see Senate Ex. Doc. 8, 89th Cong., 2d sess. for the Committee on Foreign Relations). The U.S. Senate consented to its ratification on October 13, 1966. It was ratified by the President on November 4, 1966, and notice of the U.S. acceptance has been deposited with the Inter-Governmental Maritime Consultative Organization in London.

The International Convention on Load Lines, 1966, will enter into force 12 months after at least 15 governments, including 7 each with not less than 1 million gross tons of shipping, have become parties. Procedures are provided for amending the convention by (a) unanimous acceptance, (b) after consideration in Inter-Governmental Maritime Consultative Organization, or (c) after adoption by a special conference.

The purpose of the convention is to establish uniform principles and rules with respect to the limits to which ships on international voyages may be loaded, having regard to the need for safeguarding life and property at sea. Annexes, forming an integral part of the convention, embody regulations for determining load lines indicating the depth to which vessels may be loaded according to the geographical zone and the season of the year in which they operate. Certificates are prescribed for issuance to ships surveyed and marked in accordance with the convention, or validly exempted.

The convention and regulations are designed to bring up to date the principles and rules that have been applied for 33 years under the Load Line Convention signed at London on July 5, 1930 (47 Stat. 2228; Treaty Series 858). Scientific developments, improvements in ship structures, and the experience gained in the past three decades have indicated the need to revise load line regulations so as to improve economy and safety in shipping. Great changes have occurred in ship design and construction, shipbuilding technology and ship operation. New types of closing appliances, in particular metal hatch covers, have improved the watertight integrity of ships. Other technical developments (the extensive use of welding, the rounded gunwale, etc.) have also become widespread. The vast increase in the size of ships, particularly tankers and bulk carriers, has made it necessary to extend the existing freeboard tables to cover ships up to a length of 1,200 feet.

The convention does not apply to ships of war, new ships less than 24 meters (79 feet) long, existing ships of less than 150 gross tons, pleasure yachts not engaged in trade, and fishing vessels. Ships solely navigating the Great Lakes and the St. Lawrence River, the Caspian Sea, and certain South American rivers are also excepted. A ship not normally engaged on international voyages but which, in exceptional circumstances, must undertake such a voyage may be exempted if safety requirements are met. Exemptions are also available for ships engaged in sheltered voyages between neighboring ports and ships embodying novel features useful in research and development, provided that safety requirements of the countries visited are complied with.

Existing treaties on load lines continue to have full effect as regards (a) ships to which the new convention does not apply and (b) ships to which it applies, in respect of matters for which it has not expressly provided.

When the International Convention on Load Lines, 1966, does come into force,

It will provide load lines for a different range of vessel size than the 1930 Convention and additionally for unregistered vessels. Specifically, new vessels 79 feet (length) or greater will require load lines, while load lines for existing vessels are based on a minimum of 150 gross tons. Many large ships not covered in full previously will now be covered by definite regulations. Also, existing ships which meet the additional requirements of the new convention will generally enjoy a reduced freeboard (i.e. increased capacity) when compared with load lines now assigned under the 1930 Convention. All existing vessels which cannot meet the additional requirements will remain under the 1930 Convention until it is renounced, at which time they will get a 1966 Load Line Certificate with a freeboard essentially identical to their present freeboard as a ship "not complying with" additional requirements.

During the intermediate period before the 1966 Convention comes into force, it has been determined desirable to permit Assigning Authorities under the International Load Lines Convention, 1930, as permitted by administrative provisions contained therein, to utilize certain provisions in the 1966 Convention for those ships not specifically covered in the 1930 Convention. For example, the 1930 Convention does not prescribe tabular freeboards for tankers (and special type vessels as referred to in Art. 8 therein) above 600 feet in length nor for other vessels above 750 feet in length, but leaves the tabular freeboards of such vessels to be determined by the respective Governments.

For those vessels desiring to utilize certain provisions in the 1966 Convention and which meet certain prescribed requirements, special load line provisions are prescribed as a new Subpart 43.03 in 46 CFR Part 43, which are set forth below in this document.

It has been also determined that the substitution of an equivalent minimum bow height for the forecastle required by Rule 94 of the International Load Line Convention, 1930, is permitted under the substitution provision in Article 18 of the 1930 Convention. In this regard, the minimum bow height as specified in Regulation 39, Annex I, of the 1966 Convention is accepted as being at least as effective as the requirement to have a forecastle in Rule 94 of the 1930 Convention.

Use of the load line provisions in 46 CFR Subpart 43.03 below, which are applicable to certain ships when qualifying under the requirements therein, will not result in a load line on any such vessel which in the judgment of the Commandant would be above the actual line of safety.

It is hereby found that emergency conditions exist and it is necessary in the public interest to permit qualified ships to utilize the special load line provisions as set forth in this document. It is

found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon and effective date requirements) is contrary to the public interest, and therefore, these actions are exempt from such requirements under the provisions of section 4 of that Act (5 U.S.C. 553).

By virtue of the authority vested in me as Commandant, U.S. Coast Guard by section 632 of Title 14, U.S. Code and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521) and 167-48, dated October 19, 1962 (27 F.R. 10504) and the authorities cited with the regulations below, the following actions are ordered:

1. The load line regulations in 46 CFR Part 43 shall be amended by inserting after § 43.01-100 a new Subpart 43.03, consisting of §§ 43.03-1 to 43.03-20, inclusive.

2. The special load line provisions designated as 46 CFR Subpart 43.03 shall be effective on and after the date of publication of this document in the FEDERAL REGISTER.

**Subpart 43.03—Special Load Line Provisions
Applicable to Certain Ships**

| Sec. | |
|----------|---|
| 43.03-1 | General. |
| 43.03-3 | Special determinations. |
| 43.03-6 | General requirements for all ships. |
| 43.03-10 | Additional requirements applicable to tankers. |
| 43.03-15 | Ships, other than tankers, not satisfying the flooding and damage stability criteria. |
| 43.03-20 | Ships, other than tankers, which do satisfy the flooding and damage stability criteria. |

AUTHORITY: The provisions of this Subpart 43.03 issued under sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-48, Oct. 19, 1962, 27 F.R. 10504.

NOTE: Except where specifically noted otherwise in Subpart 43.03, the regulation numbers in the text of this subpart are those of Annex I to the International Convention on Load Lines, 1966.

§ 43.03-1 General.

(a) The International Convention on Load Lines, 1966, was ratified by the President on November 4, 1966, and the notice of U.S. acceptance has been deposited with the Inter-Governmental Maritime Consultative Organization in London. During the intermediate period before the 1966 Convention comes into force, the provisions of that Convention may be utilized so far as they in no way contravene the provisions of the International Load Line Convention, 1930, and if they are utilized in accordance with the special provisions in this subpart. The following general conditions are necessary prerequisites to the use of the 1966 Convention:

(1) All applicable provisions of the International Convention on Load Lines, 1966, must be met;

(2) There can be no contravention of the International Load Line Convention, 1930, while it remains in force; and

(3) In no case shall a freeboard be assigned to any vessel which is less than the final freeboard expected when the International Convention on Load Lines, 1966, comes into force.

(b) The following three classes of ships having International Load Line Certificates will be eligible for freeboards assigned according to certain provisions of the 1966 Convention:

(1) Tankers over 600 feet in length.

(2) Steamers, as defined in § 43.05-1 (a), over 750 feet in length.

(3) Special type ships over 600 feet in length.

CROSS REFERENCE: See Article 8 of International Load Line Convention, 1930, and paragraphs (7) to (9) of Regulation 27 of International Convention on Load Lines, 1966.

(c) Since the assignment of U.S. Coastwise Load Line Certificates is not limited by the effective International Load Line Convention, the minimum length limits in paragraph (b) of this section do not apply for the assignment of coastwise load lines. Therefore, effective immediately, existing §§ 43.15-98 and 43.30-75 may be considered replaced by the applicable provisions of the International Load Line Convention, 1966, without exception. However, existing vessels having load lines assigned in accordance with § 43.15-98 or § 43.30-75 may retain such assignments at the owner's option.

§ 43.03-3 Special determinations.

(a) It is considered that the substitution of equivalent bow height for the forecastle required by Rule 94 of International Load Line Convention, 1930, is justified under Article 18 of the 1930 Convention, which allows "... any other arrangement; *Provided*, That such Administration shall have been satisfied that the fitting, ... or the arrangement substituted is in the circumstances at least as effective as that specified in this convention". In this regard, the arrangement of bow height specified in Regulation 39, Annex I, of the 1966 Convention is accepted as at least as effective as the requirement to have a forecastle in Rule 94 of the 1930 Convention for tankers.

(b) Any U.S. ship which may be given a reduced freeboard as a tanker or as a ship of special type shall have a forecastle as prescribed or an equivalent bow height and be given a minimum Winter North Atlantic freeboard, which is the Winter freeboard plus an addition at the rate of 1 inch per 100 feet in length, even though this latter requirement is not included in the 1966 Convention. Moreover, the flush deck penalty and the correction for round of beam shall be applied; *Provided*, That application of the latter must not result in the final as-

signed freeboard being less than that permitted by the 1966 Convention.

§ 43.03-5 General requirements for all ships.

(a) All three classes of vessels mentioned in § 43.03-1(b) shall meet the following requirements in order to be assigned freeboards under this subpart:

(1) The Assigning Authority must be satisfied that the structural strength of the vessel is sufficient for the draft corresponding to the freeboard assigned (Regulation 1).

(2) Loading information must be provided to the master so he may arrange for the loading and ballasting of his ship in such a way as to avoid any unacceptable stresses in the ship's structure (Regulation 10(1)).

(3) The ship must have a minimum height of bow in accordance with Regulation 39.

(4) For any trunk to qualify for any freeboard allowance, its breadth must be at least 60 percent of the breadth of the ship (Regulation 36(1)(g)), and where there is no superstructure, the length of the trunk in order to qualify for an allowance must be at least 60 percent of the length of the ship (Regulation 36(1)(h)).

(5) No freeboard allowance in respect of any superstructure shall be given unless the superstructure is enclosed in accordance with Regulation 3(10)(b). Closures of nonaccess type openings in after bulkheads of superstructures will be recognized as weathertight if they meet the following provisions:

(i) The closure shall be a steel plate of equivalent strength and rigidity to the surrounding bulkhead and which lays directly to the bulkhead, and is securely hock bolted so as to effectively resist a hose test.

(ii) The opening shall be as small as practicable; shall have at least a 24-inch sill; and shall not need to be opened at sea.

§ 43.03-10 Additional requirements applicable to tankers.

(a) The following special regulations apply in addition to those in § 43.03-5) to all tankers seeking freeboard according to International Convention on Load Lines, 1966:

(1) Where applicable, calculations indicating compliance with the flooding and damage stability criteria set out in Regulations 27 (2) and (3) must be completed to the satisfaction of the Assigning Authority.

(2) Exposed hatchways on the freeboard and forecastle decks and on the top of expansion trunks must be provided with efficient watertight covers of steel or other equivalent material (Regulation 26(4)).

(3) The tanker shall comply with all the conditions of assignment in Chapter II of Annex I of the 1966 Convention which are applicable to a Type "A" ship.

(4) The deduction for excess sheer will no longer be allowed unless an enclosed

midship superstructure is fitted. The deduction will be calculated in accordance with Regulation 33(15).

(b) After meeting the general requirements and special tanker requirements, the new freeboard may be calculated using the basic freeboard table for Type "A" ship in accordance with Regulations 27 (2) to (4) and 28(1).

§ 43.03-15 Ships, other than tankers, not satisfying the flooding and damage stability criteria.

(a) The following special provisions shall apply to all vessels, where eligible under this subpart, which do not satisfy the stipulated flooding and damage stability criteria, and are in addition to those regulations mentioned in § 43.03-5 for all vessels:

(1) No flooding or damage stability calculations are needed.

(2) Exposed hatchways on the freeboard and forecastle decks must be provided either with weathertight hatchcovers of steel or other equivalent material complying with Regulation 16.

(3) The vessel complies with all the conditions of assignment in Chapter II of the 1966 Convention which are applicable to a Type "B" ship.

(4) Where a forecastle, if fitted, is less than .07L the percentages of deduction in the table applicable to Type "B" ships in Regulation 37(2) will be reduced in accordance with the formula in Regulation 37(3)(c).

(b) After meeting the general requirements and special steamer requirements, the new freeboard may be calculated using the basic freeboard table for a Type "B" ship in accordance with Regulations 27 (5) and (6) and 28(2).

§ 43.03-20 Ships, other than tankers, which do satisfy the flooding and damage stability criteria.

(a) Ships fully complying with the provisions of paragraphs (7) and (9) of Regulation 27 of the International Convention on Load Lines, 1966, are regarded as ships of special type referred to in Article 8 of the International Load Line Convention, 1930. Such ships, where eligible under this subpart, may be assigned the freeboards provided for in the 1966 Convention subject to the following:

(1) Flooding calculation indicating compliance with the flooding and damage stability criteria set out in Regulations 27 (7) and (9), as applicable, shall be submitted and approved.

(2) Exposed hatchways on the freeboard and forecastle decks must be provided either with weathertight hatchcovers of steel or other equivalent material complying with Regulation 16 or with pontoon covers complying with Regulation 15(7), the strength of which shall be subject to the satisfaction of the Assigning Authority.

(3) With the exception of hatchway covers, the ship shall comply with the conditions of assignment in Chapter II

of Annex I of the 1966 Convention, which are applicable to a Type "A" ship.

(4) Where a forecastle, if fitted, is less than .07L, the percentage of deduction in the table applicable to Type "B" ships in Regulation 37(2) will be reduced in accordance with the formula in Regulation 37(3)(c).

(b) After meeting the specified requirements, vessels eligible under this section may have their freeboards calculated in accordance with Regulations 27 (7), (8), and (9), as applicable, and the Tables in Regulation 28.

Dated: January 3, 1967.

[SEAL]

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[P.R. Doc. 67-132; Filed, Jan. 5, 1967;
8:47 a.m.]

RULES AND REGULATIONS

19179

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGFR 87-87]

FIRE PROTECTION ON BOTH NEW AND EXISTING PASSENGER VESSELS (100 GROSS TONS OR OVER)

1. Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of January 24, 1967 (32 F.R. 795-807), and the Merchant Marine Council Public Hearing Agenda dated March 20, 1967 (CG-249), the Merchant Marine Council held a public hearing on March 20, 1967, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items PH 1-67 to PH 13-67, inclusive. Item PH 5-67 contained proposals regarding fire protection on both new and existing passenger vessels (100 gross tons or over) (CG-249, pages 89 to 116, inclusive). Item PH 5k-67 (CG-249, pages 115 and 116) and Item PH 10g-67 (CG-249, pages 183 to 185, inclusive) contained proposed changes to 46 CFR 113.25-5 and 113.25-10(b) regarding general alarm systems for all categories of vessels. These proposals, as revised, are adopted and set forth in this document.

