AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

# FEDERAL REGISTER

VOLUME 32 • NUMBER 239

Tuesday, December 12, 1967 • Washington, D.C.

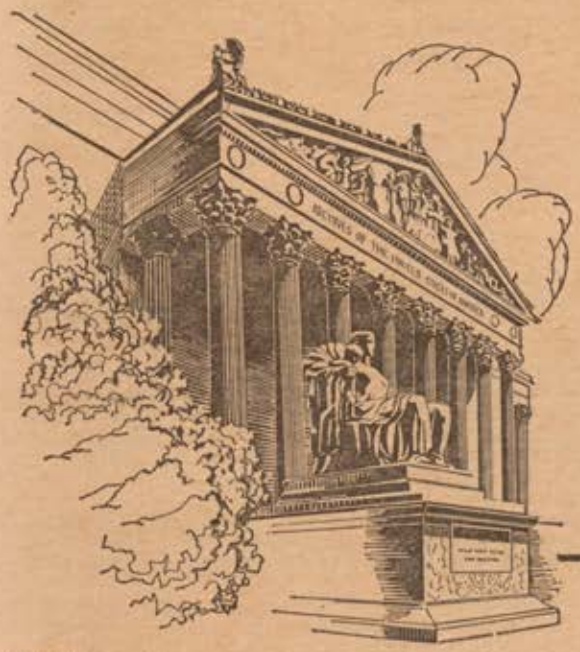
Pages 17647–17844

(Part II begins on page 17725)

**Agencies in this issue—**

Agricultural Stabilization and Conservation Service
Budget Bureau
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Customs Bureau
Defense Department
Farm Credit Administration
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
Geological Survey
Immigration and Naturalization Service
Indian Affairs Bureau
Internal Revenue Service
Interstate Commerce Commission
Labor Standards Bureau
Land Management Bureau
National Foundation on the Arts and Humanities
National Park Service
Public Health Service
Securities and Exchange Commission
State Department
Wage and Hour Division

**Detailed list of Contents appears inside.**



THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

Volume 80

# UNITED STATES STATUTES AT LARGE

**89th Congress, 2d Session**
**1966**

Part 1—Contains the public laws and reorganization plans.

**Price: $10.25**

Part 2—Contains the private laws, concurrent resolutions, and Presidential proclamations.

**Price: $2.75**

A subject index and a numerical listing of bills enacted into law are included in each book. Part 1 also carries a table of prior laws affected, and a guide to the legislative history of bills enacted into public law.

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

**Order from Superintendent of Documents, U.S. Government Printing Office**
**Washington, D.C. 20402**



FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15 per year, payable in advance. The charge for individual copies varies in proportion to the size of the issue (15 cents for the first 80 pages and 5 cents for each additional group of 40 pages, as actually bound). Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.



There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

# Contents


## AGRICULTURE DEPARTMENT

*See* Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

## AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

### Proposed Rule Making

Hawaii and Puerto Rico; sugar requirements and quotas for local consumption 1968 ..... 17669
Sugar or liquid sugar; requirements relating to importation into U.S. ..... 17669

## BUDGET BUREAU

### Notices

Organization and information; miscellaneous amendments ..... 17678

## CIVIL AERONAUTICS BOARD

### Notices

*Hearings, etc.:*
Alaska-Cordova merger case ..... 17678
Aviation Services, Inc ..... 17679

## CIVIL SERVICE COMMISSION

### Notices

Manpower shortage; notice of listing:
Nurse—Division of Indian Health ..... 17680
Superintendent of Schools, Public Schools of the District of Columbia ..... 17680
Training instructor (electrical power generation) ..... 17680

## COAST GUARD

### Rules and Regulations

Anchorage and bridge regulations; assumption of certain functions, powers, and duties from Corps of Engineers and transfer of certain regulations ..... 17726

## CONSUMER AND MARKETING SERVICE

### Rules and Regulations

Lemons grown in California and Arizona; handling limitations ..... 17651

### Proposed Rule Making

Irish potatoes grown in Colorado; expenses and rate of assessment 17671

### Notices

Grain standards; inspection points ..... 17677

## CUSTOMS BUREAU

### Notices

Antidumping proceeding notice:
Beta-oxy-Naphthoic acid from Japan ..... 17676
Beta-oxy-Naphthoic acid from West Germany ..... 17676

## DEFENSE DEPARTMENT

### Rules and Regulations

Sole surviving sons ..... 17661

## FARM CREDIT ADMINISTRATION

### Rules and Regulations

Employee responsibilities and conduct; prohibited acts ..... 17652

## FEDERAL AVIATION ADMINISTRATION

### Rules and Regulations

Airworthiness directives:
British Aircraft Corporation Model BAC 1-11 200 and 400 Series airplanes ..... 17652
Pilatus Model PC-6 Series airplanes ..... 17652
Vickers Viscount Models 744, 745D and 810 Series airplanes ..... 17652
Alterations:
Control zone ..... 17653
Restricted areas and controlled airspace ..... 17653
Vicinity of the vessel "Queen Mary"; prohibition of air travel ..... 17654

### Proposed Rule Making

Airworthiness directives:
British Aircraft Corporation; certain models (2 documents) ..... 17672
Dowty Rotol Propellers installed on certain airplanes ..... 17673
Transition areas:
Proposed alterations (3 documents) ..... 17673, 17674
Proposed alteration and revocation ..... 17674
Proposed designation ..... 17675

## FEDERAL COMMUNICATIONS COMMISSION

### Notices

*Hearings, etc.:*
Bradley, Carol L ..... 17680
Buckeye Cablevision, Inc ..... 17685
Florida-Georgia Television Co., Inc., et al ..... 17681
General Electric Cablevision Corp ..... 17680
Tri-State Television Translators, Inc., and Wellersburg TV, Inc ..... 17681

## FEDERAL MARITIME COMMISSION

### Rules and Regulations

Free time and demurrage charges on import property applicable to all common carriers by water ..... 17667

### Notices

Port of Boston Marine Terminal Association; agreement filed for approval ..... 17686

## FEDERAL POWER COMMISSION

### Notices

*Hearings, etc.:*
Mobil Oil Corp., et al ..... 17688
Superior Oil Co ..... 17687

## FISH AND WILDLIFE SERVICE

### Rules and Regulations

Sport fishing in certain wildlife refuges:
Delaware ..... 17668
Illinois ..... 17667

## FOOD AND DRUG ADMINISTRATION

### Rules and Regulations

Drugs; sodium ampicillin; correction ..... 17657
Food additives:
Calcium stearate ..... 17654
Emulsifiers and/or surface-active agents ..... 17655
Sulfamerazine ..... 17655
Natural flavoring substances and natural substances used in conjunction with flavors ..... 17655
Fruit butters, fruit jellies, fruit preserves, and related products; identity standards ..... 17654

### Proposed Rule Making

New drugs; exemption for investigational use in human beings ..... 17671
Peanut butter; definitions and standards of identity; correction ..... 17671

## GEOLOGICAL SURVEY

### Notices

North Dakota; coal land classification order ..... 17677

## HEALTH, EDUCATION, AND WELFARE DEPARTMENT

*See* Food and Drug Administration; Public Health Service.

## IMMIGRATION AND NATURALIZATION SERVICE

### Rules and Regulations

Miscellaneous amendments to chapter ..... 17651

## INDIAN AFFAIRS BUREAU

### Notices

Superintendents and school superintendents, Anadarko Area Office; delegation of authority amendment ..... 17676

## INTERIOR DEPARTMENT

*See* Fish and Wildlife Service; Geological Survey; Indian Affairs Bureau; Land Management Bureau; National Park Service.


