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## Title 33—NAVIGATION AND NAVIGABLE WATERS

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

[CFR 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. 2602-2014, 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.*

*IXc. Distinctive blue lights authorized for use by law enforcement vessels.*

*Commandant's actions.* The proposals designated IXa, IXb, and IXc, 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. 503; 14 U.S.C. 92. Interpret or apply secs. 83, 85, 633, 63 Stat. 500, 501, as amended, 633, 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.	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.

(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

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 exists 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.

§ 66.10-20 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 in 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.

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 Edgecumbe 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, 29 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. MARY'S 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-

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 EMPLOYEES\*

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, 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.]

\* 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.