2. Interested persons have been afforded an opportunity to participate in the consideration of these proposals and certain changes were made in the proposals in Item PH 5-67 and Item PH 10g-67. The changes made in various sections are to make it clear that all passenger vessels of 100 gross tons or over, regardless of the date of construction, on an international voyage must substantially meet current fire protection requirements. The change in 46 CFR 113.25-10(b)(1) regarding feeder distribution panels removes a conflict with other regulations and allows more flexibility in application. The Merchant Marine Council's actions with respect to comments received and proposals in Item PH 5-67 and Item PH 10g-67 are approved.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, United States Code, and Department of Transportation Order 1100.1, dated March 31, 1967 (49 CFR 1.4(a)(2), 32 F.R. 5606), to promulgate regulations in accordance with the laws cited with regulations below, the following amendments are prescribed and shall be effective on and after November 2, 1968, for both new and existing vessels as described in the regulations; however, the regulations in this document may be complied with in lieu of existing requirements prior to that date.

SUBCHAPTER F—MARINE ENGINEERING

PART 55—PIPING SYSTEMS AND APPURTENANCES

4. The authority note for Part 55 is amended to read as follows:

AUTHORITY: The provisions of this Part 55 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 186, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404-409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198, 49 U.S.C. 1655(b); E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(2), 32 F.R. 5606, unless as otherwise noted.

Subpart 55.10—Pumping Arrangements and Piping Systems

5. Section 55.10-40(g) is amended to read as follows:

§ 55.10-40 Fuel oil service systems.

(g) Service oil pumps shall be equipped with means of control from a readily accessible position outside of the boiler room which will always be accessible in the event of a fire occurring in the compartment in which the pumps are located. All passenger ships on an international voyage, regardless of the date of construction, shall comply with the requirements of this paragraph.

PART 61—INSTALLATIONS, TESTS, INSPECTIONS, MARKINGS, AND OFFICIAL FORMS

6. The authority note for Part 61 is amended to read as follows:

AUTHORITY: The provisions of this Part 61 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426-4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 186, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404-409, 411, 412, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198, 49 U.S.C. 1655(b); E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(2), 32 F.R. 5606.

Subpart 61.05—Installations

7. Section 61.05-26 is amended by adding a new paragraph (b), reading as follows:

§ 61.05-25 Means of stopping machinery.

(b) All passenger ships on an international voyage, regardless of the date of construction, shall comply with the requirements of this section.

SUBCHAPTER H—PASSENGER VESSELS

PART 72—CONSTRUCTION AND ARRANGEMENT

8. The authority note for Part 72 is amended to read as follows:

AUTHORITY: The provisions of this Part 72 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4433, as amended, 4453, as amended, 4488, as amended, 4490, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 186, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 361, 362, 391, 392, 399, 404, 411, 435, 481, 482, 489, 366, 395, 363, 369, 367, 526p, 1333, 390b, 50 U.S.C. 198, 49 U.S.C. 1655(b); E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(2), 32 F.R. 5606.

Subpart 72.05—Structural Fire Protection

9. Section 72.05-90 is amended to read as follows:

§ 72.05-90 Vessels contracted for prior to May 26, 1965.

(a) Vessels of 100 gross tons and over, contracted for prior to May 26, 1965, on an international voyage; and vessels of 100 gross tons and over, contracted for on or after May 28, 1936, and prior to May 26, 1965, not on an international voyage; shall meet the following requirements:

(1) Existing structure, arrangements, and materials previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction.

(2) The details shall be in general agreement with §§ 72.05-5 through 72.05-60.

(b) Vessels of 100 gross tons and over, contracted for prior to May 28, 1936, not on an international voyage, shall meet the following requirements:

(1) Existing structure, arrangements, and materials previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction.

(2) All vessels in ocean or coastwise service shall be fitted above the bulkhead deck with fire-resisting bulkheads and doors spaced not more than 131 feet apart which are capable of resisting the passage of flame for a period of at least 1 hour.

(3) All vessels with berth or state-room accommodations for 50 or more passengers shall be fitted with an approved automatic sprinkling system unless deemed unnecessary by the Commandant. This system shall be so installed as to protect all enclosed parts of the vessel accessible to passengers or crew while the vessel is being navigated, except cargo holds, machinery spaces, and when of fire-resisting construction, toilets, bathrooms, and spaces of similar construction. Where, in the case of a particular vessel, the Commandant does not consider the installation of an automatic water-sprinkling system necessary, such vessel shall be protected in such enclosed parts of the vessel as the Commandant shall deem necessary, with an automatic electric or pneumatic fire-detecting and alarm system, used singly or in combination, of a type approved by the Commandant.

(c) Vessels of less than 100 gross tons, contracted for prior to May 26, 1965, which carry more than 150 passengers, shall meet the following requirements:

(1) Existing structure, arrangements, and materials previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction.

(2) For such vessels, contracted for on or after November 19, 1952, and prior to May 26, 1965, on an international voyage, the details shall be in general agreement with §§ 72.05-5 through 72.05-60.

PART 76—FIRE PROTECTION EQUIPMENT

10. The authority note for Part 76 is amended to read as follows:

AUTHORITY: The provisions of this Part 76 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 186, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 391, 392, 404, 481, 489, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198, 49 U.S.C. 1655(b); E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(2), 32 F.R. 5606.

Subpart 76.10—Fire Main System, Details

11. Subpart 76.10 is amended by inserting after § 76.10-1 a new § 76.10-3, reading as follows:

§ 76.10-3 Water availability.

(a) On all vessels on an international voyage, regardless of the date of construction, water pressure from the firemain protecting enclosed spaces shall be immediately available by maintenance of water pressure on the firemain at all times when passengers are aboard the vessel, or by remote control of fire pumps which control shall be easily operable and readily accessible.

(b) Where approved remote controls are not installed, an alarm shall be fitted which will sound in the engine room indicating a drop of water pressure on the system.

12. Section 76.10-10 is amended by changing paragraphs (f) and (g) to read as follows:

§ 76.10-10 Fire hydrants and hose.

(f) The outlet at each fire hydrant shall be provided with a cock or valve fitted in such a position that the fire hose may be removed while the firemain is under pressure. In addition, the outlet shall be limited to any position from the horizontal to the vertical pointing downward, so that the hose will lead horizontally or downward to minimize the possibility of kinking.

(g) Each fire hydrant shall be provided with a single length of hose with nozzle attached and a spanner. A suitable hose rack or other device shall be provided for the proper stowage of the hose. If the hose is not stowed in the open or behind glass so as to be readily seen, the enclosure shall be marked in accordance with § 78.47-20. In addition, the accommodation and service areas of the ship shall be provided with two approved combination nozzles and suitable applicators. These nozzles and applicators may be stowed at the discretion of the master, but shall be convenient for immediate use in event of an emergency.

13. Section 76.10-90(a) is amended by revising subparagraphs (3) and (4) and by adding a new subparagraph (5), reading as follows:

§ 76.10-90 Installations contracted for prior to May 26, 1965.

(a) . . .

(3) When reasonable and practicable, where two or more fire pumps are required, they shall not all be located in the same space. Vessels on an international voyage shall, however, comply with the requirements of § 76.10-5(h).

(4) The general requirements of § 76.10-5 (c) through (h), 76.10-10 (d) through (i), and 76.10-15 shall be complied with insofar as is reasonable and practicable. In addition, vessels on an international voyage shall comply with the requirements of § 76.10-5(b).

(5) Vessels on an international voyage shall comply with the requirements of § 76.10-3.

Subpart 76.15—Carbon Dioxide Extinguishing Systems, Details

14. Section 76.15-90(a) (2) is amended to read as follows:

§ 76.15-90 Installations contracted for prior to November 19, 1952.

(a) . . .

(2) The details of the systems shall be in general agreement with §§ 76.15-5 through 76.15-40 insofar as is reasonable and practicable, with the exception of § 76.15-5(e) (1) through (3) covering spaces other than cargo spaces, which systems may be installed in accordance with subparagraphs (3) through (6) of this paragraph. However, the foregoing exception shall not be permitted for vessels on an international voyage.

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

15. The authority note for Part 77 is amended to read as follows:

AUTHORITY: The provisions of this Part 77 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4498, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, sec. 6(b) (1), 80 Stat. 938; 46 U.S.C. 391, 392, 404, 481, 489, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198, 49 U.S.C. 1655(b); E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a) (2), 32 F.R. 5606.

Subpart 77.35—Fireman's Outfit

16. Section 77.35-5 is amended by adding paragraphs (f), (g), and (h), reading as follows:

§ 77.35-5 General.

(f) Boots and gloves shall be of rubber or other electrically nonconducting material.

(g) The helmet shall provide effective protection against impact.

(h) Protective clothing shall be of material that will protect the skin from the heat of fire and burns from scalding steam. The outer surface shall be water resistant.

16a. Section 77.35-10 is amended by revising paragraph (a) to read as follows:

§ 77.35-10 Fireman's outfit.

(a) A fireman's outfit shall consist of one self-contained breathing apparatus with lifeline attached, one flashlight, one flame safety lamp, a rigid helmet, boots and gloves, protective clothing, and one fire ax.

PART 78—OPERATIONS

17. The authority note for Part 78 is amended to read as follows:

AUTHORITY: The provisions of this Part 78 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as

amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 17, 3, 54 Stat. 166, 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, sec. 6(b) (1), 80 Stat. 938; 46 U.S.C. 391, 392, 404, 481, 489, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198, 49 U.S.C. 1655(b); E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a) (2), 32 F.R. 5606; unless otherwise noted.

18. The authority notes for Subparts 78.07, 78.13, 78.14, 78.17, 78.30, 78.47, 78.70, and 78.80 and for §§ 78.45-1, 78.75-1 and 78.85-1 are amended by deleting references to Treasury Department Orders 167-32, 167-38, and 167-46.

Subpart 78.47—Markings for Fire and Emergency Equipment, Etc.

19. Section 78.47-53(a) is amended by inserting between the words "red" and "letters" the phrase "daylight-reflecting" so that it reads as follows:

§ 78.47-53 Automatic ventilation dampers.

(a) The manual operating positions for automatic fire dampers in ventilation ducts passing through main vertical zone bulkheads shall be identified by red daylight-reflecting letters at least one-half inch high "VENTILATION FIRE DAMPER." In addition, the open and closed positions shall be similarly marked.

SUBCHAPTER J—ELECTRICAL ENGINEERING

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

20. The authority note for Part 111 is amended to read as follows:

AUTHORITY: The provisions of this Part 111 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, 4491 as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, sec. 6(b) (1), 80 Stat. 938; 46 U.S.C. 381, 382, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 489, 366, 395, 363, 369, 367, 526p, 1333, 390b, 50 U.S.C. 198, 49 U.S.C. 1655(b); E.O. 11239 July 31 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a) (2), 32 F.R. 5606.

Subpart 111.50—Distribution and Circuit Loads

21. Section 111.50-5(c) is amended by adding a new subparagraph (2) reading as follows:

§ 111.50-5 Ship's service power circuits.

(c) Ventilation systems. . . .

(2) The remote control means for stopping accommodation and machinery space ventilation fans required by this paragraph shall be provided on all passenger vessels on an international voyage regardless of the date of construction.

Subpart 111.65—Special Requirements for Certain Locations and Systems

22. Section 111.65-15(a) is amended by revising subparagraph (2) and by adding a new subparagraph (3), reading as follows:

§ 111.65-15 Special requirements for motion picture projection rooms and projection equipment.

(a) General. . . .

(2) Nonprofessional type projectors. Projectors of the nonprofessional or miniature type may be operated without a projection room.

(3) Film. Only acetate or slow-burning film may be used. Nitrocellulose film is specifically prohibited.

PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

23. The authority note for Part 112 is amended to read as follows:

AUTHORITY: The provisions of this Part 112 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 36 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 489, 366, 395, 363, 369, 367, 526p, 1333, 390b, 50 U.S.C. 198, 49 U.S.C. 1566(b); E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(2), 32 F.R. 5606.

Subpart 112.90—Emergency Lighting and Power Systems for Vessels Contracted for Prior to November 19, 1952

24. Subpart 112.90 is amended by inserting after § 112.90-1 a new § 112.90-3 reading as follows:

§ 112.90-3 Emergency lighting and power systems for passenger vessels, contracted for prior to November 19, 1952, on an international voyage.

(a) The emergency lighting and power systems for passenger vessels, contracted for prior to November 19, 1952, on an international voyage shall meet the applicable standards of Subparts 112.05 through 112.55.

25. Section 112.90-5 is amended by changing the heading and paragraph (a) to read as follows:

§ 112.90-5 Emergency lighting system for ocean and coastwise passenger vessels, contracted for prior to November 19, 1952, other than passenger vessels on an international voyage.

(a) The emergency lighting system for ocean and coastwise vessels, contracted

for prior to November 19, 1952, other than passenger vessels on an international voyage, shall be in accordance with this section.

26. Section 112.90-10 is amended by changing the heading and paragraph (a) to read as follows:

§ 112.90-10 Emergency lighting system for passenger vessels, contracted for prior to November 19, 1952, other than ocean and coastwise passenger vessels and passenger vessels on an international voyage.

(a) The emergency lighting system for passenger vessels, contracted for prior to November 19, 1952, other than ocean and coastwise passenger vessels and passenger vessels on an international voyage, shall be in accordance with this section.

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

27. The authority note for Part 113 is amended to read as follows:

AUTHORITY: The provisions of this Part 113 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 36 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 489, 366, 395, 363, 369, 367, 526p, 1333, 390b, 50 U.S.C. 198, 49 U.S.C. 1565(b); E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(2), 32 F.R. 5606.

Subpart 113.25—General Alarm Systems

28. Section 113.25-5 is amended to read as follows:

§ 113.25-5 Operation.

(a) The general alarm system shall consist of electric vibrating bells located throughout passengers' and crew's quarters, machinery spaces, and work spaces, and so located as to warn all occupants in an emergency. The general alarm system shall be operated by means of manually operated contact makers with one contact maker located in the wheelhouse. Except for the one located in the wheelhouse, all contact makers shall be protected against tampering by an enclosure provided with a breakable transparent window.

(b) On passenger vessels and cargo and miscellaneous vessels the general alarm system shall be operated by two readily accessible, manually operated contact makers. One contact maker shall be located in the same space as the feeder distribution panel, or, if no feeder distribution panel is provided, in the same space as the branch circuit distribution

panel. The other contact maker shall be located in the wheelhouse. Where the general alarm power supply is in or adjacent to the wheelhouse only one contact maker need be provided. One additional contact maker may be installed at an accessible location.

(c) On tank vessels four manually operated contact makers shall be provided in accessible locations for operating the general alarm system. The contact makers shall be provided at the following locations: (1) Wheelhouse, (2) space where feeder distribution panel is located, (3) deck officers' quarters furthest from engine room, and (4) engine room. Where feeder distribution panels are not provided a contact maker shall be provided in the same space as the branch circuit distribution panel. Where the general alarm power supply is located in or adjacent to the wheelhouse the requirement that a contact maker be provided in the space where the feeder distribution panel is located is not applicable.

(d) On vessels on which an emergency squad is organized, on vessels having a manual fire alarm system, and on all passenger vessels (regardless of date of construction) on an international voyage, an independent manually operated contact maker shall be located in the wheelhouse and so connected as to operate only the general alarm bells located in crew's quarters and machinery spaces.

(1) In lieu of this arrangement on vessels on an international voyage, a separate special alarm system may be fitted for the same purpose, and to sound in the same areas.