*(Continued on next page)*

## INTERNAL REVENUE SERVICE

**Rules and Regulations**

Income tax; treatment of income from unrelated trade or business ---- 17657

## INTERSTATE COMMERCE COMMISSION

**Notices**

Motor carrier temporary authority applications ---- 17695

## JUSTICE DEPARTMENT

*See* Immigration and Naturalization Service.

## LABOR DEPARTMENT

*See* Labor Standards Bureau; Wage and Hour Division.

## LABOR STANDARDS BUREAU

**Notices**

Radiation standards for mining; standard forms for recording radiation exposure ---- 17693

## LAND MANAGEMENT BUREAU

**Rules and Regulations**

Idaho; public land order ---- 17662

**Notices**

Oregon; notice of offering of land for sale ---- 17676

## NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

**Rules and Regulations**

Standards of conduct of employees ---- 17663

Standards of conduct; cross reference ---- 17651

## NATIONAL PARK SERVICE

**Rules and Regulations**

Special regulations; Shenandoah National Park, Va.; miscellaneous amendments ---- 17661

## PUBLIC HEALTH SERVICE

**Rules and Regulations**

Grants for construction and modernization of hospitals and medical facilities; general standards of construction and equipment ---- 17662

## SECURITIES AND EXCHANGE COMMISSION

**Notices**

*Hearings, etc.:*

Burlington International, Inc. ---- 17689

Massachusetts Investors Growth Stock Fund, Inc. ---- 17690

North American Research & Development Corp. ---- 17691

Northeast Investors Trust ---- 17691

Silver Shield Corp. ---- 17692

Travelers Insurance Co., and Travelers Fund for Variable Annuities ---- 17692

## STATE DEPARTMENT

**Notices**

Certain nonimmigrant visas; validity ---- 17676

## TRANSPORTATION DEPARTMENT

*See* Coast Guard; Federal Aviation Administration.

## TREASURY DEPARTMENT

*See* Customs Bureau; Internal Revenue Service.

## WAGE AND HOUR DIVISION

**Notices**

Certificates authorizing employment of learners at special minimum wages ---- 17694


# List of CFR Parts Affected

(Codification Guide)

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.**

### 5 CFR

2300 ---- 17651

### 7 CFR

910 ---- 17651

PROPOSED RULES:

812 ---- 17669

817 ---- 17669

948 ---- 17671

### 8 CFR

238 ---- 17651

280 ---- 17651

### 12 CFR

605 ---- 17652

### 14 CFR

39 (3 documents) ---- 17652

71 (2 documents) ---- 17653

73 ---- 17653

91 ---- 17654

PROPOSED RULES:

39 (3 documents) ---- 17672, 17673

71 (5 documents) ---- 17673–17675

### 21 CFR

29 ---- 17654

121 (4 documents) ---- 17654, 17655

146a ---- 17657

PROPOSED RULES:

46 ---- 17671

130 ---- 17671

### 26 CFR

1 ---- 17657

### 32 CFR

52 ---- 17661

### 33 CFR

109 ---- 17726

110 ---- 17726

114 ---- 17726

115 ---- 17726

116 ---- 17726

117 ---- 17726

### 36 CFR

7 ---- 17661

### 42 CFR

53 ---- 17662

### 43 CFR

PUBLIC LAND ORDERS:

4337 ---- 17662

### 45 CFR

1105 ---- 17663

### 46 CFR

526 ---- 17667

### 50 CFR

33 (2 documents) ---- 17667, 17668

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter XIII—National Foundation on the Arts and the Humanities

### PART 2300—STANDARDS OF CONDUCT OF EMPLOYEES

CROSS REFERENCE: For a document amending and superseding the material in Part 2300 of this chapter, see F.R. Doc. 67-14411, Title 45, Chapter XI, Part 1105, *infra*.

## Title 7—AGRICULTURE

### Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 297, Amdt. 1]

### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i), (ii), and (iii) of § 910.597 (Lemon Regulation 297, 32 F.R. 16527) are hereby amended to read as follows:

§ 910.597 Lemon Regulation 297.

* * * * *

(b) * * *

(i) District 1: 12,090 cartons;
(ii) District 2: 69,750 cartons;
(iii) District 3: 158,100 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated December 7, 1967.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 67-14406; Filed, Dec. 11, 1967; 8:47 a.m.]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

### PART 238—CONTRACTS WITH TRANSPORTATION LINES

### PART 280—IMPOSITION AND COLLECTION OF FINES

#### Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

§ 238.3 [Amended]

The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the transportation line "Jugoslavenska Linijska Plovidba and/or Jugolinija" in alphabetical sequence.

§ 280.2 [Amended]

1. The first sentence of § 280.2 *Special provisions relating to aircraft* is amended by deleting the words "collector of customs" and inserting in lieu thereof the words "district director of customs."

§ 280.3 [Amended]

2. The first and second sentences of § 280.3 *Departure of vessel or aircraft prior to denial of clearance* are amended by deleting the words "collector of customs" and inserting in lieu thereof the words "district director of customs."

§ 280.7 [Amended]

3. Section 280.7 *Approval of bonds or acceptance of cash deposit to obtain clearance* is amended by deleting the words "collector of customs" and inserting in lieu thereof the words "district director of customs."

§ 280.11 [Amended]

4. The seventh and eighth sentences of § 280.11 *Notice of intention to fine; procedure* are amended to read as follows: "The duplicate copy shall be retained by the district director of immigration and naturalization and the triplicate copy shall be delivered directly to the district director of customs for the district in which the vessel or aircraft is located, and the district director of customs shall withhold clearance until deposit is made or bond furnished as provided in the Immigration and Nationality Act. If the vessel or aircraft is located in a customs district which is outside the jurisdiction of the office of the Service having jurisdiction over the matter, the triplicate copy shall be forwarded to the office of the Service nearest such customs district for delivery to the district director of customs."

5. Section 280.15 is amended to read as follows:

§ 280.15 Notice of final decision to district director of customs.

At such time as the decision under this part is final, the regional administrative officer shall be furnished a copy of the decision by the district director of immigration and naturalization. The regional administrative officer shall notify the district director of customs who was furnished a copy of the Notice of Intention to Fine of the final decision made in the case. Such notification need not be made if the regional administrative officer has been previously furnished with a notice of collection of the amount of the penalty by the district director of customs.

6. The sixth sentence of § 280.21 *Seizure of aircraft* is amended by deleting the words "collector of customs" and inserting in lieu thereof the words "district director of customs."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of § 553 of title 5 of the United States Code (Public Law 89–554, 80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance because the rules prescribed by the order are editorial in nature.

Dated: December 6, 1967.

RAYMOND F. FARRELL,
*Commissioner of Immigration and Naturalization.*

[F.R. Doc. 67-14408; Filed, Dec. 11, 1967; 8:47 a.m.]

# Title 12—BANKS AND BANKING

## Chapter VI—Farm Credit Administration

SUBCHAPTER A—ADMINISTRATIVE PROVISIONS

### PART 605—EMPLOYEE RESPONSIBILITIES AND CONDUCT

#### Prohibited Acts

Part 605 of Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 605.174(g) (31 F.R. 16229) to read as follows:

§ 605.174 Prohibited acts.