29. Section 113.25-10(b) is amended by revising subparagraph (1) and by adding a new subparagraph (7), reading as follows:

§ 113.25-10 General requirements.

(b) Distribution of general alarm system feeders and branch circuits. (1) A feeder distribution panel shall be provided to divide the system into the required number of zone feeders. The distribution panel shall afford overcurrent protection for each zone feeder, but no disconnect switches shall be provided. The distribution panel shall be located in an enclosed space adjacent to the general alarm battery enclosure. If the arrangement of the vessel is such that only one zone feeder is required, the branch circuit distribution panel required by this paragraph may be substituted for the feeder distribution panel.

(7) General alarm feeders and branch circuit cables shall be located in passageways and shall avoid staterooms, lockers, galleys, machinery spaces, and other enclosed spaces except insofar as it is necessary to supply general alarm bells in those spaces.

30. Section 113.25-90 is amended by adding a new paragraph (d) reading as follows:

§ 113.25-90 General alarm system for existing vessels.

(d) All passenger vessels, regardless of the date of construction, on an international voyage shall have general alarm systems meeting the requirements in §§ 113.25-5(d) and 113.25-10(b).

Subpart 113.50—Emergency Loudspeaker System

31. Section 113.50-5(a) is amended by adding at end thereof a new subparagraph (7) reading as follows:

§ 113.50-5 General requirements.

(a) * * *

(7) Accommodation spaces and service spaces.

32. Section 113.50-90(b) (1) is amended by adding at the end thereof a new subdivision (v) reading as follows:

§ 113.50-90 Emergency loudspeaker systems for existing vessels.

(b) General requirements. (1) * * *

(v) Accommodation spaces and service spaces.

Dated: December 14, 1967.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67-14713; Filed, Dec. 19, 1967;
8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department
of Transportation

[CGFR 67-90]

FIRE PROTECTION FOR TANK AND
CARGO VESSELS

1. Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of January 24, 1967 (32 F.R. 795-807), and the Merchant Marine Council Public Hearing Agenda dated March 20, 1967 (CG-249), the Merchant Marine Council held a public hearing on March 20, 1967, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items PH 1-67 to PH 13-67, inclusive. Item PH 6-67 (CG-249, pages 117 to 125, inclusive) contained proposals regarding fire protection for tank and cargo vessels. These proposals are adopted and set forth in this document.

2. Interested persons have been afforded an opportunity to participate in the consideration of these proposals. The Merchant Marine Council's actions with respect to comments received and proposals in Item PH 6-67 are approved.

3. As stated in 46 CFR 30.01-15 and various sections in Part 92 the amendments in this document are not retroactive in effect. Existing structure arrangements and materials previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. The requirements in these amendments apply to new vessels contracted for on or after the effective date of these changes and to new installations or major alterations on existing vessels made on or after the effective date of these changes. As described in the regulations, the fire-fighting equipment amendments to 46 CFR Parts 34, 95, and 97 apply to both new and existing vessels. The amendments to the rules and regulations in this document shall be effective on and after July 1, 1968; however, the regulations in this document may be complied with in lieu of existing requirements prior to that date.

4. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, United States Code, and the delegation of authority in 49 CFR 1.4(a)(2) to prescribe rules and regulations in accordance with the laws cited with the regulations below:

SUBCHAPTER D—TANK VESSELS

PART 32—SPECIAL EQUIPMENT, MA-
CHINERY, AND HULL REQUIRE-
MENTSSubpart 32.57—Structural Fire Pro-
tection for Tank Vessels Contracted
for On or After January 1, 1963

5. Section 32.57-5 is amended by adding a new paragraph (g) reading as follows:

CG 123

CG 123

§ 32.57-5 Definitions—TB/ALL.

(g) *Stairtower*. A stairtower is a stairway which penetrates more than a single deck within the same enclosure.

6. Section 32.57-10(d) is amended by revising subparagraphs (2), (4), and (9) to read as follows:

§ 32.57-10 Construction—TB/ALL.

(2) Stairtowers, elevator, dumbwaiter, and other trunks shall be of "A" Class construction.

(4) The integrity of any deck in way of a stairway opening, other than a stairtower, shall be maintained by means of "A" or "B" Class bulkheads and doors at one level. The integrity of a stairtower shall be maintained by "A" Class doors at every level. The doors shall be of the self-closing type. Such doors shall be fitted with a suitable kickout panel in the lower half. Holdback hooks, or other means of permanently holding the door open will not be permitted. However, magnetic holdbacks operated from the bridge or from other suitable remote control positions are acceptable.

(9) Bulkheads, linings and ceilings may have a combustible veneer within a room not to exceed $\frac{3}{8}$ of an inch in thickness. However, combustible veneers, trim, decorations, etc., shall not be used in corridors or hidden spaces. This is not intended to preclude the use of an approved interior finish or a reasonable number of coats of paint.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, sec. 6(b)(1), 80 Stat. 938; 50 U.S.C. 198, 49 U.S.C. 1655(b); E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp.; 49 CFR 1.4(a)(2))

PART 34—FIREFIGHTING EQUIPMENT

7. The authority note for Part 34 is amended to read as follows:

AUTHORITY: The provisions of this Part 34 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply R.S. 4488, as amended, sec. 3, 68 Stat. 675, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 481, 50 U.S.C. 198, 49 U.S.C. 1655(b); E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp.; 49 CFR 1.4(a)(2).

Subpart 34.05—Firefighting Equipment, Where Required

8. Section 34.05-5(a) (7) is amended to read as follows:

§ 34.05-5 Fire-extinguishing systems—T/ALL.

(7) *Internal combustion installations*. Fire-extinguishing systems shall be provided for internal combustion installations in accordance with the following:

(i) If a fire-extinguishing system is installed to protect an internal combustion installation, the system shall be of the carbon dioxide type.

(ii) On vessels of 1,000 gross tons and over on an international voyage, the construction or conversion of which is contracted for on or after May 26, 1965, a fixed carbon dioxide system shall be installed in all spaces containing internal combustion or gas turbine main propulsion machinery, auxiliaries with an aggregate power of 1,000 b.h.p. or greater, or their fuel oil units, including purifiers, valves, and manifolds.

(iii) On vessels of 1,000 gross tons and over, the construction, conversion or automation of which is contracted for on or after January 1, 1968, a fixed carbon dioxide system shall be installed in all spaces containing internal combustion or gas turbine main propulsion machinery, auxiliaries with an aggregate power of 1,000 b.h.p. or greater, or their fuel oil units, including purifiers, valves and manifolds.

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 90—GENERAL PROVISIONS

9. The authority note for Part 90 is amended to read as follows:

AUTHORITY: The provisions of this Part 90 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4426, as amended, 4427, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 381, 362, 404, 405, 366, 395, 363, 367, 526p, 50 U.S.C. 198, 49 U.S.C. 1655(b); E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp.; 49 CFR 1.4(a)(2).

Subpart 90.10—Definition of Terms Used in This Subchapter

10. Subpart 90.10 is amended by revising § 90.10-15 and redesignating it as § 90.10-14, and by adding new § 90.10-15 and 90.10-16, which read as follows:

§ 90.10-14 Headquarters.

This term means the Office of the Commandant, U.S. Coast Guard, Department of Transportation, Washington, D.C. 20591.

§ 90.10-15 Industrial personnel.

This term means every person carried on board an industrial vessel for the sole purpose of carrying out the industrial business or functions of the industrial vessel. Examples of industrial personnel include tradesmen, such as mechanics, plumbers, electricians, and welders; laborers, such as wreckers and construction workers; and other persons, such as supervisors, engineers, technicians, drilling personnel, and divers.

§ 90.10-16 Industrial vessel.

This term means every vessel which by reason of its special outfit, purpose, de-

sign, or function engages in certain industrial ventures. Included in this classification are such vessels as drill rigs, missile range ships, dredges, cable layers, derrick barges, pipe lay barges, construction and wrecking barges. Excluded from this classification are vessels carrying freight for hire or engaged in oceanography, limnology, or the fishing industry.

PART 92—CONSTRUCTION AND ARRANGEMENT

11. The authority note for Part 92 is amended to read as follows:

AUTHORITY: The provisions of this Part 92 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 63 Stat. 675, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 391, 392, 404, 481, 482, 395, 363, 367, 50 U.S.C. 198, 49 U.S.C. 1655(b); E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp.; 49 CFR 1.4(a)(2); unless otherwise noted.

Subpart 92.01—Hull Structure

§ 92.01-5 [Amended]

12. The authority note following § 92.01-5 *Vessels subject to load line* is amended by deleting "Treasury Department Order 167-48, October 19, 1962, 27 F.R. 10504".

Subpart 92.07—Structural Fire Protection

13. Section 92.07-1 is amended to read as follows:

§ 92.07-1 Application.

(a) The provisions of this subpart, with the exception of § 92.07-90, shall apply to all vessels of 4,000 gross tons and over contracted for on or after January 1, 1962. Such vessels contracted for prior to January 1, 1962, shall meet the requirements of § 92.07-90(a).

(b) The provisions of this subpart, with the exception of § 92.07-90, shall apply to all industrial vessels of 300 gross tons and over but less than 4,000 gross tons, contracted for on or after July 1, 1968, which carry in excess of 12 industrial personnel. Such vessels contracted for prior to July 1, 1968, shall meet the requirements of § 92.07-90(b).

14. Section 92.07-5 is amended by adding a new paragraph (g) reading as follows:

§ 92.07-5 Definitions.

(g) *Stairtower*. A stairtower is a stairway which penetrates more than a single deck within the same enclosure.

15. Section 92.07-10(d) is amended by revising subparagraphs (2), (4), and (9) to read as follows:

§ 92.07-10 Construction.

(d) . . .

RULES AND REGULATIONS

(2) Stairtowers, elevator, dumbwaiter, and other trunks shall be of "A" Class construction.

(4) The integrity of any deck in way of a stairway opening, other than a stairtower, shall be maintained by means of "A" or "B" class bulkheads and doors at one level. The integrity of a stairtower shall be maintained by "A" Class doors at every level. The doors shall be of self-closing type. Holdback hooks, or other means of permanently holding the door open will not be permitted. However, magnetic holdbacks operated from the bridge or from other suitable remote control positions are acceptable.

(9) Bulkheads, linings, and ceilings may have a combustible veneer within a room not to exceed $\frac{1}{8}$ of an inch in thickness. However, combustible veneers, trim, decorations, etc., shall not be used in corridors or hidden spaces. This is not intended to preclude the use of an approved interior finish or a reasonable number of coats of paint.

16. Section 92.07-90 is amended to read as follows:

§ 92.07-90 Vessels contracted for prior to July 1, 1968.

(a) For all vessels of 4,000 gross tons and over contracted for prior to January 1, 1962, existing structure arrangements and materials previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction. Major alterations and conversions shall be in compliance with the provisions of this subpart to the satisfaction of the Officer in Charge, Marine Inspection.

(b) For industrial vessels of 300 gross tons and over but less than 4,000 gross tons, contracted for prior to July 1, 1968, which carry in excess of 12 industrial personnel, existing structure arrangements and materials previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction. Major alterations and conversions shall be in compliance with this subpart to the satisfaction of the Officer in Charge, Marine Inspection.

PART 95—FIRE PROTECTION EQUIPMENT

17. The authority note for Part 95 is amended to read as follows:

AUTHORITY: The provisions of this Part 95 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675, sec. 6(b) (1), 80 Stat. 938; 50 U.S.C. 198, 49 U.S.C. 1655(b); E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp.; 49 CFR 1.4(a) (2).

Subpart 95.05—Fire Detecting and Extinguishing Equipment, Where Required

18. Section 95.05-10(e) is amended to read as follows:

§ 95.05-10 Fixed fire extinguishing systems.

(e) Fire extinguishing systems shall be provided for internal combustion installations in accordance with the following:

(1) If a fixed fire-extinguishing system is installed to protect an internal combustion propelling machinery installation, the system shall be of the carbon dioxide type.

(2) On vessels of 1,000 gross tons and over on an international voyage, the construction or conversion of which is contracted for on or after May 26, 1965, a fixed carbon dioxide system shall be installed in all spaces containing internal combustion or gas turbine main propulsion machinery, auxiliaries with an aggregate power of 1,000 b. hp. or greater, or their fuel oil units, including purifiers, valves, and manifolds.

(3) On vessels, the construction, conversion or automation of which is contracted for on or after July 1, 1968, the systems shall be in accordance with the following:

(i) A fixed carbon dioxide system shall be installed in any space containing machinery using fuel having a flashpoint of less than 110° F.

(ii) On vessels of 1,000 gross tons and over, a fixed carbon dioxide system shall be installed in all spaces containing internal combustion or gas turbine main propulsion machinery, auxiliaries with an aggregate power of 1,000 b. hp. or greater,

or their fuel oil units, including purifiers, valves, and manifolds.

PART 97—OPERATIONS

19. The authority note for Part 97 is amended to read as follows:

AUTHORITY: The provisions of this Part 97 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 68 Stat. 675, sec. 6(b) (1), 80 Stat. 938; 46 U.S.C. 391, 392, 404, 435, 395, 363, 367, 50 U.S.C. 198, 49 U.S.C. 1655(b); E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp.; 49 CFR 1.4(a) (2); unless otherwise noted.

20. The authority notes for Subparts 97.07, 97.13, 97.14, 97.15, 97.33, 97.34, 97.37, 97.55, and 97.70 and for §§ 97.60-1 and 97.75-1 are amended by deleting references to Treasury Department Orders 120, 167-38, and 167-46.

Subpart 97.70—Power-Operated Industrial Trucks

21. Section 97.70-30(b) is amended to read as follows:

§ 97.70-30 Stowage of power-operated industrial trucks aboard a vessel.

(b) Power-operated industrial trucks not meeting the conditions set forth in paragraph (a) of this section shall be stowed on the open deck except for intervals such as lunch hours, between work shifts, interdock and intraport movements. If stowed in a fixed metal enclosure located on or above the weather deck, such enclosure, in addition to having the carbon dioxide extinguishing system required by § 95.05-10(c) of this subchapter, shall have access from the weather deck only and shall have adequate ventilation, so arranged as to remove vapors from both the upper and lower portions of the space.

(R.S. 4417a, as amended, 4472, as amended, 4488, as amended, 4491, as amended; 46 U.S.C. 391a, 170, 481, 469)

Dated: January 17, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[P.R. Doc. 68-970; Filed, Jan. 25, 1968;
8:45 a.m.]

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**Title 33—NAVIGATION AND
NAVIGABLE WATERS**

**Chapter I—Coast Guard, Department
of the Treasury**

[CGFR 66-32]

**MISCELLANEOUS AMENDMENTS TO
CHAPTER**

Pursuant to the notices of proposed rule making published in the **FEDERAL REGISTER** of February 10 and 25, 1966 (31 F.R. 2602-2614, and 3122-3124), and the Merchant Marine Council Public Hearing Agenda dated March 21, 1966 (CG-249), the Merchant Marine Council held a Public Hearing on March 21, 1966, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I to XII, inclusive.

This document is the fourth of a series regarding the regulations and actions considered at the 1966 Public Hearing and Annual Session of the Merchant Marine Council. This document contains the actions taken with respect to the following:

Item I—Recreational Boating. Ia. Uniform State Waterway Marker System; private aids to navigation.