* * * * *

(g) Shall at any time have a business relationship or conduct himself in a manner which might cause embarrassment to or criticism of the Farm Credit Administration or any such corporation, or interfere with the efficient performance of his duties.

(Sec. 17, 39 Stat. 375, as amended, sec. 2, 42 Stat. 1459, sec. 4, 46 Stat. 13, as amended, sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665, 831, 1101, 1141b)

R. B. TOOTELL,
*Governor,*
*Farm Credit Administration.*

[F.R. Doc. 67-14426; Filed, Dec. 11, 1967; 8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 8556; Amdt. 39-519]

### PART 39—AIRWORTHINESS DIRECTIVES

#### British Aircraft Corporation Model BAC 1-11 200 and 400 Series Airplanes; Correction

Amendment 39-519 to Part 39 of the Federal Aviation Regulations was published in the FEDERAL REGISTER (32 F.R. 16391) on November 30, 1967. As the preamble to that amendment stated, a situation exists requiring immediate adoption of the regulation. However, through a typographical error, the amendment was given an effective date of December 30, 1967.

The effective date of Amendment 39-519 is hereby corrected to read "November 30, 1967".

Issued in Washington, D.C., on December 5, 1967.

R. S. SLIFF,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 67-14392; Filed, Dec. 11, 1967; 8:46 a.m.]

[Docket No. 8569, Amdt. 39-525]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Pilatus Model PC-6 Series Airplanes

There has been a report of twisting of a trim cable guide tube at bulkhead No. 8 on a Pilatus Model PC-6 Series airplane which caused the stabilizer trim control cable clamp to jam with the cable guide tube and resulted in the blocking of the stabilizer trim control. In addition, an out-of-plane cable pulley at bulkhead No. 11 was permitting the stabilizer trim control cable to rub against the pulley flange, and the fairlead at bulkhead No. 2 was deflecting the rudder control cable sufficiently to permit it to rub against the fairlead. Since these conditions are likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require periodic inspections of these parts for movement or wear in accordance with specified Pilatus Service Bulletins and the replacement of worn or defective parts. The inspections may be discontinued after the airplanes are modified in accordance with the airworthiness directive.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS. Applies to Model PC-6 Series airplanes.

Compliance required as indicated.

(a) To prevent the possibility of stabilizer trim control cable clamps jamming with the cable guide tubes at bulkhead No. 8, accomplish the following:

(1) Within the next 50 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection, inspect guide tubes, P/N 6232.208, for signs of movement or wear in accordance with Pilatus Service Bulletin No. 72, dated June 1967, or later Swiss Federal Air Office-approved revision, or an FAA-approved equivalent.

(2) If signs of movement or wear are detected during the inspection required by paragraph (a)(1), before further flight incorporate the modification required by paragraph (a)(3).

(3) If no signs of movement or wear are detected during the inspections required by paragraph (a)(1), within the next 200 hours' time in service after the effective date of this AD, modify guide tubes, P/N 6232.208, and install an additional support, P/N 6232.468, in accordance with Pilatus Service Bulletin No. 72, dated June 1967, or later Swiss Federal Air Office-approved revision, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(b) To prevent excessive rubbing of the rudder control cable with its fairlead at bulkhead No. 2, accomplish the following:

(1) Within the next 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, inspect the rudder cable phenolic fairlead for signs of wear in accordance with Pilatus Service Bulletin No. 74, dated June 1967, or later Swiss Federal Air Office-approved revision, or an FAA-approved equivalent.

(2) If signs of wear are detected during the inspection required by paragraph (b)(1), within the next 25 hours' time in service replace worn fairlead with a serviceable fairlead.

(3) Within the next 600 hours' time in service after the effective date of this AD, replace the pulley and fairlead assembly with a double pulley assembly in accordance with Pilatus Service Bulletin No. 74, dated June 1967, or later Swiss Federal Air Office-approved revision, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(c) To prevent excessive rubbing of the stabilizer trim control cable with its pulley at bulkhead No. 11, accomplish the following:

(1) Within the next 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, inspect the cable and its pulley for signs of wear, in accordance with Pilatus Service Bulletin No. 74, dated June 1967, or later Swiss Federal Air Office-approved revision, or an FAA-approved equivalent.

(2) If signs of wear are detected during the inspection required by paragraph (c)(1), within the next 25 hours' time in service replace worn cable or pulley with a serviceable cable or pulley.

(3) Within the next 600 hours' time in service after the effective date of this AD, modify the double pulley in accordance with Pilatus Service Bulletin No. 74, dated June 1967, or later Swiss Federal Air Office-approved revision, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(d) The repetitive inspections required by paragraphs (a)(1), (b)(1), and (c)(1) may be discontinued following the incorporation of the applicable modification in accordance with paragraphs (a)(3), (b)(3), and (c)(3), respectively.

This amendment becomes effective December 17, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 5, 1967.

R. S. SLIFF,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 67-14393; Filed, Dec. 11, 1967; 8:46 a.m.]

[Docket 8430, Amdt. 39-524]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Vickers Viscount Models 744, 745D, and 810 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive imposing a service life on specified hydraulic system flexible hoses located on top of the nose oleo leg in the nose wheel steering system on Vickers Viscount Models 744, 745D,

and 810 Series airplanes was published in 32 F.R. 13776.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Models 744, 745D, and 810 Series airplanes.

Compliance required as indicated.

To prevent failure of the hydraulic flexible hoses installed in the nose wheel steering system, accomplish the following:

(a) Replace hydraulic system flexible hoses P/N 70126-163, 70826-13, and 7246-1, located on the top of the nose oleo in the nose steering system, with 6,500 or more hours' time in service or which have been installed for 4½ or more years on the effective date of this AD with new hoses of the same part number within the next 8 months or 1,500 hours' time in service, whichever occurs sooner after the effective date of this AD, and thereafter at intervals not to exceed 5 years or 8,000 hours' time in service, whichever occurs sooner from the last replacement.

(b) Replace hydraulic system flexible hoses P/N 70126-163, 70826-13, and 7246-1, located on the top of the nose oleo leg in the nose steering system, with less than 6,500 hours' time in service and which have been installed for less than 4½ years on the effective date of this AD with new hoses of the same part number before the accumulation of 5 years or 8,000 hours' time in service, whichever occurs sooner after the effective date of this AD, and thereafter at intervals not to exceed 5 years or 8,000 hours' time in service, whichever occurs sooner from the last replacement.

(British Aircraft Corp. Preliminary Technical Leaflets (PTLs) Nos. 268 (700 Series) and 131 (800 Series), Issue 1, dated June 22, 1967, pertain to this subject.)

This amendment becomes effective January 11, 1968.

(Secs. 313 (a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 4, 1967.

R. S. SLIFF,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 67-14394; Filed, Dec. 11, 1967; 8:46 a.m.]

## SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-SO-100]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Control Zone

On October 26, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 14852), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Stewart, Ga., control zone.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective February 1, 1968, as hereinafter set forth.

In § 71.171 (32 F.R. 2071), the Fort Stewart, Ga., control zone (32 F.R. 13269) is amended to read:

FORT STEWART, GA.

Within a 5-mile radius of Liberty AAF (lat. 31°53'20" N., long. 81°33'45"W.); within a 1.5-mile radius of Liberty County Airport (lat. 31°47'22" N., long. 81°38'15" W.); within 2 miles each side of the 231° bearing from the Liberty RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN; within 2 miles each side of the 049° bearing from the Allenhurst RBN, extending from the 5-mile radius zone to 2 miles northeast of the RBN; within 2 miles each side of the Liberty TVOR 242° radial, extending from the 5-mile radius zone to 8 miles southwest of the TVOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on November 30, 1967.

JAMES A. ROGERS,
*Director, Southern Region.*

[F.R. Doc. 67-14395; Filed, Dec. 11, 1967; 8:46 a.m.]

[Airspace Docket No. 67-PC-5]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

## PART 73—SPECIAL USE AIRSPACE

### Alteration of Restricted Areas and Controlled Airspace

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to stratify the Island of Kahoolawe, Hawaii, Restricted Area R-3104; stratify and designate as joint-use the Kaula Rock, Hawaii, Restricted Area R-3107; reduce the designated altitude and time of designation of the Kauna Point, Hawaii, Restricted Area R-3108; and delete reference to R-3107 and Warning Area W-442 and W-598 from the description of the Hawaiian Islands transition area.

The Department of the Navy has agreed that the changes outlined above will make the use of the navigable airspace involved more flexible and will in no way derogate Navy operational requirements. There are no changes to the geographical coordinates of the areas concerned.

Since these amendments reduce the burden on the public, notice and public procedure hereon are unnecessary and the amendments may be made effective on less than 30 days notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective immediately, as hereinafter set forth.

1. In § 73.31 (32 F.R. 2308, 5769) R-3104 and R-3107 are revoked and the following areas are designated in lieu thereof:

R-3104A ISLAND OF KAHOOLAWE, HAWAII

Boundaries: Beginning at lat. 20°34'20" N., long. 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to lat. 20°37'00" N., long. 156°35'15" W.; to lat. 20°35'20" N., long. 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to lat. 20°30'20" N., long. 156° 31'45" W.; to lat. 20°30'00" N., long. 156°31'00" W.; to Lat. 20°28'30" N., long. 156°30'45" W; thence clockwise 3 nautical miles from and parallel to the shoreline to lat. 20°35'25" N., long. 156°43'00" W.; to the point of beginning.

Designated altitudes: Surface to 10,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.

Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

Boundaries: Beginning at lat. 20°34'20" N., long. 156°40' 30" W.; thence clockwise 1 mile from and parallel to the shoreline to lat. 20°-37'00" N., long. 156°35'15" W.; to lat. 20°-35'20" N., long. 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to lat. 20°30'20" N., long. 156°31'45" W.; to lat. 20°30'00" N., long. 156°31'00" W.; to lat. 20°28'30" N., long. 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to lat. 20°35'25" N., long. 156°43'00" W.; to the point of beginning.

Designated altitudes: 10,000 feet MSL to FL 180.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.

Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3104C ISLAND OF KAHOOLAWE, HAWAII

Boundaries: Beginning at lat. 20°34'20" N., long. 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to lat. 20°37'00" N., long. 156°35'15" W.; to lat. 20°35'20" N., long. 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to lat. 20°30'20" N., long. 156°31'-45" W.; to lat. 20°30'00" N., long. 156°31'00" W.; to lat. 20°28'30" N., long. 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to lat. 20°35'25" N., long. 156°43'00" W.; to the point of beginning.

Designated altitudes: FL 180 to unlimited.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.

Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3107A KAULA ROCK, HAWAII

Boundaries: A circular area with a 3-nautical-mile radius centered at lat. 21°-39'30" N., long. 160°32'30" W.

Designated altitudes: Surface to 14,500 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.

Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3107B KAULA ROCK, HAWAII

Boundaries: A circular area with a 3-nautical-mile radius centered at lat. 21°39'-30" N., long. 160°32'30" W.

Designation altitudes: 14,500 feet MSL to FL 300.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.

Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

2. In § 73.31 (32 F.R. 2308, 5769) R-3108 is amended by deleting "Designated altitudes. Surface to flight level 500." and "Time of designation. Continuous." and substituting therefore "Designated altitudes. Surface to FL 300." and "Time of designation. Sunrise to sunset, Monday through Friday."

3. In § 71.181 (32 F.R. 2148) alter the description of the Hawaiian Islands transition area by deleting "The airspace within control area extensions, transition areas, Federal airways, R-3107, warning areas and the airspace less than 1,500 feet above the terrain are excluded." and substituting therefor "The airspace within control area extensions, transition areas, Federal airways, warning areas W-318, W-319, W-320, W-321, W-322, W-511, W-512, and the airspace less than 1,500 feet above the terrain is excluded."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 4, 1967.

WILLIAM E. MORGAN,
*Acting Director,*
*Air Traffic Service.*

[F.R. Doc. 67-14425; Filed, Dec. 11, 1967; 8:49 a.m.]

---

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8567; Special Federal Aviation Reg. 18]

## PART 91—GENERAL OPERATING AND FLIGHT RULES

### Prohibition of Air Traffic Over and in the Vicinity of the Vessel, Queen Mary

On December 9 and 10, 1967, the vessel, "Queen Mary" will be in the process of completing its voyage from Acapulco, Mexico, to Long Beach, Calif. At various times during the course of this voyage and after docking at Long Beach, large numbers of persons on shore and in boats are expected in the vicinity of the ship. Additionally, many airplanes are expected to follow it.

Therefore, in the interest of safety of persons and property on the surface and aircraft operations in the vicinity of the ship, I have determined that a temporary restriction must be imposed on air traffic which will prohibit the operation of aircraft below 3,000 feet mean sea level within two statute miles of the Queen Mary on December 9 and 10, 1967. Exempted from this restriction are aircraft used by government agencies participating in the control of surface operation and law enforcement activities, aircraft officially participating in the Queen Mary arrival ceremonies, and aircraft operated by or for accredited news representatives. Authorization for any other operation must be obtained from the Federal Aviation Administration Flight Service Stations at San Diego or Los Angeles.

Since the arrival of the Queen Mary will take place on December 9, 1967, this regulation must be adopted without delay. Therefore, I find that notice and public procedure hereon are impracticable and that cause exists to make this regulation effective in less than 30 days.

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted:

1. No person may operate an aircraft below 3,000 feet above the surface within 2 statute miles of the vessel "Queen Mary" on December 9 and 10, 1967, unless:

(a) The aircraft is operated by a Government agency officially participating in the control of surface operations or law enforcement activities;

(b) The aircraft is carrying accredited news representatives or persons officially associated with the Queen Mary's arrival ceremonies; or

(c) The aircraft is operated under an authorization obtained from ATC.

2. The pilot in command of an aircraft operated under the authority of section 1(a) of this regulation may deviate from the provisions of the minimum altitude requirements of § 91.79 of the Federal Aviation Regulations to the extent necessary to perform his official duties. The pilot in command of other aircraft shall comply with the following minimum altitude requirements of Part 91 of the Federal Aviation Regulations:

(a) For fixed-wing aircraft, the provisions of § 91.79(b).

(b) For helicopters, the minimum altitude requirements of § 91.79(c).

This regulation becomes effective at 0001 P.s.t., December 9, 1967, and expires 2400 P.s.t., December 10, 1967.

(Sec. 307, Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 5, 1967.

WILLIAM F. MCKEE,
*Administrator.*

[F.R. Doc. 67-14412; Filed, Dec. 11, 1967; 8:48 a.m.]