Item IX—Rules of the road. IXa. Marina del Rey, Calif., line of demarcation between Inland waters and International waters.

IXb. Posting pilot rules on Great Lakes vessels.

IXe. Distinctive blue lights authorized for use by law enforcement vessels.

Commandant's actions. The proposals designated IXa, IXb, and IXe, in the above list, are approved as published in the Agenda (CG-249) and the regulations are set forth in this document. The proposals designated Ia, as revised, are approved and set forth in this document. The actions of the Merchant Marine Council with respect to comments received regarding these proposals are approved.

The proposals regarding the Uniform State Waterway Marker System (Item Ia) were revised to clarify application or intent as suggested in some of the comments received. Where appropriate, changes have been incorporated into the regulations. The significant revisions are as follows:

A. With respect to Coast Guard-State agreements, the text of 33 CFR 66.05-20 was revised to agree with current policies followed and to reflect several changes set forth in comments received. When a waterway is located within the area of jurisdiction of more than one Coast Guard District, the District Commander in whose district the State capital is located will execute the agreement on behalf of the Coast Guard.

B. With respect to the proposed requirement for uniformity of size, shape, material and construction of markers or for the numbers, letters or words on markers to be uniform within a State, it was not adopted and has been deleted (33 CFR 66.10-20(a) and 66.10-25(a)).

C. The use of reflector materials on buoys was changed to permit use of reflectors or retroreflective material (33 CFR 66.05-20(c)(4) and 66.10-30(a)).

D. Regarding mooring (anchor) buoys and the regulatory markers, the proposed minimum requirements of 3 inch bands were deleted (33 CFR 66.10-45(a) and 66.10-5 (b) and (d)).

Other changes in regulations. The other amendments in this document to the rules and regulations in 33 CFR Chapter I which were not described in the **FEDERAL REGISTER** of February 10 and 25, 1966 (31 F.R. 2602, 2611, 3122, and 3123), are considered to be interpretations of law, editorial corrections or revised requirements so that the rules and regulations in the Code of Federal Regulations will be in agreement with regulations published in Coast Guard pamphlets, and it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is unnecessary with respect to such changes.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code and Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521) and others

specifically listed with the various rules and regulations below, the following actions are ordered:

1. The rules and regulations in 33 CFR Chapter I shall be amended in accordance with the changes in this document.

2. The amendments to the regulations shall be effective October 1, 1966, unless another date is specifically provided in this document.

3. The rules and regulations in this document may be compiled with during the period prior to the effective date specified in lieu of existing requirements.

SUBCHAPTER C—AIDS TO NAVIGATION PART 66—PRIVATE AIDS TO NAVIGATION

1. The authority for Part 66 is amended to read as follows:

AUTHORITY: The provisions of this Part 66 issued under sec. 92, 63 Stat. 603; 14 U.S.C. 92. Interpret or apply secs. 83, 85, 833, 63 Stat. 500, 601, as amended, 833, 43 U.S.C. 1333. Treasury Dept. Orders 167-15, Jan. 3, 1955, 20 F.R. 840; 167-17, June 29, 1955, 20 F.R. 4976. Other statutory provisions interpreted or applied are cited to text in parentheses.

2. Part 66 is amended by adding after § 66.01-55 Subpart 66.05, consisting of §§ 66.05-1 to 66.05-40, inclusive and Subpart 66.10, consisting of §§ 66.10-1 to 66.10-45, inclusive, which read as follows:

Subpart 66.05—State Aids to Navigation

- | | |
|----------|--|
| Sec. | |
| 66.05-1 | Purpose. |
| 66.05-5 | Definition of terms used in this subpart and Subpart 66.10. |
| 66.05-10 | State waters for private aids to navigation; designations, revisions, and revocations. |
| 66.05-20 | Coast Guard-State agreements. |
| 66.05-25 | Change and modification of State aids to navigation. |
| 66.05-30 | Notice to Mariners. |
| 66.05-35 | Private aids to navigation other than State owned. |
| 66.05-40 | Corps of Engineers' approval. |

Subpart 66.10—Uniform State Waterway Marking System

- | | |
|----------|---|
| 66.10-1 | General. |
| 66.10-5 | Regulatory markers. |
| 66.10-10 | Geometric shapes and wording on regulatory markers. |
| 66.10-15 | Aids to navigation. |
| 66.10-20 | Size, shape, material and construction of markers. |
| 66.10-25 | Numbers, letters or words on markers. |
| 66.10-30 | Reflectors or retroreflective materials. |
| 66.10-35 | Navigational lights. |
| 66.10-40 | Ownership identification. |
| 66.10-45 | Mooring (anchor) buoys. |

Subpart 66.05—State Aids to Navigation

§ 66.05-1 Purpose.

(a) The purpose of the regulations in this subpart and Subpart 66.10 of this part is to prescribe the conditions under which State governments may regulate aids to marine navigation, including regulatory markers, owned by State or local

governments or private parties, in navigable waters of the United States not marked with aids by the Federal government; and to prescribe a uniform system of marine aids to navigation compatible with the United States lateral system of buoyage to which all aids to navigation regulated by a State government shall conform, except when they conform to the lateral system. The United States lateral system is described in Part 62 of this subchapter.

§ 66.05-5 Definition of terms used in this subpart and Subpart 66.10.

(a) The term "State waters for private aids to navigation" means those navigable waters of the United States which the Commandant, upon request of a State Administrator, has designated as waters within which a State government may regulate the establishment, operation, and maintenance of marine aids to navigation, including regulatory markers. The Commandant will entertain requests to make such designations with respect to navigable waters of the United States not marked by the Federal government. These designations when approved will be set forth in separate sections by States in this subpart and will briefly describe or identify waters so designated.

(b) The term "Uniform State Waterway Marking System" (USWMS) means the system of private aids to navigation, including regulatory markers, which may be operated in State waters for private aids to navigation. Subpart 66.10 of this part describes the Uniform State Waterway Marking System.

(c) The term "State Administrator" means the official of a State having power under the law of the State to regulate, establish, operate or maintain maritime aids to navigation on waters over which the State has jurisdiction.

(d) The term "State aids to navigation" means all private marine aids to navigation operated in State waters for private aids to navigation, whether owned by a State, political subdivisions thereof or by individuals, corporations, or organizations.

(e) The term "regulate State maritime aids to navigation" means to control the establishment, disestablishment, operation and maintenance of State aids to navigation.

§ 66.05-10 State waters for private aids to navigation; designations, revisions, and revocations.

(a) A State Administrator who desires to regulate State maritime aids to navigation in the navigable waters of the United States not marked by the Federal Government, shall request the Commandant to designate the specific bodies of water involved as State waters for private aids to navigation.

(b) The request shall be forwarded to the District Commander in whose district the bodies of water are located. The request shall give the name and description of the waterway; the extent of use being made of the waterway for marine navigation, in general terms; an appropriate chart or sketch of the area;

and a general outline of the nature and extent of the State aids to navigation which the Administrator plans to establish in the waterway.

(c) The District Commander shall review the request and consult with the State Administrator concerning the terms of an initial agreement to be entered into under provisions of § 66.05-20. When they have arrived at terms of an agreement satisfactory to both, the District Commander shall forward the request to the Commandant with his recommendations and the terms of agreement mutually settled upon. If they cannot reach such agreement, the District Commander shall forward the request with his recommendations and a statement of the points agreed upon and the points remaining at issue.

(d) Upon receipt of the request, the Commandant will determine whether or not approval of the request is in the public interest and will inform the State Administrator and the District Commander of the Coast Guard's decision. If the request is approved, the designation by the Commandant of the waters in question as State waters for private aids to navigation will be also defined and described in this subpart.

(e) The Commandant may, upon his own initiative or upon request, revoke or revise any designations of State waters for private aids to navigation previously made by him. Written notice shall be given the State Administrator of the action contemplated by the Commandant. The State Administrator will be afforded a period of not less than 30 days from the date of the notice in which to inform the Commandant of the State's views in the matter before final action is completed to revoke or revise such designation.

§ 66.05-20 Coast Guard-State agreements.

(a) The District Commander in whose District a waterway is located may enter into agreements with State Administrators permitting a State to regulate aids to navigation, including regulatory markers, in State waters for private aids to navigation, as, in the opinion of the District Commander, the State is able to do in a manner to improve the safety of navigation. When a waterway is located within the area of jurisdiction of more than one Coast Guard District, the District Commander in whose District the State capital is located shall execute the agreement in behalf of the Coast Guard. All such agreements shall reserve to the District Commander the right to inspect the State aids to navigation at any time without prior notice to the State. They shall stipulate that State aids to navigation will conform to the Uniform State Waterway Marking System or to the lateral system of buoyage and that the State Administrator will modify or remove State aids to navigation without expense to the United States when so directed by the District Commander, subject to the right of appeal on the part of the State Administrator to the Commandant.

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Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department
of the Treasury

SUBCHAPTER A—GENERAL
[CGFR 66-40]

PART 3—COAST GUARD DISTRICTS, MARINE INSPECTION ZONES AND CAPTAIN OF THE PORT AREAS

Subpart 3.55—Eleventh Coast Guard
District

SUBCHAPTER M—COAST GUARD VESSELS
PART 135—LIGHTS FOR COAST
GUARD VESSELS OF SPECIAL CON-
STRUCTION

Miscellaneous Amendments

The 82-foot and the 95-foot WPB
Classes of Coast Guard cutters have a

limited mast height. Because of special construction of these vessels, it is not possible to provide the 6-foot vertical separation between the three white lights required to be displayed by Rule 3(a), International Rules, when such vessels are towing and the length of the tow exceeds 600 feet. Rule 3(a), International Rules (33 U.S.C. 1063) requires in part that the vertical separation of the three white towing lights, when the length of tow exceeds 600 feet, shall be not less than 6 feet above or below the middle light. It is hereby found that the 82-foot and 95-foot WPB Classes of Coast Guard cutters are vessels of special construction and cannot comply with the requirements in Rule 3(a), International Rules, and are therefore exempt. It is hereby found and certified that the requirements for these vessels, as described in 33 CFR 135.47 in this document, conform as closely as feasible to the applicable requirements for the vertical separation of the three white towing lights. Except as otherwise provided, the Coast Guard vessels described in this document are in full compliance with the other provisions of the applicable International Rules and Inland Rules governing the areas where such vessels may be operated.

The amendment to 33 CFR 135.35(b) corrects the designation for the U.S.C.-G.C. COURIER from "(WAGR-410)" to "(WTR-410)".

The amendments to 33 CFR 3.55-55 and 3.55-60 revise the boundary descriptions of the Captain of the Port Areas in the 11th Coast Guard District in order to provide better administration of Port Security matters.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521) 167-17 dated June 29, 1955 (20 F.R. 4976) and 167-64 dated Dec. 7, 1964 (29 F.R. 17123), as well as the laws cited with the rules and regulations below, the following changes are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

I. In Part 3:

1. Section 3.55-55 is amended to read as follows:

§ 3.55-55 San Diego Captain of the Port.

(a) The San Diego Captain of the Port is located in San Diego, California.

(b) The San Diego Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas within the following boundaries: A line starting from the California coast at 33°23' N. latitude; thence due east to 117° W. longitude; thence due south to the international border; thence westerly along this border to the Pacific Coast; thence northwesterly to 32°48.2' N. latitude, 118°25.5' W. longitude; thence northwesterly to 33° N. latitude, 118°45' W. longitude, thence northeasterly to the starting point.

2. Section 3.55-60 is amended to read as follows:

RULES AND REGULATIONS

§ 3.55-60 Los Angeles Captain of the Port.

(a) The Los Angeles Captain of the Port is located in Long Beach, Calif.

(b) The Los Angeles Captain of the Port area shall comprise all navigable waters of the United States and contiguous land areas within the following boundaries: A line starting from the California coast at 34°58' N. latitude (mouth of the Santa Maria River) due east to 120° W. longitude; thence southeasterly to 34° N. latitude, 117° W. longitude; thence due south to 33°23' N. latitude, 117° W. longitude; thence due west to the Pacific Coast; thence southwesterly to 33° N. latitude, 118°45' W. longitude; thence northwesterly to 33°10' N. latitude, 119°34' W. longitude; thence northwesterly to 34°01.3' N. latitude, 120°27.8' W. longitude; thence northerly to 34°34.6' N. latitude, 120°38.9' W. longitude (Point Arguello Light House); thence northerly along the Pacific Coast to the starting point.

(Sec. 3, 60 Stat. 238, sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; 167-17, June 29, 1955, 20 F.R. 4375)

II. In Part 135:

§ 135.35 [Amended]

1. Section 135.35 *International Rules and Inland Rules; height and arc of visibility of after anchor light* is amended by changing the designation for the U.S.C.G.C. COURIER from "(WAGR-410)" to "(WTR-410)".

2. Part 135 is amended by inserting a new section after § 135.45 reading as follows:

§ 135.47 International Rules; vertical separation of towing lights.

(a) Rule 3(a), International Rules, requires in part that "A power-driven vessel . . . when towing and the length of the tow, measuring from the stern of the towing vessel to the stern of the last vessel towed, exceeds 600 feet, shall carry three white lights in a vertical line one over the other, so that the upper and lower lights shall be the same distance from, and not less than 6 feet above or below the middle light. . . ." (33 U.S.C. 1063) Because of special construction, the Coast Guard vessels described in this section cannot comply with this requirement and are therefore exempted.

(b) All Coast Guard cutters of the 82-foot and 95-foot WPB Classes, when required to display towing lights consisting of three white lights in a vertical line one over the other, shall display such lights in a vertical line so that the upper and lower lights shall be the same distance from, and not less than 3 feet above or below the middle light.

(Sec. 1, 59 Stat. 590, sec. 2, 77 Stat. 104; 33 U.S.C. 360, 1052. Interpret or apply sec. 5, 62 Stat. 250, sec. 4, Rule 13(b), 77 Stat. 203; 33 U.S.C. 356, 1073. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; 167 8, Nov.

17, 1953, 18 F.R. 7571; 167-64, Dec. 7, 1964, 29 F.R. 17123)

Dated: July 25, 1966.

[SEAL]

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 66-8381; Filed, Aug. 1, 1966;
8:46 a.m.]

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ward exterior of the vessel. A shield or other device, fixed or movable, to restrict the arc of visibility may be used if desired.

(c) The distinctive blue light described in this section may be displayed by law enforcement vessels of the United States, a State, or its political subdivisions, including municipalities, having administrative control over use of navigable waters, duly authorized by a controlling Federal or State governmental agency.

(R.S. 4233A, as amended; 33 U.S.C. 353, Treasury Dept. Order 167-33, Sept. 23, 1958, 23 F.R. 7592)

SUBCHAPTER K—SECURITY OF VESSELS

PART 124—CONTROL OVER MOVEMENT OF VESSELS

§ 124.10 [Amended]

Section 124.10 *Advance notice of vessel's time of arrival to Captain of the Port* is amended by changing in paragraph (a) (6) the phrase from "Atlantic Merchant Vessel Report (AMVER) System" to "Automated Merchant Vessel Report (AMVER) System"; and in paragraph (b) (4) the phrase from "Atlantic Merchant Vessel Report (AMVER) System" to "Automated Merchant Vessel Report (AMVER) System". (This change in name is made to show that the AMVER system was expanded to include merchant vessels plying waters worldwide).