---

# Title 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

### Identity Standards; Confirmation of Effective Date of Order Listing Fumaric Acid as Optional Ingredient

In the matter of amending the standards of identity for fruit jelly (21 CFR 29.2); fruit preserves or jams (21 CFR 29.3); artificially sweetened fruit jelly (21 CFR 29.4); and artificially sweetened fruit preserves or artificially sweetened fruit jams (21 CFR 29.5) to provide for the use of fumaric acid as an optional acidifying ingredient:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of October 13, 1967 (32 F.R. 14205). Accordingly, the amendments promulgated by that order will become effective December 12, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 30, 1967.

J. K. KIRK,
*Associate Commissioner for Compliance.*

[F.R. Doc. 67-14427; Filed, Dec. 11, 1967; 8:49 a.m.]

---

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

CALCIUM STEARATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Witco Chemical Co., Inc., Organic Chemicals Division, 6200 West 51st Street, Chicago, Ill. 60638, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of calcium stearate as an anticaking agent in animal feeds. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart C to following new section:

§ 121.306 Feed-grade calcium stearate.

Feed-grade calcium stearate may be safely used in an animal feed in accordance with the following prescribed conditions:

(a) Feed-grade calcium stearate is the calcium salt of a fatty acid mixture that is predominately stearic acid. Associated fatty acids, including palmitic acid and minor amounts of lauric, myristic, pentadecanoic, margaric, arachidic, and other fatty acids may be contained in the mixture, but such associated fatty acids in aggregate do not exceed 35 percent by weight of the mixture. The fatty acids may be derived from feed-grade fats or oils.

(b) The additive meets the following specifications:

(1) Unsaponifiable matter does not exceed 2 percent.

(2) It is free of chick edema factor.

(c) The additive is manufactured so that in aqueous solution it is exposed for 1 hour or longer to temperature in excess of 180° F.

(d) It is used as an anticaking agent in animal feeds in accordance with good manufacturing practice.

Any person who will be adversely affected by the foregoing order may at

any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 30, 1967.

J. K. KIRK,
*Associate Commissioner for Compliance.*

[F.R. Doc. 67-14428; Filed, Dec. 11, 1967; 8:49 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

CLARIFICATION

Effective on the date of publication of this order in the FEDERAL REGISTER, the table in paragraph (b) of § 121.1163 *Natural flavoring substances and natural substances used in conjunction with flavors* is amended for clarification by changing in footnote 1 the words "distilled liquors" to read "alcoholic beverages".

(Secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785; 21 U.S.C. 348, 371(a))

Dated: November 30, 1967.

J. K. KIRK,
*Associate Commissioner for Compliance.*

[F.R. Doc. 67-14429; Filed, Dec. 11, 1967; 8:49 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

### Subpart D—Food Additives Permitted in Food for Human Consumption

SULFAMERAZINE

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of sulfamerazine in feed for trout for treatment of furunculosis. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.305 Sulfamerazine.

The food additive sulfamerazine (*N*$^1$-[4-methyl-2-pyrimidinyl] sulfanilamide) may be safely used in animal feed when incorporated therein in accordance with the following conditions:

(a) It is used or intended for use as follows:

| | Amount | Limitations | Indications for use |
|---|---|---|---|
| Sulfamerazine | 10 grams per 100 pounds of fish per day. | For rainbow trout, brook trout, and brown trout; treat for not more than 14 days; do not treat within 3 weeks prior to marketing or stocking in streams open to fishing. | Control of furunculosis. |

(b) To assure safe use, the label and labeling of the additive and of any intermediate premix or final feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the quantity of the additive contained therein.

(3) Adequate directions and warnings for use.

2. Based upon an evaluation of the data before him and proceeding under the authority of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), delegated as cited above, the Commissioner has concluded that a tolerance limitation is required to assure that the edible tissues of fish treated with sulfamerazine in accordance with § 121.305 are safe for human consumption. Accordingly, Part 121 is amended by adding to Subpart D the following new section:

§ 121.1212 Sulfamerazine.

A tolerance of zero is established for residues of sulfamerazine (*N*$^1$-[4-methyl-2-pyrimidinyl]sulfanilamide) in the edible tissues of trout.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: November 30, 1967.

J. K. KIRK,
*Associate Commissioner for Compliance.*

[F.R. Doc. 67-14430; Filed, Dec. 11, 1967; 8:49 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

EMULSIFIERS AND/OR SURFACE-ACTIVE AGENTS

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions (FAP 4B1479, 6B1915) filed by Olin Mathieson Chemical Corp., 1730 K Street NW., Washington, D.C. 20006, on behalf of itself, The Dow Chemical Co., General Aniline and Film Corp., Jefferson Chemical Co., Inc., Monsanto Co., Rohm and Haas Co., Union Carbide Corp., and Wyandotte Chemicals Corp., and other relevant material, has concluded that § 121.2541 of the food additive regulations should be amended to provide for additional use of the substances specified below as emulsifiers and/or surface-active agents in the manufacture of articles intended for use in contact with food. The Commissioner has further concluded that the items identified below should be deleted from §§ 121.2520, 121.2536, and 121.2550 since the amendment herein to § 121.2541 provides for the use of the additives as contemplated. Also, the Commissioner has concluded that § 121.2547(b) and the below-identified items in §§ 121.2519, 121.2520, and 121.2571 should be revised as indicated for consistency of nomenclature with amended § 121.2541.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended in Subpart F in the following respects:

1. Section 121.2519(d)(3) is amended by revising the item "Polyoxyethylene (1.5–15 mols) alkyl ($C_8$, $C_9$, or $C_{12}$) phenol" to read as follows and by realphabetizing it accordingly:

**§ 121.2519 Defoaming agents used in the manufacture of paper and paperboard.**

* * * * *

(d) * * *

(3) Miscellaneous:

* * * * *

α-[p-(1,1,3-3-Tetramethylbutyl) phenyl-, p-nonylphenyl-, or p-dodecylphenyl]-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of p-alkylphenol (alkyl group is 1,1,3,3-tetramethylbutyl, a propylene trimer isomer, or a propylene tetramer isomer) with an average of 1.5–15 moles of ethylene oxide.

* * * * *

2. Section 121.2520(c)(5) is amended by deleting the item "Polyoxyethylene (molecular weight 1900) di-*sec*-butylphenylate" and by revising the items "Polyoxyethylene (1–40 mols) nonylphenol" and "Polyoxyethylene (1–40 mols) octylphenol" to read as follows, respectively, and by realphabetizing them accordingly:

**§ 121.2520 Adhesives.**

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

| *Substances* | *Limitations* |
|---|---|
| * * * | * * * |
| α-(p-Nonylphenyl)-omega-hydroxypoly-(oxyethylene) produced by the condensation of 1 mole of p-nonylphenol (nonyl group is a propylene trimer isomer) with an average of 1–40 moles of ethylene oxide. | ---------- |
| * * * | * * * |
| α-[p-(1,1,3,3-Tetramethylbutyl) phenyl]-omega-hydoxypoly-(oxyethylene) produced by the condensation of 1 mole of p-(1,1,3,3-tetramethylbutyl) phenol with an average of 1–40 moles of ethylene oxide. | ---------- |
| * * * | * * * |

**§ 121.2536 [Amended]**

3. Section 121.2536 *Filters, resin-bonded* is amended by deleting from the list in paragraph (d)(2) the item "Polyoxyethylene (9–10 mols) ether of octyl- or nonylphenol."

4. Section 121.2541(c) is amended by alphabetically inserting 3 new items (the first three set forth below) and by revising and realphabetizing the item "*p-tert*-Octylphenoxy-polyethoxyethanol (40 moles) * * *" to read as the fourth item below, as follows:

**§ 121.2541 Emulsifiers and/or surface-active agents.**

* * * * *

| (c) List of substances: *Limitations* | |
|---|---|
| * * * | * * * |
| α-Di-*sec*-butylphenyl-*omega*-hydroxypoly-(oxyethlylene) produced by the condensation of 1 mole of di-*sec*-butylphenol with an average of 4–14 or 30–50 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range 4–14 or 30–50; *sec*-butyl groups are predominantly (90 percent or more) o-, p-substituents. | ---------- |
| α-(*p-Dodecylphenyl*)-*omega*-hydroxypoly (oxyethylene) produced by the condensation of 1 mole of dodecylphenol (dodecyl group is a propylene tetramer isomer) with an average of 4–14 or 30–50 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range 4–14 or 30–50. | |
| α-(p-Nonylphenyl)-*omega*-hydroxypoly-(oxyethylene) produced by the condensation of 1 mole of nonylphenol (nonyl group is a propylene trimer isomer) with an average of 4–14 or 30–50 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range 4–14 or 30–50. | ---------- |
| * * * | * * * |
| α-[p-(1,1,3,3-Tetramethylbutyl)phenyl]-*omega*-hydroxpoly (oxyethylene) produced by the condensation of 1 mole of p-(1,1,3,3-tetramethylbutyl) phenol with an average of 4–14 or 30–40 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range 4–14 or 30–50. | ---------- |
| * * * | * * * |

5. Section 121.2547(b)(5) is revised to read as follows:

**§ 121.2547 Sanitizing solutions.**

* * * * *

(b) * * *

(5) An aqueous solution containing elemental iodine, hydriodic acid, isopropyl alcohol, α-(*p*-nonylphenyl)-*omega*-hydroxypoly(oxyethylene) complying with the identity prescribed in § 121.2541(c) and having a maximum average molecular weight of 748) and/or polyoxythylene-polyoxypropylene block polymers (having a minimum average molecular weight of 1,900), together with components generally recognized as safe.

* * * * *

**§ 121.2550 [Amended]**

6. Section 121.2550 *Closures with sealing gaskets for food containers* is amended in paragraph (b)(5) by deleting from table 1 the item "Polyoxyethylated (8–10 moles) octylphenol."

7. Section 121.2571(b)(2) is amended by revising the item "Polyoxyethylene ethers of octyl- or nonylphenol" to read as follows and by realphabetizing it accordingly:

**§ 121.2571 Components of paper and paperboard in contact with dry food.**

* * * * *

(b) * * *

(2) * * *

| *List of substances* | *Limitations* |
|---|---|
| * * * | * * * |
| α-[p-1,1,3,3-Tetramethylbutyl)phenyl or p-nonylphenyl]-*omega*-hydroxypoly(oxyethylene) where nonyl group is a propylene trimer isomer. | ---------- |
| * * * | * * * |

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 1, 1967.

J. K. KIRK,
*Associate Commissioner for Compliance.*

[F.R. Doc. 67-14431; Filed, Dec. 11, 1967; 8:49 a.m.]

SUBCHAPTER C—DRUGS

## PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

### Sodium Ampicillin

*Correction*

In F.R. Doc. 67-14070 appearing at page 16491 in the issue of Friday, December 1, 1967, the following changes should be made in § 146a.119(b):

1. The 13th line which reads "containers either 125 milligrams, 250" should be deleted.

2. The 18th line should read "of ampicillin. If it is packaged for dis-".

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6939]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Treatment of Income From Unrelated Trade or Business

On April 14, 1967, a notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 513 and 512 of the Internal Revenue Code of 1954, relating to the treatment of income from unrelated trade or business, was published in the FEDERAL REGISTER (32 F.R. 5993). After consideration of all the relevant matter presented by interested persons regarding the rules proposed, the following amendments to the regulations are hereby adopted:

PARAGRAPH 1. Section 1.513-1 is redesignated as § 1.513-2 and, as so redesignated, is amended by revising the title of the section and by adding a new paragraph (d) thereto. Such revised and added provisions read as follows:

**§ 1.513-2 Definition of unrelated trade or business applicable to taxable years beginning before December 13, 1967.**

* * * * *

(d) *Effective date.* Except as provided in paragraph (g) of § 1.513-1, this section is applicable with respect to taxable years beginning before December 13, 1967.

PAR. 2. There is inserted immediately following § 1.513 the following new section:

**§ 1.513-1 Definition of unrelated trade or business.**

(a) *In general.* As used in section 512 the term "unrelated business taxable income" means the gross income derived by an organization from any unrelated trade or business regularly carried on by it, less the deductions and subject to the exceptions, additions and limitations provided in section 512. Section 513 specifies with certain exceptions that the phrase "unrelated trade or business" means, in the case of an organization subject to the tax imposed by section 511, any trade or business the conduct of which is not substantially related (aside from the need of such organization for income or funds or the use it makes of the profits derived) to the exercise or performance by such organization of its charitable, educational or other purpose or function constituting the basis for its exemption under section 501 (or, in the case of an organization described in section 511(a)(2)(B), to the exercise or performance of any purpose or function described in section 501(c)(3)). (For certain exceptions from this definition, and a special rule for certain publishing businesses, see paragraphs (e) and (f) of this section. For a special definition of "unrelated trade or business" applicable to certain trusts, see section 513(b).) Therefore, unless one of the specific exceptions of section 512 or 513 is applicable, gross income of an exempt organization subject to the tax imposed by section 511 is includible in the computation of unrelated business taxable income if (1) it is income from trade or business, (2) such trade or business is regularly carried on by the organization, and (3) the conduct of such trade or business is not substantially related (other than through the production of funds) to the organization's performance of its exempt functions.

(b) *Trade or business.* The primary objective of adoption of the unrelated business income tax was to eliminate a source of unfair competition by placing the unrelated business activities of certain exempt organizations upon the same tax basis as the nonexempt business endeavors with which they compete. In general, any activity of a section 511 organization which is carried on for the production of income and which otherwise possesses the characteristics required to constitute "trade or business" within the meaning of section 162—and which, in addition, is not substantially related to the performance of exempt functions—presents sufficient likelihood of unfair competition to be within the policy of the tax. Accordingly, for the purposes of section 513 the term "trade or business" has the same meaning it has in section 162, and generally includes any activity carried on for the production of income from the sale of goods or performance of services. Thus, the term "trade or business" in section 513 is not limited to integrated aggregates of assets, activities and good will which comprise businesses for the purposes of certain other provisions of the Internal Revenue Code. Activities of producing or distributing goods or performing services from which a particular amount of gross income is derived do not lose identity as trade or business merely because they are carried on within a larger aggregate of similar activities or within a larger complex of other endeavors which may, or may not, be related to the exempt purposes of the organization. Thus, for example, the regular sale of pharmaceutical supplies to the general public by a hospital pharmacy does not lose identity as trade or business merely because the pharmacy also furnishes supplies to the hospital and patients of the hospital in accordance with its exempt purposes or in compliance with the terms of section 513(a)(2). Similarly, activities of soliciting, selling, and publishing commercial advertising do not lose identity as trade or business even though the advertising is published in an exempt organization periodical which contains editorial matter related to the exempt purposes of the organization.