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191; E.O. 10173, as amended, 15 F.R. 7005, 3 CFR, 1950 Supp.)

Dated: July 26, 1966.

[SEAL]

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 66-8363; Filed, July 29, 1966; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

PART 9-12—LABOR

Subpart 9-12.54—Conduct of Employees and Consultants of AEC Cost-Type Contractors and Certain Other Contractors

PART 9-16—PROCUREMENT FORMS

Subpart 9-16.50—Contract Outlines

MISCELLANEOUS AMENDMENTS

The following section is added to § 9-7.5006:

§ 9-7.5006-55 *Avoidance of conflicts of interest (contracts with universities where AEC has major investments in facilities but does not own or lease the land).*

The parties agree that the university has adopted policies and procedures, designed to avoid conflict-of-interest situations, which are in substantial conformance with the Joint Statement of the Council of American Association of University Professors and the American Council on Education of December 1964, entitled "On Preventing Conflicts of Interest in Government-Sponsored Research at Universities," which policies and procedures will be applied in connection with this contract.

Section 9-12.5400, *Scope of subpart*, is revised to read as follows:

§ 9-12.5400 *Scope of subpart.*

This subpart establishes the policies of the Atomic Energy Commission concerned with maintaining satisfactory standards of conduct on the part of em-

ployees and consultants employed on AEC contract work by its cost-type contractors and certain other contractors specified in § 9-12.5401. Contracts with colleges and universities which do not involve the operation of Government-owned facilities on Government-owned or -leased land are governed by the "Policy of the Federal Council for Science and Technology Relating to Conflicts of Interest by Staff Members of Colleges and Universities" (adopted Mar. 29, 1966) and are not subject to this subpart.

Section 9-16.5002-9, *Outline of cost-type contract for research and development with educational institutions*, a footnote is added to Article B-41—Conduct of Employees, as follows:

§ 9-16.5002-9 *Outline of cost-type contract for research and development with educational institutions.*

ARTICLE B-41—CONDUCT OF EMPLOYEES²

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 206, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 25th day of July 1966.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 66-8321; Filed, July 29, 1966; 8:45 a.m.]

² This article is included only in contracts within the scope of AECPR 9-12.54. In the case of contracts not within the scope of AECPR 9-12.54 but where AEC has major investments in facilities, see the clause set forth in AECPR 9-7.5006-55.

3. Section 82.215 is amended to read as follows:

§ 82.215 Bahia de Guanica.

A line drawn from the easternmost extremity of Punta Brea through Bahia de Guanica Lighted Buoy 6; thence to the westernmost extremity of Punta Jacinto.

4. Section 82.235 is amended to read as follows:

§ 82.235 St. Thomas Harbor, St. Thomas.

A line drawn from the southernmost extremity of Red Point through West Gregerie Channel Buoy 1; thence to West Gregerie Channel Lighted Buoy 2; thence to the southernmost extremity of Flamingo Point; thence to St. Thomas Harbor Entrance Lighted Buoy 2; thence to the Green Cay.

5. Section 82.245 is amended to read as follows:

§ 82.245 Sonda de Vieques.

A line drawn from the easternmost extremity of Punta Yeguas, Puerto Rico, to a point 1 mile due south of Puerto Ferro Light; thence eastward in a straight line to a point 1 mile southeast of Punta Este Light, Isla de Vieques; thence in a straight line to the easternmost extremity of Punta del Este, Isla Culebrita. A line from the northernmost extremity of Cayo Norte to Piedra Stevens Lighted Buoy 1; thence to Las Cucarachas Light; thence to Cabo San Juan Light.

ALASKA

6. Section 82.275 is amended by changing the name from "Karagunut Island" to "Kanagunut Island" so that this section reads as follows:

§ 82.275 Bays, sounds, straits and inlets on the coast of southeastern Alaska between Cape Spencer Light and Sitklan Island.

A line drawn from Cape Spencer Light due south to a point of intersection which is due west of the southernmost extremity of Cape Cross; thence to Cape Edgumbe Light; thence through Cape Bartolome Light and extended to a point of intersection which is due west of Cape Muzon Light; thence due east to Cape Muzon Light; thence to a point which is 1 mile, 180° true, from Cape Chacon Light; thence to Barren Island Light; thence to Lord Rock Light; thence to the southernmost extremity of Garnet Point, Kanagunut Island, thence to the southeasternmost extremity of Island Point, Sitklan Island. A line drawn from the northeasternmost extremity of Point Mansfield, Sitklan Island, 040° true, to where it intersects the mainland.

(Sec. 2, 28 Stat. 672, as amended; 33 U.S.C. 151. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARYS RIVER

PART 90—PILOT RULES FOR THE GREAT LAKES

SIGNALS AND RULES OF THE ROAD

§ 90.5 [Amended]

1. Section 90.5 *Vessels approaching each other "head and head"* is amended by changing in the first sentence the phrase from "pilot of either steam vessel shall be first" to "pilot of either steam vessel may be first"; and by changing in the proviso at end of section the name from "St. Mary" to "St. Marys". (These changes are made so that the Code will agree with wording of the regulations in the Coast Guard pamphlet CG-172, Rules of the Road—Great Lakes.)

§ 90.8 [Amended]

2. Section 90.8 *Vessels running in the same direction; signals for overtaking* is amended by changing in the first sentence of paragraph (a) the phrase from "it can be safely done, and the steam vessel ahead" to "as a signal of such desire and, if the vessel ahead". (This change is made so that the Code will agree with the wording of the regulations in the Coast Guard pamphlet CG-172, Rules of the Road—Great Lakes.)

3. Section 90.15(b) (1) is amended to read as follows:

§ 90.15 Distress signals; posting of rules; diagrams; starting, stopping, and backing signals.

(b) *Posting of pilot rules.* (1) On every vessel, two copies of the pamphlet containing the Pilot Rules for the Great Lakes (CG-172) or two copies of a placard containing these Rules shall be kept posted, wherever practicable, in conspicuous places, one copy of which shall be in the pilothouse. When the pamphlet is secured in plain sight in such a manner that it can be used as a reference, it is considered to be posted.

MISCELLANEOUS

4. The centerheading preceding § 90.22 is amended to read "Miscellaneous" and the centerheading preceding § 90.25 is deleted.

5. Part 90 is amended by adding after § 90.25 a new section reading as follows:

§ 90.30 Distinctive blue light authorized for use by law enforcement vessels.

(a) The use of a distinctive light described in paragraph (b) of this section is authorized for law enforcement vessels, and may be displayed during the day or night, whenever the vessel may be engaged in direct law enforcement activities where identification of the law enforcement vessel is desirable or where necessary for safety reasons. This light when used would be in addition to prescribed lights and day signals required by law or regulations in this part.

(b) The distinctive light prescribed is a blue colored, revolving horizontal beam, low intensity light, rotating or appearing

to rotate because of a pulsating effect gained by means of a rotating reflector which causes a flashing or periodic peak intensity effect. The light shall be located at any effective point on the forward exterior of the vessel. A shield or other device, fixed or movable, to restrict the arc of visibility may be used if desired.

(c) The distinctive blue light described in this section may be displayed by law enforcement vessels of the United States, a State, or its political subdivisions, including municipalities, having administrative control over use of navigable waters, duly authorized by a controlling Federal or State governmental agency.

(Sec. 3, 28 Stat. 649, as amended; 33 U.S.C. 243. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS; ST. MARY'S RIVER, MICHIGAN

§ 92.26 [Amended]

Section 92.26 *Reporting procedures for vessels transiting the St. Mary's River* is amended by changing in the first sentence of paragraph (b) the name from "Coast Control Office" to "Coast Guard Control Office".

(Secs. 1-3, 29 Stat. 54-55, as amended; 33 U.S.C. 474. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

PART 95—PILOT RULES FOR WESTERN RIVERS

DISTRESS SIGNALS

§ 95.39 [Amended]

1. Section 95.39 *Distress signals* is amended in paragraph (a) (3) by changing the phrase from "distant signal" to "distress signal".

MISCELLANEOUS

2. Part 95 is amended by adding after § 95.75 a new section reading as follows:

§ 95.80 Distinctive blue light authorized for use by law enforcement vessels.

(a) The use of a distinctive light described in paragraph (b) of this section is authorized for law enforcement vessels, and may be displayed during the day or night, whenever the vessel may be engaged in direct law enforcement activities where identification of the law enforcement vessel is desirable or where necessary for safety reasons. This light when used would be in addition to prescribed lights and day signals required by law or regulations in this part.

(b) The distinctive light prescribed is a blue colored, revolving horizontal beam, low intensity light, rotating or appearing to rotate because of a pulsating effect gained by means of a rotating reflector which causes a flashing or periodic peak intensity effect. The light shall be located at any effective point on the for-

spaced at sufficiently close intervals to inform the user that the channel lies between the buoys and that he should pass between the buoys.

(d) Where there is no well-defined channel or when a body of water is obstructed by objects whose nature or location is such that the obstruction can be approached by a vessel from more than one direction, supplemental aids to navigation having cardinal meaning (i.e., pertaining to the cardinal points of the compass, north, east, south, and west) may be used. The use of an aid to navigation having cardinal meaning is discretionary provided that the use of such a marker is limited to wholly State owned waters and the State waters for private aids to navigation as defined and described in this part.

(e) Aids to navigation conforming to the cardinal system shall consist of three distinctly colored buoys.

(1) A white buoy with a red top may be used to indicate to a vessel operator that he must pass to the south or west of the buoy.

(2) A white buoy with a black top may be used to indicate to a vessel operator that he must pass to the north or east of the buoy.

(3) In addition, a buoy showing alternate vertical red and white stripes may be used to indicate to a vessel operator that an obstruction to navigation extends from the nearest shore to the buoy and that he must not pass between the buoy and shore. The number of white and red stripes is discretionary, provided that the white stripes are twice the width of the red stripes.

§ 66.10-30 Size, shape, material and construction of markers.

(a) The size, shape, material, and construction of all markers, both fixed and floating, shall be such as to be observable under normal conditions of visibility at a distance such that the significance of the marker or aid will be recognizable before the observer stands into danger.

§ 66.10-25 Numbers, letters or words on markers.

(a) Numbers, letters or words on an aid to navigation or regulatory marker shall be placed in a manner to enable them to be clearly visible to an approaching and passing vessel. They shall be block style, well proportioned and as large as the available space permits. Numbers and letters on red or black backgrounds shall be white; numbers and letters on white backgrounds shall be black.

(b) Odd numbers shall be used to identify solid colored black buoys or black topped buoys; even numbers shall be used to identify solid colored red buoys or red topped buoys. All numbers shall increase in an upstream direction or toward the head of navigation. The use of numbers to identify buoys is discretionary.

(c) Letters only may be used to identify regulatory and the white and red vertically striped obstruction markers. When used the letters shall follow alpha-

betical sequence in an upstream direction or toward the head of navigation. The letters I and O shall be omitted to preclude confusion with numbers. The use of letters to identify regulatory markers and obstruction markers is discretionary.

§ 66.10-30 Reflectors or retroreflective materials.

(a) The use of reflectors or retroreflective materials shall be discretionary.

(b) When used on buoys having lateral significance, red reflectors or retroreflective materials shall be used on solid colored red buoys; green reflectors or retroreflective materials shall be used on solid colored black buoys; white reflectors or retroreflective materials only shall be used for all other buoys including regulatory markers, except that orange reflectors or retroreflective materials may be used on the orange portions of regulatory markers.

§ 66.10-35 Navigational lights.

(a) The use of navigational lights on State aids to navigation, including regulatory markers, is discretionary. When used, lights on solid colored buoys shall be regularly flashing, regularly occulting, or equal interval lights. For ordinary purposes the frequency of flashes may not be more than 30 flashes per minute (slow flashing). When it is desired that lights have a distinct cautionary significance, as at sharp turns or sudden constrictions in the channel or to mark wrecks or other artificial or natural obstructions, the frequency of flashes may not be less than 60 flashes per minute (quick flashing). When a light is used on a cardinal system buoy or a vertically striped white and red buoy it shall always be quick flashing. The colors of the lights shall be the same as for reflectors; a red light only on a solid colored red buoy; a green light on solid colored black buoy; white light only for all other buoys including regulatory markers.

§ 66.10-40 Ownership identification.

(a) The use and placement of ownership identification is discretionary, provided that ownership identification is worded and placed in a manner which will avoid detracting from the meaning intended to be conveyed by a navigational aid or regulatory marker.

§ 66.10-45 Mooring (anchor) buoys.

(a) Mooring buoys in State waters for private aids to navigation shall be colored white and shall have a horizontal blue band around the circumference of the buoy centered midway between the top of the buoy and the waterline.

(b) A lighted, mooring buoy shall normally display a slow flashing white light. When its location in a waterway is such that it constitutes an obstruction to a vessel operated during hours of darkness, it shall display a quick flashing white light.

(c) A mooring buoy may bear ownership identification provided that the manner and placement of the identification does not detract from the meaning

intended to be conveyed by the color scheme or identification letter when assigned.

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

PART 80—PILOT RULES FOR INLAND WATERS

MISCELLANEOUS

Part 80 is amended by adding after § 80.40 a new section reading as follows:

§ 80.45 Distinctive blue light authorized for use by law enforcement vessels.

(a) The use of a distinctive light described in paragraph (b) of this section is authorized for law enforcement vessels, and may be displayed during the day or night, whenever the vessel may be engaged in direct law enforcement activities where identification of the law enforcement vessel is desirable or where necessary for safety reasons. This light when used would be in addition to prescribed lights and day signals required by law or regulations in this part.

(b) The distinctive light prescribed is a blue colored, revolving horizontal beam, low intensity light, rotating or appearing to rotate because of a pulsating effect gained by means of a rotating reflector which causes a flashing or periodic peak intensity effect. The light shall be located at any effective point on the forward exterior of the vessel. A shield or other device, fixed or movable, to restrict the arc of visibility may be used if desired.

(c) The distinctive blue light described in this section may be displayed by law enforcement vessels of the United States, a State, or its political subdivisions, including municipalities, having administrative control over use of navigable waters, duly authorized by a controlling Federal or State governmental agency.

(Sec. 2, 30 Stat. 102, as amended; 33 U.S.C. 157. Treasury Dept. Order 167-33, Sept. 23, 1958, 23 F.R. 7592)

PART 82—BOUNDARY LINES OF INLAND WATERS

PACIFIC COAST

1. Section 82.151 is amended to read as follows:

§ 82.151 Marina del Rey.

A line from Marina del Rey Detached Breakwater Light 1 to shore, in the direction 060° true; a line from Marina del Rey Detached Breakwater North Light 2 to shore, in the direction 060° true.

PUERTO RICO AND VIRGIN ISLANDS

2. Section 82.210 is amended to read as follows:

§ 82.210 Bahia de Mayaguez.

A line drawn from the southernmost extremity of Punta Algarrobo through Manchas Interiores Lighted Buoy 3; thence to Manchas Grandes Lighted Buoy 2; thence to the northwesternmost extremity of Punta Guanajibo.