(c) *Regularly carried on*—(1) *General principles.* In determining whether trade or business from which a particular amount of gross income derives is "regularly carried on," within the meaning of section 512, regard must be had to the frequency and continuity with which the activities productive of the income are conducted and the manner in which they are pursued. This requirement must be applied in light of the purpose of the unrelated business income tax to place exempt organization business activities upon the same tax basis as the nonexempt business endeavors with which they compete. Hence, for example, specific business activities of an exempt organization will ordinarily be deemed to be "regularly carried on" if they manifest a frequency and continuity, and are pursued in a manner, generally similar to comparable commercial activities of nonexempt organizations.

(2) *Application of principles in certain cases*—(i) *Normal time span of activities.* Where income producing activities are of a kind normally conducted by nonexempt commercial organizations on a year-round basis, the conduct of such activities by an exempt organization over a period of only a few weeks does not constitute the regular carrying on of trade or business. For example, the operation of a sandwich stand by a hospital auxiliary for only 2 weeks at a state fair would not be the regular conduct of trade or business. However, the conduct of year-round business activities for one day each week would constitute the regular carrying on of trade or business. Thus, the operation of a commercial parking lot on Saturday of each week would be the regular conduct of trade or business. Where income producing activities are of a kind normally undertaken by nonexempt commercial organizations only on a seasonal basis, the conduct of such activities by an exempt organization during a significant portion of the season ordinarily constitutes the regular conduct of trade or business. For example, the operation of a track for horse racing for several weeks of a year would be considered the regular conduct of trade or business because it is usual to carry on such trade or business only during a particular season.

(ii) *Intermittent activities; in general.* In determining whether or not intermittently conducted activities are regularly carried on, the manner of conduct of the activities must be compared with the

manner in which commercial activities are normally pursued by non-exempt organizations. In general, exempt organization business activities which are engaged in only discontinuously or periodically will not be considered regularly carried on if they are conducted without the competitive and promotional efforts typical of commercial endeavors. For example, the publication of advertising in programs for sports events or music or drama performances will not ordinarily be deemed to be the regular carrying on of business. Similarly, where an organization sells certain types of goods or services to a particular class of persons in pursuance of its exempt functions "primarily for the convenience" of such persons within the meaning of section 513(a)(2) (as, for example, the sale of books by a college bookstore to students or the sale of pharmaceutical supplies by a hospital pharmacy to patients of the hospital), casual sales in the course of such activity which do not qualify as related to the exempt function involved or as described in section 513(a)(2) will not be treated as regular. On the other hand, where the nonqualifying sales are not merely casual, but are systematically and consistently promoted and carried on by the organization, they meet the section 512 requirement of regularity.

(iii) *Intermittent activities; special rule in certain cases of infrequent conduct.* Certain intermittent income producing activities occur so infrequently that neither their recurrence nor the manner of their conduct will cause them to be regarded as trade or business regularly carried on. For example, income producing or fund raising activities lasting only a short period of time will not ordinarily be treated as regularly carried on if they recur only occasionally or sporadically. Furthermore, such activities will not be regarded as regularly carried on merely because they are conducted on an annually recurrent basis. Accordingly, income derived from the conduct of an annual dance or similar fund raising event for charity would not be income from trade or business regularly carried on.

(d) *Substantially related*—(1) *In general.* Gross income derives from "unrelated trade or business," within the meaning of section 513(a), if the conduct of the trade or business which produces the income is not substantially related (other than through the production of funds) to the purposes for which exemption is granted. The presence of this requirement necessitates an examination of the relationship between the business activities which generate the particular income in question—the activities, that is, of producing or distributing the goods or performing the services involved—and the accomplishment of the organization's exempt purposes.

(2) *Type of relationship required.* Trade or business is "related" to exempt purposes, in the relevant sense, only where the conduct of the business activities has causal relationship to the achievement of exempt purposes (other than through the production of income); and it is "substantially related," for purposes of section 513, only if the causal relationship is a substantial one. Thus, for the conduct of trade or business from which a particular amount of gross income is derived to be substantially related to purposes for which exemption is granted, the production or distribution of the goods or the performance of the services from which the gross income is derived must contribute importantly to the accomplishment of those purposes. Where the production or distribution of the goods or the performance of the services does not contribute importantly to the accomplishment of the exempt purposes of an organization, the income from the sale of the goods or the performance of the services does not derive from the conduct of related trade or business. Whether activities productive of gross income contribute importantly to the accomplishment of any purpose for which an organization is granted exemption depends in each case upon the facts and circumstances involved.

(3) *Size and extent of activities.* In determining whether activities contribute importantly to the accomplishment of an exempt purpose, the size and extent of the activities involved must be considered in relation to the nature and extent of the exempt function which they purport to serve. Thus, where income is realized by an exempt organization from activities which are in part related to the performance of its exempt functions, but which are conducted on a larger scale than is reasonably necessary for performance of such functions, the gross income attributable to that portion of the activities in excess of the needs of exempt functions constitutes gross income from the conduct of unrelated trade or business. Such income is not derived from the production or distribution of goods or the performance of services which contribute importantly to the accomplishment of any exempt purpose of the organization.

(4) *Application of principles*—(i) *Income from performance of exempt functions.* Gross income derived from charges for the performance of exempt functions does not constitute gross income from the conduct of unrelated trade or business. The following examples illustrate the application of this principle:

*Example (1).* M, an organization described in section 501(c)(3), operates a school for training children in the performing arts, such as acting, singing, and dancing. It presents performances by its students and derives gross income from admission charges for the performances. The students' participation in performances before audiences is an essential part of their training. Since the income realized from the performances derives from activities which contribute importantly to the accomplishment of M's exempt purposes, it does not constitute gross income from unrelated trade or business. (For specific exclusion applicable in certain cases of contributed services, see section 513(a)(1) and paragraph (e)(1) of this section.)

*Example (2).* N is a trade union qualified for exemption under section 501(c)(5). To improve the trade skills of its members, N conducts refresher training courses and supplies handbooks and technical manuals. N receives payments from its members for these services and materials. However, the development and improvement of the skills of its members is one of the purposes for which exemption is granted N; and the activities described contribute importantly to that purpose. Therefore, the income derived from these activities does not constitute gross income from unrelated trade or business.

*Example (3).* O is an industry trade association qualified for exemption under section 501(c)(6). It presents a trade show in which members of its industry join in an exhibition of industry products. O derives income from charges made to exhibitors for exhibit space and admission fees charged patrons or viewers of the show. The show is not a sales facility for individual exhibitors; its purpose is the promotion and stimulation of interest in, and demand for, the industry's products in general, and it is conducted in a manner reasonably calculated to achieve that purpose. The stimulation of demand for the industry's products in general is one of the purposes for which exemption is granted O. Consequently, the activities productive of O's gross income from the show—that is, the promotion, organization and conduct of the exhibition—contribute importantly to the achievement of an exempt purpose, and the income does not constitute gross income from unrelated trade or business.

(ii) *Disposition of product of exempt functions.* Ordinarily, gross income from the sale of products which from result the performance of exempt functions does not constitute gross income from the conduct of unrelated trade or business if the product is sold in substantially the same state it is in on completion of the exempt functions. Thus, in the case of an organization described in section 501(c)(3) and engaged in a program of rehabilitation of handicapped persons, income from sale of articles made by such persons as a part of their rehabilitation training would not be gross income from conduct of unrelated trade or business. The income in such case would be from sale of products, the production of which contributed importantly to the accomplishment of purposes for which exemption is granted the organization—namely, rehabilitation of the handicapped. On the other hand, if a product resulting from an exempt function is utilized or exploited in further business endeavor beyond that reasonably appropriate or necessary for disposition in the state it is in upon completion of exempt functions, the gross income derived therefrom would be from conduct of unrelated trade or business. Thus, in the case of an experimental dairy herd maintained for scientific purposes by a research organization described in section 501(c)(3), income from sale of milk and cream produced in the ordinary course of operation of the project would not be gross income from conduct of unrelated trade or business. On the other hand, if the organization were to utilize the milk and cream in the further manufacture of food items such as ice cream, pastries, etc., the gross income from the sale of such products would be from the conduct of unrelated trade or business unless the manufacturing activities themselves contribute importantly to the accomplishment of an exempt purpose of the organization.