(b) A Coast Guard-State agreement shall become effective when both parties have signed the agreement. In lieu of the procedure prescribed in § 66.01-5, the agreement shall constitute blanket approval by the Commandant of the State aids to navigation, including regulatory markers, established or to be established in State waters for private aids to navigation designated or to be designated by the Commandant.

(c) In addition to the matters set forth in paragraph (a) of this section, Coast Guard-State agreements shall cover the following points, together with such other matters as the parties find it desirable to include:

(1) A description, in sufficient detail for publication in Notices to Mariners, of all aids to navigation under State jurisdiction in navigable waters of the United States in existence prior to the effective date of the agreement which have not been previously approved under the procedures of § 66.01-5.

(2) Procedures for use by the State Administrator to notify the District Commander of changes made in State aids to navigation, as required by § 66.05-25.

(3) Specification of the marking system to be used, whether the lateral system or the Uniform State Waterway Marking System, or both.

(4) Specification of standards as to minimum size and shape of markers, the use of identifying letters, the use of reflectors or retroreflective materials, and any other similar standards so as to enable Coast Guard inspectors to determine compliance with Statewide standards.

§ 66.05-25 Change and modification of State aids to navigation.

(a) Wherever a State Administrator shall determine the need for change in State aids to navigation, he shall inform the District Commander of the nature and extent of the changes as soon as possible, preferably not less than 30 days in advance of making the changes.

§ 66.05-30 Notice to Mariners.

(a) The District Commander may publish information concerning State aids to navigation, including regulatory markers, in the Coast Guard Local Notices to Mariners as he deems necessary in the interest of public safety.

(b) Notices to Mariners which concern the establishment, disestablishment, or change of State aids to navigation, including regulatory markers, may be published whenever the aids to navigation concerned are covered by navigational charts or maps issued by the U.S. Coast and Geodetic Survey, the U.S. Army Corps of Engineers, or the U.S. Lake Survey, Corps of Engineers.

§ 66.05-35 Private aids to navigation other than State owned.

(a) No person, public body or other instrumentality not under control of the Commandant or the State Administrator, exclusive of the Armed Forces of the United States, shall establish, erect or maintain in State waters for private aids to navigation any aid to navigation with-

out first obtaining permission to do so from the State Administrator. Discontinuance of any State aids to navigation may be effected by order of the State Administrator.

§ 66.05-40 Corps of Engineers' approval.

(a) In each instance where a regulatory marker is to be established in navigable waters of the United States which have been designated by the Commandant as State waters for private aids to navigation, the State Administrator is responsible for obtaining prior permission from the District Engineer, U.S. Army Corps of Engineers concerned, authorizing the State to regulate the water area involved, or a statement that there is no objection to the proposed regulation of the water area. A copy of the Corps of Engineers permit or letter of authority shall be provided by the Administrator to the District Commander upon request.

(b) Similarly, where an aid to navigation is to be placed on a fixed structure or a mooring buoy is to be established in State waters for private aids to navigation, the State Administrator shall assure that prior permission or a statement of no objection to the structures or mooring buoys proposed, is obtained from the District Engineer concerned. A copy of the permit or letter is not required by the District Commander.

Subpart 66.10—Uniform State Waterway Marking System

§ 66.10-1 General.

(a) In the navigable waters of the United States, marking to assist navigation is accomplished by a lateral system of buoyage for use with nautical charts. The Uniform State Waterway Marking System (USWMS) has been developed to provide a means to convey to the small vessel operator, in particular, adequate guidance to indicate safe boating channels by indicating the presence of either natural or artificial obstructions or hazards, marking restricted or controlled areas, and providing directions. The USWMS is suited to use in all water areas and designed to satisfy the needs of all types of small vessels. It supplements and is generally compatible with the Coast Guard lateral system aids to navigation.

(b) The lateral system is used by the Coast Guard in marking of navigable waters of the United States and may be also used by a State Administrator for private aids to navigation.

(c) The USWMS consists of two categories of aids to navigation.

(1) A system of regulatory markers to indicate to a vessel operator the existence of dangerous areas as well as those which are restricted or controlled, such as speed zones and areas dedicated to a particular use, or to provide general information and directions.

(2) A system of aids to navigation to supplement the Federal lateral system of buoyage.

§ 66.10-5 Regulatory markers.

(a) Each regulatory marker shall be colored white with international orange geometric shapes.

(b) When a buoy is used as a regulatory marker it shall be white with horizontal bands of international orange placed completely around the buoy circumference. One band shall be at the top of the buoy body, with a second band placed just above the waterline of the buoy so that both international orange bands are clearly visible to approaching vessels. The area of buoy body visible between the two bands shall be white.

(c) Geometric shapes shall be placed on the white portion of the buoy body and shall be colored international orange. The authorized geometric shapes and meanings associated with them are as follows:

(1) A vertical open faced diamond shape to mean danger.

(2) A vertical open faced diamond shape having a cross centered in the diamond to mean that a vessel is excluded from the marked area.

(3) A circular shape to mean that a vessel operated in the marked area is subject to certain operating restrictions.

(4) A square or rectangular shape with directions or information lettered on the inside.

(d) Where a regulatory marker consists of a square or rectangular shaped sign displayed from a structure, the sign shall be white, with an international orange border. When a diamond or circular geometric shape associated with meaning of the marker is included it shall be centered on the signboard.

§ 66.10-10 Geometric shapes and wording on regulatory markers.

(a) The geometric shape displayed on a regulatory marker is intended to convey specific meaning to a vessel whether or not it should stay well clear of the marker or may safely approach the marker in order to read any wording on the marker.

§ 66.10-15 Aids to navigation.

(a) The second category of marker in the USWMS is the aid to navigation having lateral or cardinal meaning.

(b) On a well defined channel including a river or other relatively narrow natural or improved waterway, an aid to navigation shall normally be a solid colored buoy. A buoy which marks the left side of the channel viewed looking upstream or toward the head of navigation shall be colored all black. A buoy which marks the right side of the channel viewed looking upstream or toward the head of navigation shall be colored all red. On a well defined channel, solid colored buoys shall be established in pairs, one on each side of the navigable channel which they mark, and opposite each other to inform the user that the channel lies between the buoys and that he should pass between the buoys.

(c) On an irregularly defined channel, solid colored buoys may be used singly in staggered fashion on alternate sides of the channel provided they are

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 15]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Appendix A—Interpretations

OVERALL WIDTH AND STEERING CONTROLS

In response to inquiries for interpretation of Federal Motor Vehicle Safety Standards Nos. 108 (32 F.R. 2411) and 204 (32 F.R. 2414), under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of March 31, 1967 (32 F.R. 5806), as amended April 6, 1967, the following interpretations have been formulated and adopted by the National Highway Safety Bureau for the guidance of the public and are hereby published in the FEDERAL REGISTER in accordance with 5 U.S.C. 552(b).

Issued in Washington, D.C., on June 15, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD No. 108

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT—MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, TRAILERS, AND BUSES, 80 OR MORE INCHES WIDE OVERALL

The term "overall width" refers to the nominal design dimension of the widest part of the vehicle, exclusive of signal lamps, marker lamps, outside rearview mirrors, flexible fender extensions, and mud flaps, determine with doors and windows closed, and the wheels in the straight-ahead position.

This supersedes the interpretation of the term "overall width" appearing in the FEDERAL REGISTER of March 1, 1967 (32 F.R. 3390).

MOTOR VEHICLE SAFETY STANDARD No. 204

STEERING CONTROL REARWARD DISPLACEMENT—PASSENGER CARS

When conducting the barrier collision test, a driver dummy may be used without measuring the impact force developed on the chest.

In the event that the vehicle impacts the barrier at a velocity not less than 30 miles per hour nor more than 33 miles per hour, the displacement of the steering column may be corrected to 30 miles per hour by means of the following formula:

$$\frac{D_1}{D_2} = \frac{V_1}{V_2}$$

[F.R. Doc. 67-6954; Filed, June 20, 1967; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy SUBCHAPTER B—NAVIGATION

PART 706—NAVIGATIONAL LIGHT WAIVERS

Certifications of the Secretary of the Navy

Scope and purpose. Sections 360 and 1052 of Title 33, United States Code,

provide that the requirements of the Regulations for Preventing Collisions at sea, 1960, the Inland Rules, the Great Lakes Rules, and the Western River Rules as to number, position, range of visibility, or arc of visibility of lights require to be displayed by vessels shall not apply to any vessel of the Navy when the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible for such vessel or class of vessels to comply with the statutory provisions as to navigation lights.

A recent study indicates that the military design characteristics of the Auxiliary Aircraft Transport (AVT) preclude the installation of the forward 20-point white light (Masthead light) as required by Rule 2(a) of the Regulations for Preventing Collisions at Sea (33 United States Code, sec. 1062(a)).

I hereby certify that these Auxiliary Aircraft Transports (AVT) are naval vessels of special construction and, with respect to the position on such vessels of the forward 20-point white light, it is

not possible to comply with the requirements of the statutes enumerated in sections 360 and 1052, Title 33, United States Code.

Further, I do find that it is feasible to locate the said navigation light as follows:

(a) The forward 20-point white light shall be carried at a height of 26 feet or more above the hull.

Further, I certify that such locations constitute compliance as closely with the applicable statutes as I hereby find to be feasible.

Section 706.2 is amended by:

1. Adding "AVT (Auxiliary Aircraft Transport)" in Table 1 under "AIRCRAFT CARRIERS"; and

2. Revising the introductory paragraph of note 3;

to read as follows:

§ 706.2 Certifications of the Secretary of the Navy under 33 U.S.C. 360 and 1052.

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4228]

[ES-2430 (Ark.), New Mexico 1583 (Okla.)]

ARKANSAS AND OKLAHOMA

Boundary Adjustment; Ouachita National Forest

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471), as amended, and the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The boundaries of the Ouachita National Forest are hereby adjusted to include the following described lands:

ARKANSAS

FIFTH PRINCIPAL MERIDIAN

T. 2 S., R. 30 W.,

Sec. 6, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 7, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

OKLAHOMA

INDIAN MERIDIAN

T. 4 N., R. 22 E.,

Sec. 23, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 20, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 4 N., R. 25 E.,

Sec. 13, S $\frac{1}{2}$;

Sec. 14, SE $\frac{1}{4}$;

Sec. 23, E $\frac{1}{2}$;

Sec. 24.

(a) To achieve this objective, current DoD procedures (see DoD Directive 4120.3, "Defense Standardization Program," dated Apr. 23, 1965, DoD Instruction 5010.11, "Improved Management of Technical Logistics Data and Information," dated Feb. 25, 1964, and DoD Instruction 5010.12, "Technical Data and Information: Determination of Requirements and Procurement of," dated May 27, 1964), governing the generation, coordination, reproduction, and distribution of Military specifications and standards are extended to cover the engineering documentation data covered by this part.

(b) As additional engineering data files are developed and maintained by responsible DoD components (see § 267.5), they shall be incorporated in the documentation files of the Navy Publications and Printing Office to enable DoD components to refer to specific documentation "titles" or "numbers" in requests for proposals, contracts, and specifications.

§ 267.5 Responsibilities.

(a) The Director of the Office of Technical Data and Standardization Policy who is the Functional Manager for the Defense Standardization Program (see DoD Directive 4120.3, "Defense Standardization Program," dated Apr. 23, 1965, and DoD Instruction 5010.13, "Technical Data and Standardization Management," dated Dec. 28, 1964) will provide leadership and program guidance to DoD components to assure compliance with the provisions of this Instruction throughout the Department of Defense, including:

(1) A review of DoD and applicable non-DoD engineering documentation data to determine their suitability and/or potential for organizing into Engineering Data Files under the terms of this part;

(2) Establishment of quality, reliability, and currency criteria for the engineering documentation data selected for assembling into Engineering Data Files;

(3) Assignment of responsibilities to DoD components, when appropriate, for the development and maintenance of designated Engineering Data Files for joint use by all DoD components; and,

(4) Surveillance to assure effective utilization of the Engineering Data Files to satisfy DoD objectives stated in § 267.1.

(b) Heads of DoD components will:

(1) Establish procedures, consistent with this part and its implementing documents (see § 267.6), governing the review, approval, and release of engineering data with reuse potential.

(2) Exercise sufficient discipline over the technical adequacy, quality, reliability, and currency of Engineering Data Files to permit (i) the Department of the Navy to develop the operating procedures referred to in paragraph (c)(1) of this section, and (ii) other DoD components to reference these data by "title" or "number" in requests for proposals, contracts, and specifications, rather than providing actual copies of this material.

(c) Under the direction of the Secretary of the Navy, or his designee for the

purpose, the Headquarters, Navy Publications and Printing Service, will:

(1) Establish operating procedures, in coordination with ODDR&E, OASD (I&L), Military Departments, and Defense Agencies, governing the indexing, publishing, and distributing (including selling) of engineering data received from releasing DoD components.

(2) Release one (1) copy of all such data on receipt to each of the firms which has been certified (see paragraph (d) of this section) to be qualified to organize, index and distribute engineering data via mechanized retrieval systems throughout the Department of Defense, its components and its contractors.

(3) The Navy Publications and Printing Service Office (Philadelphia, Pa.) will:

(i) Assemble and provide to qualified recipients machine-readable indexes and other documented material; and,

(ii) Establish fee charges, where appropriate, to cover the full cost of such machine-oriented services, in accordance with the provisions of DoD Instruction 7230.7, "User Charges," dated December 20, 1966 (32 F.R. 6025).

(d) The Director of Technical Information, ODDR&E, who is the Functional Manager for Technical Data Systems (see DoD Instruction 5010.13, "Technical Data and Standardization Management," dated Dec. 28, 1964), will:

(1) Provide a certified list of firms qualified to provide machine-assisted engineering data services to DoD components, contractors, and subcontractors. This certification shall include:

(i) A demonstration of the technical feasibility of each firm's approach, and assurance that the distribution and retrieval system can adequately serve the intended purpose; and,

(ii) A review of each firm's maintenance of performance to insure that the technical adequacy and currency of the data is maintained at levels sufficient to sustain a certification.

(2) Assemble and maintain a current list of such firms.

§ 267.6 Effective date and implementation.

This part is effective immediately. Procedures required to implement this part shall be published in the Standardization Manual, 4120.3-M, authorized under DoD Directive 4120.3, "Defense Standardization Program," dated April 23, 1965.

MAURICE W. ROCHE,
Director, Correspondence and
Directives Division, OASD
(Administration).

DoD Doc. 67-6889; Filed, June 14, 1967;
8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER B—NAVIGATION

PART 707—DISTINCTIVE LIGHTS AUTHORIZED FOR SUBMARINES

Display by Submarines

Scope and purpose. Part 707 is amended to reflect a change in the ver-

tical placement of the submarine identification light.

Section 707.1 is amended by revising paragraph (c) to read as follows:

§ 707.1 Display of distinctive lights by submarines.

(c) U.S. submarines may therefore display an amber rotating light producing 90 flashes per minute visible all around the horizon at a distance of at least 3 miles, the light to be located not less than 2 feet, and not more than 6 feet, above the masthead light.

(Sec. 1 (art. 13), 30 Stat. 90, sec. 4 (rule 19(a)), 77 Stat. 203; 33 U.S.C. 182, 1073(a))

Dated: June 9, 1967.

By direction of the Secretary of the Navy.

[SEAL] R. H. HARE,
Rear Admiral, U.S. Navy, Acting
Judge Advocate General
of the Navy.

[F.R. Doc. 67-6751; Filed, June 14, 1967;
8:50 a.m.]

Title 46—SHIPPING

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation

[CGFR 67-39]

PART 402—GREAT LAKES PILOTAGE RULES AND ORDERS

Subpart C—Establishment of Pools by Voluntary Associations of U.S. Reg- istered Pilots

WORKING RULES OF LAKES PILOT ASSOCIATION, INC., PORT HURON, MICH., APPROVED

The Secretary of Transportation has delegated to the Commandant, U.S. Coast Guard, all authorities and responsibilities in connection with the administration of the Great Lakes Pilotage Act of 1960 (P.L. 86-555, 74 Stat. 259, 46 U.S.C. 216 et seq.), with the exception of section 5 of the Act (46 U.S.C. 216c), the authority to establish appropriate rates and charges for pilotage services in conjunction with Canada. The Department of Transportation Act (P.L. 89-670, 80 Stat. 931-950), subsection 6(a)(4), transferred the functions, powers, and duties of the Secretary of Commerce and other offices and officers under the Great Lakes Pilotage Act of 1960, as amended, to the Secretary of Transportation. The Secretary of Transportation by Department of Transportation Order 1100.1, dated March 31, 1967, 49 CFR Part 1 (32 F.R. 5606-5610, 49 CFR 1.4(a)(1)), described the delegations of authority made by him to provide for the continued exercise of the functions, powers, and duties transferred by the Department of Transportation Act. The Commandant, U.S. Coast Guard, has assumed responsibility for the performance of the dele-

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 67-02]

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

PART 80—PILOT RULES FOR INLAND WATERS

SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

PART 95—PILOT RULES FOR WESTERN RIVERS

Navigation Lights and Shapes for Towing Vessels and Dredges

1. Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of January 24, 1967 (32 F.R. 795-807), and the Merchant Marine Council Public Hearing Agenda dated March 20, 1967 (CG-249), the Merchant Marine Council held a public hearing on March 20, 1967, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items PH 1-67 to PH 13-67, inclusive. Item PH 4-67 (CG-249, pages 81 to 88, inclusive) contained proposals regarding navigation lights and shapes for motorboats, uninspected vessels and inspected vessels. Item PH 4c-67 contained proposals regarding navigation lights and shapes for towing vessels and dredges on inland waters. Item PH 4d-67 contained proposals regarding navigation lights and shapes for towing vessels and dredges on western rivers. These proposals are adopted and set forth in this document. The necessary changes in the marine safety regulations regarding navigation lights and shapes for motorboats, uninspected vessels, and inspected vessels are in a separate document, CGFR 67-91.

2. Interested persons have been afforded an opportunity to participate in the consideration of these proposals. The Merchant Marine Council's actions with respect to comments received and proposals in Item PH 4-67 are approved.

3. The amendments to the rules of the road in this document are applicable to both new and existing vessels. Because definite light standards are established in 46 CFR Chapter I for all vessels other than public vessels of the United States, it is necessary to reduce the visibility requirement for red lights from 5 miles to 2 miles for certain vessels so that light requirements will be consistent.

4. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, United States Code, and Department of Transportation Order 1100.1, dated March 31, 1967 (49 CFR 1.4(a)(2), 32 F.R. 5606), to promulgate regulations in accordance with the laws cited with the regulations below, the following amendments are prescribed and shall be effective on and after the

91st day after date of publication of this document in the FEDERAL REGISTER; however, the regulations in this document may be complied with in lieu of existing requirements prior to that date.

5. The authority note for Part 80 is amended to read as follows:

AUTHORITY: The provisions of this Part 80 issued under sec. 2, 30 Stat. 102, as amended, sec. 6(b) (1), 80 Stat. 938; 33 U.S.C. 157, 49 U.S.C. 1855(b); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a) (2), 32 F.R. 5606; unless otherwise noted.

LIGHTS AND DAY SIGNALS FOR VESSELS, DREDGES OF ALL TYPES, AND VESSELS WORKING ON WRECKS AND OBSTRUCTIONS, ETC.

6. Section 80.18(b) is amended to read as follows:

§ 80.18 Signals to be displayed by a towing vessel when towing a submerged or partly submerged object upon a hawser when no signals can be displayed upon the object which is towed.

(b) By night the towing vessel shall display the regular sidelights but in lieu of the regular white towing lights shall display four lights in a vertical position not less than 3 feet nor more than 6 feet apart, the upper and lower of such lights to be white and of the same character as the regular towing lights, and the middle of such lights to be red and of such character as to be visible on a dark night with a clear atmosphere for a distance of at least 2 miles.

7. Section 80.21(b) is amended to read as follows:

§ 80.21 Dredges underway and engaged in dredging operations.

(b) By night self-propelled dredges underway and engaged in dredging operations shall carry, in addition to the regular running lights, two red lights in a vertical line beneath the white masthead light. These red lights shall be not less than 3 feet nor more than 6 feet apart and the upper red light shall be not less than 3 feet nor more than 6 feet below the masthead light. They shall also carry on or near the stern two red lights in a vertical line not less than 3 feet nor more than 6 feet apart, to show through 12 points of the compass; that is, from right astern to 6 points on each quarter. The forward red lights and after red lights shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least 2 miles.

8. Section 80.24 is amended by revising paragraphs (a) and (b) to read as follows:

§ 80.24 Lights generally.

(a) All the lights required by §§ 80.18 to 80.23, inclusive, except as provided in § 80.18(b), shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least 2 miles. The white lights provided for in

§ 80.18(b) shall be visible for at least 5 miles.

(b) The lights required by § 80.18(b) shall be of the same construction as the regular towing lights. The lights required by § 80.21(b) shall be of the same construction as the masthead light.

MISCELLANEOUS

§ 80.40 [Amended]

8a. Section 80.40 Exceptions to the statutory and regulatory requirements for lights, day signals, or other navigational means and appliances when operating under bridges is amended by deleting from the authority note at the end thereof the phrase "Treasury Department Order 187-58, Jan. 29, 1964, 29 F.R. 2314".

9. The authority note for Part 95 is amended to read as follows:

AUTHORITY: The provisions of this Part 95 issued under R.S. 4233A, as amended, sec. 6(b) (1), 80 Stat. 938; 33 U.S.C. 353, 49 U.S.C. 1855(b); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a) (2), 32 F.R. 5606; unless otherwise noted.

GENERAL

§ 95.02 [Amended]

10. Section 95.02 Demarcation lines between "Rules of the Road—Western Rivers" and "Rules of the Road—Great Lakes" is amended by deleting from the authority note at the end thereof the phrase "Treasury Department Orders 120, July 31, 1950, 15 F.R. 6721; 167-17, June 29, 1955, 20 F.R. 4970, 167-33, September 23, 1958, 23 F.R. 7592."

LIGHTS AND DAY SIGNALS

11. Section 95.52(b) is amended to read as follows:

§ 95.52 Signals to be displayed by a towing vessel when towing a submerged or partly submerged object upon a hawser when no signals can be displayed upon the object which is towed.

(b) By night the towing vessel shall display the regular sidelights, but in lieu of the regular white towing lights shall display four lights in a vertical position not less than 3 feet, nor more than 6 feet apart, the upper and lower of such lights to be white and of the same character as the regular towing lights, and the middle of such lights to be red and of such character as to be visible on a dark night with a clear atmosphere for a distance of at least 2 miles.

12. Section 95.55(b) is amended to read as follows:

§ 95.55 Self-propelling suction dredges underway and engaged in dredging operations.

(b) By night self-propelled dredges underway and engaged in dredging operations shall carry, in addition to the regular running lights, two red lights in a vertical line beneath the white masthead light. These red lights shall be not less than 3 feet nor more than 6 feet

apart and the upper red light to be not less than 3 feet nor more than 6 feet below the masthead light. They shall also carry on or near the stern two red lights in a vertical line not less than 3 feet nor more than 6 feet apart, to show through 12 points of the compass; that is, from right astern to 6 points on each quarter. The forward red lights and after red lights shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least two miles.

13. Section 95.58 is amended by revising paragraphs (a) and (b) to read as follows:

§ 95.58 Lights generally.

(a) All the lights required by §§ 95.52 to 95.57, inclusive, except as provided in § 95.52(b), shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least 2 miles. The white lights provided for in § 95.52(b) shall be visible for at least 3 miles.

(b) The lights required by § 95.52(b) shall be of the same construction as the regular towing lights. The lights required by § 95.55(b) shall be of the same construction as the masthead light.

Dated: December 19, 1967.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67-14921; Filed, Dec. 22, 1967; 8:46 a.m.]

[CGFR 87-93]

SUBCHAPTER K—SECURITY OF VESSELS

PART 124—CONTROL OVER MOVEMENT OF VESSELS

SUBCHAPTER L—SECURITY OF WATERFRONT FACILITIES

PART 126—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

Bulk Cargoes Considered To Involve Particular Hazards

1. Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of January 24, 1967 (32 F.R. 795-807), and the Merchant Marine Council Public Hearing Agenda dated March 20, 1967 (CG-249), the Merchant Marine Council held a public hearing on March 20, 1967, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items PH 1-67 to PH 13-67, inclusive. Item PH 3-67 (CG-249, pages 76 to 80, inclusive) contained proposals regarding United States and foreign vessels carrying bulk cargoes having particular hazards and the handling of bulk cargoes having particular hazards on waterfront facilities. These proposals, as revised, are adopted and set forth in this document.

2. Interested persons have been afforded an opportunity to participate in the consideration of these proposals.

Many changes were made in the proposals in Item PH 3-67. Informal meetings were held with the Chemical Transportation Advisory Panel of the Merchant Marine Council and others. The major changes consist of revising the descriptive term from "cargoes having potential unusual risks" to "cargoes considered to involve particular hazards"; listing the commodities considered to involve particular described hazards; clarifying the application of regulations to U.S. vessels engaged solely in domestic trade; and clarifying the conditions for establishing designated waterfront facilities for handling cargoes having particular hazards. The Merchant Marine Council's actions with respect to comments received and proposals in Item PH 3-67 are approved.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, United States Code, and Department of Transportation Order 1100.1, dated March 31, 1967 (49 CFR 1.4(a)(2), 32 F.R. 5606), to promulgate regulations in accordance with the laws and Executive orders cited with the regulations below, the following amendments and new regulations are prescribed and shall be effective on and after January 1, 1967:

4. The authority note for Part 124 is amended to read as follows:

AUTHORITY: The provisions of this Part 124 issued under sec. 1, 40 Stat. 220, as amended, sec. 6(b)(1), 80 Stat. 938; 50 U.S.C. 191, 49 U.S.C. 1656(b); E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp., Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(2), 32 F.R. 5606.

5. Section 124.14 is amended to read as follows:

§ 124.14 Advance notice of arrival of vessel laden with explosives or certain specified dangerous cargoes.

(a) The master, agent, or person in charge of any domestic or foreign vessel which is bound for a port or place in the United States and which is carrying as cargo any of the dangerous cargoes described in this paragraph, whether for discharge in the United States or not, shall at least 24 hours in advance of arrival at each port or place, notify the Captain of the Port or the Commander of the Coast Guard District in which such port or place is located concerning the amount and location of stowage on board the vessel of any of the following:

(1) Explosives, class A (commercial or military).

(2) Oxidizing materials for which a special permit for water transportation is required by 46 CFR 146.22.

(3) Radioactive materials for which a special approval by the Commandant for water transportation is required by 46 CFR 146.25-30.

(4) Any dangerous cargo considered to involve a particular hazard, when transported or handled in bulk quantities, as further described in paragraph (b) of this section.

(b) (1) A dangerous cargo considered to involve a particular hazard, when transported in bulk quantities on board vessels, or when handled in bulk quantities on waterfront facilities, is any commodity which by virtue of its properties would create an unusual hazard if released. The commodities subject to this section are:

| | |
|-----------------------|--------------------------------|
| Acetaldehyde. | Hydrochloric acid. |
| Acetone cyanohydrin. | Methane. |
| Acetonitrile. | Methyl acrylate. |
| Acrylonitrile. | Methyl bromide. |
| Allyl alcohol. | Methyl chloride. |
| Allyl chloride. | Methyl methacrylate (monomer). |
| Ammonia, anhydrous. | Nonyl phenol. |
| Aniline. | Oleum. |
| Butadiene. | Phenol. |
| Carbolic oil. | Phosphorus, elemental. |
| Carbon disulfide. | Propane. |
| Chlorine. | Propylene. |
| Chlorohydrins, crude. | Propylene oxide. |
| Crotonaldehyde. | Sulfuric acid. |
| 1,2-Dichloropropane. | Sulfuric acid, spent. |
| Dichloropropene. | Tetraethyl lead. |
| Epichlorohydrin. | Tetraethyl lead mixture. |
| Ethylene. | Vinyl acetate. |
| Ethyl ether. | Vinyl chloride. |
| Ethylene oxide. | Vinylidene chloride. |

(2) Each commodity listed in subparagraph (1) of this paragraph is considered to possess one or more of the following properties:

(i) Is highly reactive or unstable; or

(ii) Has severe or unusual fire hazards; or

(iii) Has severe toxic properties; or

(iv) Requires refrigeration for its safe containment; or

(v) Can cause brittle fracture of normal ship structural materials or ashore containment materials by reason of its being carried at low temperatures, or because of its low boiling point at atmospheric pressure (unless uncontrolled release of the cargo is not a major hazard to life).

(c) For U.S. vessels, this section is applicable to such vessels on international voyages, coastwise voyages, or Great Lakes voyages. For foreign vessels this section is applicable to such vessels when bound to a port or place in the United States, or a port or place under the jurisdiction of the United States.

(d) When the arrival is a direct result of "force majeure" and it is not possible to give at least 24 hours advance notice, then advance notice as early as possible will be given.

6. The authority note for Part 126 is amended to read as follows:

AUTHORITY: The provisions of this Part 126 issued under sec. 1, 40 Stat. 220, as amended, sec. 6(b)(1), 80 Stat. 938; 50 U.S.C. 191, 49 U.S.C. 1656(b); E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp., Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(2), 32 F.R. 5606.

7. Section 126.05 is amended by designating the present text as paragraph (a)

and by adding a new paragraph (b) so that it reads as follows:

§ 126.05 Designated waterfront facility.

(a) *Designated waterfront facility.* The term "designated waterfront facility" means a waterfront facility designated by § 126.13 for the handling and storage of, and for vessel loading and discharging of, explosives, flammable or combustible liquids in bulk, or other dangerous articles or cargo covered by the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR Part 146) and the regulations governing tank vessels (46 CFR Parts 30 to 39, inclusive).

(b) *Facility of particular hazard.* The term "facility of particular hazard" means a designated waterfront facility which is authorized to handle in bulk quantities any of the commodities listed in § 124.14(b) or any commodity for which a permit is required by 46 CFR Part 146.

8. Section 126.15 is amended by revising paragraph (m) (6) and by adding a new paragraph (o), which read as follows:

§ 126.15 Conditions for designation as designated waterfront facility.

(m) . . .

(6) Cross aisles, at least five (5) feet wide and straight shall be maintained at intervals not exceeding seventy-five (75) feet, and extending to the side of the waterfront facility.

(o) *Maintenance of bulk liquid cargo transfer systems.* The cargo transfer system(s) used for handling any bulk dangerous cargo shall be so maintained as to prevent leakage. Suitable means, such as drip pans for collecting liquids, shall be provided during coupling or uncoupling operations if necessary.

9. Part 126 is amended by inserting after § 126.15 a new § 126.16 reading as follows:

§ 126.16 Conditions for designating a "facility of particular hazard."

(a) *Basic requirements.* The facility shall comply with all the conditions in § 126.15 except where specifically waived by § 126.11.

(b) *Warning alarms.* Warning alarms shall be installed at the waterside of such a facility to warn approaching or transiting water traffic of immediate danger in the event of fire or cargo release. Warning alarms shall be of the siren type, or the emergency rotating flashing light type, and be of sufficient intensity to be heard, or seen, a distance of 1 mile during normal facility working conditions. The alarm signal shall not conflict with local municipal prescription.

Dated: December 19, 1967.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 97-14923; Filed, Dec. 22, 1967; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGFR 66-47]

PART 80—PILOT RULES FOR INLAND WATERS

SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

PART 95—PILOT RULES FOR WESTERN RIVERS

Lights for Moored Barges in West- ern Rivers, and in Gulf of Mexico Area

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of February 10, 1966 (31 F.R. 2602-2614), and the Merchant Marine Council Public Hearing Agenda dated March 21, 1966 (CG-249), the Merchant Marine Council held a Public Hearing on March 21, 1966, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items I to XII, inclusive.

This document is the fifth of a series regarding the regulations and actions considered at the 1966 Public Hearing and Annual Session of the Merchant Marine Council. This document contains the actions taken with respect to Item IXc—*Lights for moored barges* in the Item IX—*Rules of the Road*. The proposals designated IXc, as revised, are approved and set forth in this document. The actions of the Merchant Marine Council with respect to comments received regarding these proposals are approved. The major change concerned the proposal to permit omission of lights on moored barges entirely when in the Illinois River north of Brandon Lock and Dam at Joliet, Ill. It was modified to permit omission of lights only in well-lighted areas. The regulations identify the areas where such lights may be omitted.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code and Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521) and others specifically listed with the various rules and regulations below, the following actions are ordered:

1. The rules and regulations in 33 CFR Parts 80 and 95 shall be amended in

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accordance with changes in this document.

2. The amendments to the regulations shall be effective October 1, 1966.

LIGHTS FOR CERTAIN CLASSES OF VESSELS
Section 80.16a(h) is amended to read as follows:

§ 80.16a Lights for barges, canal boats, scows, and other nondescript vessels on certain inland waters on the Gulf Coast and the Gulf Intracoastal Waterway.

(h) Lights for moored barges shall be as described in this paragraph.

(1) The following barges, when moored in or near a fairway, shall display between the hours of sunset and sunrise the barge lights described in subparagraph (2) of this paragraph:

(i) Every barge projecting into a buoyed or restricted channel.

(ii) Every barge so moored that it reduces the available navigable width of any channel to less than 250 feet.

(iii) Barges moored in fleets more than two barges wide or to a maximum width of over 80 feet, parallel to the bank.

(iv) Every barge moored to the bank in any manner other than parallel thereto.

(2) Barges required to be lighted under subparagraph (1) of this paragraph shall carry two white lights of such character as to be visible on a dark night with a clear atmosphere at a distance of at least 1 mile, so located as to give unobstructed view and arranged as follows:

(i) On a single moored barge, a light on each outboard or channelward corner.

(ii) On barges moored in group formation, a light on the upstream outboard or channelward corner of the outer upstream barge and a light on the downstream outboard or channelward corner of the outer downstream barge. In addition, any barge projecting toward or into the channel in such a group formation shall have two white lights similarly placed on the outboard or channelward corners of the barge.

(3) Barges moored in any slip or slough which is used primarily for mooring purposes are exempt from the lighting requirements of this paragraph.

(Sec. 2, 30 Stat. 102, as amended; 33 U.S.C. 157, Treasury Department Order 167-33, Sept. 23, 1958, 23 F.R. 7592)

LIGHTS FOR FERRYBOATS AND BARGES
§ 95.35 [Canceled]

1. Section 95.35 *Lights for barges at bank* is canceled. (The revised requirements are in § 95.36.)

2. Section 95.36 is amended to read as follows:

§ 95.36 Lights for barges at bank or dock.

(a) Lights for barges at bank or dock in the Mississippi River and its tributaries and in the Atchafalaya River above its junction with the Plaquemine-Morgan City Alternate Waterway shall be as required by this section.

(b) The following barges, when moored in or near a fairway, except those barges exempted under the provisions of paragraph (e) of this section, shall display between the hours of sunset and sunrise the barge lights described in paragraph (c) of this section:

(1) Every barge projecting into a buoyed or restricted channel.

(2) Every barge so moored that it reduces the available navigable width of any channel to less than 250 feet.

(3) Barges moored in fleets more than two barges wide or to a maximum width of over 80 feet, parallel to the bank.

(4) Every barge moored to the bank in any manner other than parallel thereto.

(c) Barges required to be lighted under paragraph (b) of this section shall carry two white lights of such character as to be visible on a dark night with a clear atmosphere at a distance of at least 1 mile, so located as to give unobstructed view and arranged as follows:

(1) On a single moored barge, a light on each outboard or channelward corner.

(2) On barges moored in group formation, a light on the upstream outboard or channelward corner of the outer upstream barge and a light on the downstream outboard or channelward corner of the outer downstream barge. In addition, any barge projecting toward or into the channel in such a group formation shall have two white lights similarly placed on the outboard or channelward corners of the barge.

(d) Barges moored in any slip or slough which is used primarily for mooring purposes are exempt from the lighting requirements of this section.

(e) Barges moored in well-illuminated areas of the Illinois River north of Brandon Lock and Dam at Joliet, Ill., shall not be required to display the lights prescribed in paragraph (c) of this section. These areas are as follows:

CHICAGO SANITARY SHIP CANAL

(1) Mile 293.2 to 293.9—Material Service Corp.

(3) Mile 295.2 to 296.1—Material Service Corp. and Commonwealth Edison Co.

(5) Mile 297.5 to 297.8—Pier Off Dock.

(7) Mile 298.5 to 298.8—Cargill Grain Elevator.

(9) Mile 298.8 to 298.8—Lemont Manufacturing Co.

(11) Mile 299.3 to 299.4—Mechmar Development Co.

(13) 299.8 to 300.5 (Stephen Street Bridge)—Tri-Central Oil Co.

(15) Mile 303 to 303.2—North American Car Corp.

(17) Mile 303.7 to 303.9—Hannah Inland Waterways Transportation Co.

(19) Mile 305.7 to 305.8—Publicker Chemical Co.

(21) Mile 310.7 to 310.9—Shell Oil Co.

(23) Mile 311 to 311.2—General American Tank Storage Terminal.

(25) Mile 312.5 to 312.6—Trumbull Asphalt Co.

(27) Mile 313.8 to 314.2—Lake River Oil Terminal.

(29) Mile 314.6—Waterways Terminals, Inc.

(31) Mile 314.8 to 315.3—Commonwealth Edison Co. and Material Service Corp.

(33) Mile 315.7 to 316—Sanitary District Rock.

(35) Mile 316.8—Whitewater Petroleum Terminal Co.

(37) Mile 316.85 to 317.05—Hughes Oil Co.

(39) Mile 317.5—Socony Vacuum Oil Co.

(41) Mile 318.4 to 318.9—Commonwealth Edison Co.

(43) Mile 318.7 to 318.8—Bell Oil Co.

(45) Mile 320 to 320.3—Globe Fuel & Humble Oil.

(47) Mile 320.6—American Sugar Refining Co., South Branch of Chicago River and Chicago River.

(49) Mile 322.3 to 322.4—Commonwealth Edison Co.

(51) 322.8—Time, Inc.

(53) Mile 322.9 to 327.2.

CALUMET SAG CHANNEL

(61) Mile 316.5—Marine Oil Co. unloading piers.

LITTLE CALUMET RIVER

(71) Mile 321.2—Pump house outfall.

(73) Mile 322.3—South bank.

CALUMET RIVER

(81) Mile 328.5 to 328.7—Cargill Grain Elevator.

(83) Mile 329.2 to 329.4—Continental Grain Elevator.

(85) Mile 330, west bank to 330.2.

(87) Mile 331.4 to 331.8—Rail to Water Transfer Corp.

(89) Mile 332.2 to 332.4—Dundee Cement Co.

(91) Mile 332.6 to 332.8—Material Service Corp.

(R.S. 4233A, as amended, 33 U.S.C. 353, Treasury Department Order 167-33, Sept. 23, 1958, 23 F.R. 7592)

Dated: August 20, 1966.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

Doc. 66-9743; Filed, Sept. 6, 1966;
8:47 a.m.]

LICENSING OF OFFICERS

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Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—GENERAL

[CFR 65-63]

PART 3—COAST GUARD DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Subpart 3.15—Third Coast Guard District

NEW YORK AND NEW LONDON MARINE INSPECTION OFFICES

The New London Marine Inspection Office, New London, Conn., was disestablished as a manned district unit and reestablished as a subunit of the New York Marine Inspection Office, New York, N.Y. All the Marine Inspection activities previously assigned to the Officer in Charge, Marine Inspection, at New London will be under the cognizance of the Officer in Charge, Marine Inspection, New York, N.Y. The Officer in Charge, Marine Inspection, New York, will perform the assigned functions and will utilize a subunit known as "Marine Inspection Office, U.S. Coast Guard" located at New London, Conn. The correspondence and reports formerly submitted to the Officer in Charge, Marine Inspection, New London, Conn., should be forwarded to the Officer in Charge, Marine Inspection, U.S. Coast Guard, 720 Customhouse, New York, N.Y., 10004.

The amendment to 33 CFR 3.15-10 adds to the area of the New York Marine Inspection Zone the area formerly assigned to the Officer in Charge, Marine Inspection, in the New London Marine Inspection Zone. The cancellation of 33 CFR 3.15-20 regarding the New London Marine Inspection Zone was made to reflect the transfer of functions to the Officer in Charge, Marine Inspection in New York, N.Y. The purpose of these changes is to bring these descriptions up to date.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 in Title 14, U.S. Code and Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), and 167-17 dated June 29, 1955 (20 F.R. 4976), as well as the statutes cited with the regulation below, the following amendment and cancellation are prescribed and shall be in effect on and after the date of publication in the Federal Register.

1. Section 3.15-10 is amended to read as follows:

§ 3.15-10 New York Marine Inspection Zone.

(a) The New York Marine Inspection Office is in New York, N.Y., with a sub-office in New London, Conn.

(b) The New York Marine Inspection Zone boundary starts at the southern bank of the Manasquan River, N.J.; thence along the southern boundary of

Monmouth and Mercer Counties to the Delaware River; thence north along the east bank of the Delaware River to Tusten, N.Y.; thence due east to the New York-Connecticut State line; thence north, east, including the waters of the Congamond Lakes, and south, excluding the waters of Beach Pond, along the Connecticut State line to Westerly, R.I.; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light; thence due south to the Montauk Point Light. All of the islands along the Connecticut, New York, and New Jersey shoreline between the southern bank of the Manasquan River, N.J.; and the Connecticut-Rhode Island State line, including Long Island and other islands to and including Fishers Island, are under the jurisdiction of the New York Marine Inspection Office.

§ 3.15-20 [Canceled]

2. Section 3.15-20 *New London Marine Inspection Zone* is canceled. (Jurisdiction over this area was transferred to the Officer in Charge, Marine Inspection, at New York, N.Y., and the revised description is in § 3.15-10.)

(Sec. 3, 60 Stat. 238; and Sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521; 167-17, June 29, 1955, 20 F.R. 4976)

Dated: December 16, 1955.

[SEAL]

E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 65-13662; Filed, Dec. 21, 1965;
8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CFR 85-54]

PART 82—BOUNDARY LINES OF INLAND WATERS

PART 85—INTERPRETIVE RULINGS— INTERNATIONAL RULES

Miscellaneous Amendments

The description of the boundary line between inland waters and the high seas at Christiansted Harbor, Island of St. Croix, Virgin Islands, in 33 CFR 82.240 is amended because the reference points used have been changed. The name of the "Scotch Bank Lighted Buoy 1" has been officially changed to "Christiansted Harbor Channel Lighted Buoy 1" and the "Long Reef Range Rear Daybeacon" has been removed. The amendments to 33 CFR 85.01-1 and 85.05-1 bring references to laws up to date. The amend-

ment to 33 CFR 85.01-5 corrects the date of a Treasury Department Order. As these changes are editorial to bring the regulations up to date, as published in the FEDERAL REGISTER, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon and effective date requirements) are unnecessary under provisions in section 4 of this Act (5 U.S.C. 1003).

By virtue of the authority vested in me as Commandant, U.S. Coast Guard by section 633, Title 14, U.S. Code, and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521) and 187-17 dated June 29, 1955 (20 F.R. 4976), the following amendments are prescribed and shall become effective upon the date of publication in the FEDERAL REGISTER:

1. Section 82.240 is amended to read as follows:

§ 82.240 Christiansted Harbor, Island of St. Croix, Virgin Islands.

A line drawn from Shoy Point to Christiansted Harbor Channel Lighted Buoy 1; thence to stack at Little Princess northwestward of leper settlement.

(Sec. 2, 28 Stat. 672, as amended; 33 U.S.C. 151. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

§ 85.01-1 [Amended]

2. Section 85.01-1 *Scope* is amended by changing at the end thereof the reference from "Act of October 11, 1951 (65 Stat. 406-420; 33 U.S.C. 143-147d)" to "Act of September 24, 1963 (77 Stat. 195-210; 33 U.S.C. 1061-1094)."

§ 85.01-5 [Amended]

3. Section 85.01-5 *Assignment of functions* is amended by changing the date of Treasury Department Order 187-17 from "June 25, 1955" to "June 29, 1955."

§ 85.05-1 [Amended]

4. Section 85.05-1 *Stern light for motorboats operating on the high seas carried on centerline* is amended by changing the reference for Rule 10 of the "International Rules" from "(33 U.S.C. 145h)" to "(33 U.S.C. 1070)."

(Sec. 3, 60 Stat. 239 and sec. 633, 63 Stat. 645; 5 U.S.C. 1002, 14 U.S.C. 633. Treasury Dept. Orders 120, July 31, 1950, 15 F.R. 6521 and 187-17, June 29, 1955, 20 F.R. 4976)

Dated: December 1, 1965.

[SEAL]

E. J. ROLAND,
Admiral,

U.S. Coast Guard, Commandant.

[F.R. Doc. 65-18109; Filed, Dec. 7, 1965; 8:46 a.m.]

Dist: (SDL No. 81)

A: None

B: n(35); c(16); q(6); g(5); e(3); d(2); bp(1)

C: m(4); o(1)

D: ir(2); k(1)

E: m(2)

F: None

List 112

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