(iii) *Dual use of assets or facilities.* In certain cases, an asset or facility necessary to the conduct of exempt functions may also be employed in a commercial endeavor. In such cases, the mere fact of the use of the asset or facility in exempt functions does not, by itself, make the income from the commercial endeavor gross income from related trade or business. The test, instead, is whether the activities productive of the income in question contribute importantly to the accomplishment of exempt purposes. Assume, for example, that a museum exempt under section 501(c)(3) has a theater auditorium which is specially designed and equipped for showing of educational films in connection with its program of public education in the arts and sciences. The theater is a principal feature of the museum and is in continuous operation during the hours the museum is open to the public. If the organization were to operate the theater as an ordinary motion picture theater for public entertainment during the evening hours when the museum was closed, gross income from such operation would be gross income from conduct of unrelated trade or business.

(iv) *Exploitation of exempt functions.* In certain cases, activities carried on by an organization in the performance of exempt functions may generate good will or other intangibles which are capable of being exploited in commercial endeavors. Where an organization exploits such an intangible in commercial activities, the mere fact that the resultant income depends in part upon an exempt function of the organization does not make it gross income from related trade or business. In such cases, unless the commercial activities themselves contribute importantly to the accomplishment of an exempt purpose, the income which they produce is gross income from the conduct of unrelated trade or business. The application of this subdivision is illustrated in the following examples:

*Example (1).* U, an exempt scientific organization, enjoys an excellent reputation in the field of biological research. It exploits this reputation regularly by selling endorsements of various items of laboratory equipment to manufacturers. The endorsing of laboratory equipment does not contribute importantly to the accomplishment of any purpose for which exemption is granted U. Accordingly, the income derived from the sale of endorsements is gross income from unrelated trade or business.

*Example (2).* V, an exempt university, has a regular faculty and a regularly enrolled student body. During the school year, V sponsors the appearance of professional theater companies and symphony orchestras which present drama and musical performances for the students and faculty members. Members of the general public are also admitted. V advertises these performances and supervises advance ticket sales at various places, including such university facilities as the cafeteria and the university bookstore. V derives gross income from the conduct of the performances. However, while the presentation of the performances make use of an intangible generated by V's exempt educational functions—the presence of the student body and faculty—the presentation of such drama and music events contributes importantly to the overall educational and cultural function of the university. Therefore, the income which V receives does not constitute gross income from the conduct of unrelated trade or business.

*Example (3).* W is an exempt business league with a large membership. Under an arrangement with an advertising agency, W regularly mails brochures, pamphlets and other commercial advertising materials to its members, for which service W charges the agency an agreed amount per enclosure. The distribution of the advertising materials does not contribute importantly to the accomplishment of any purpose for which W is granted exemption. Accordingly, the payments made to W by the advertising agency constitute gross income from unrelated trade or business.

*Example (4).* X, an exempt organization for the advancement of public interest in classical music, owns a radio station and operates it in a manner which contributes importantly to the accomplishment of the purposes for which the organization is granted exemption. However, in the course of the operation of the station the organization derives gross income from the regular sale of advertising time and services to commercial advertisers in the manner of an ordinary commercial station. Neither the sale of such time nor the performance of such services contributes importantly to the accomplishment of any purpose for which the organization is granted exemption. Notwithstanding the fact that the production of the advertising income depends upon the existence of the listening audience resulting from performance of exempt functions, such income is gross income from unrelated trade or business.

*Example (5).* Y, an exempt university, provides facilities, instruction and faculty supervision for a campus newspaper operated by its students. In addition to news items and editorial commentary, the newspaper publishes paid advertising. The solicitation, sale, and publication of the advertising are conducted by students, under the supervision and instruction of the university. Although the services rendered to advertisers are of a commercial character, the advertising business contributes importantly to the university's educational program through the training of the students involved. Hence, none of the income derived from publication of the newspaper constitutes gross income from unrelated trade or business. The same results would follow even though the newspaper is published by a separately incorporated section 501(c)(3) organization, qualified under the university rules for recognition of student activities, and even though such organization utilizes its own facilities and is independent of faculty supervision, but carries out its educational purposes by means of student instruction of other students in the editorial and advertising activities and student participation in those activities.

*Example (6).* Z is an association exempt under section 501(c)(6), formed to advance the interests of a particular profession and drawing its membership from the members of that profession. Z publishes a monthly journal containing articles and other editorial material which contribute importantly to the accomplishment of purposes for which exemption is granted the organization. Income from the sale of subscriptions to members and others in accordance with the organization's exempt purposes, therefore, does not constitute gross income from unrelated trade or business. In connection with the publication of the journal, Z also derives income from the regular sale of space and services for general consumer advertising, including advertising of such products as soft drinks, automobiles, articles of apparel, and home appliances. Neither the publication of such advertisements nor the performance of services for such commercial advertisers contributes importantly to the accomplishment of any purpose for which exemption is granted. Therefore, notwithstanding the fact that the production of income from advertising utilizes the circulation developed and maintained in performance of exempt functions, such income is gross income from unrelated trade or business.

*Example (7).* The facts are as described in the preceding example, except that the advertising in Z's journal promotes only products which are within the general area of professional interest of its members. Following a practice common among taxable magazines which publish advertising, Z requires its advertising to comply with certain general standards of taste, fairness, and accuracy; but within those limits the form, content, and manner of presentation of the advertising messages are governed by the basic objective of the advertisers to promote the sale of the advertised products. While the advertisements contain certain information, the informational function of the advertising is incidental to the controlling aim of stimulating demand for the advertised products and differs in no essential respect from the informational function of any commercial advertising. Like taxable publishers of advertising, Z accepts advertising only from those who are willing to pay its prescribed rates. Although continuing education of its members in matters pertaining to their profession is one of the purposes for which Z is granted exemption, the publication of advertising designed and selected in the manner of ordinary commercial advertising is not an educational activity of the kind contemplated by the exemption statute; it differs fundamentally from such an activity both in its governing objective and in its method. Accordingly, Z's publication of advertising does not contribute importantly to the accomplishment of its exempt purposes; and the income which it derives from advertising constitutes gross income from unrelated trade or business.

(e) *Exceptions.* Section 513(a) specifically states that the term "unrelated trade or business" does not include—

(1) Any trade or business in which substantially all the work in carrying on such trade or business is performed for the organization without compensation; or

(2) Any trade or business carried on by an organization described in section 501(c)(3) or by a governmental college or university described in section 511(a)(2)(B), primarily for the convenience of its members, students, patients, officers, or employees; or

(3) Any trade or business which consists of selling merchandise, substantially all of which has been received by the organization as gifts or contributions.

An example of the operation of the first of the exceptions mentioned above would be an exempt orphanage operating a retail store and selling to the general public, where substantially all the work in carrying on such business is performed for the organization by volunteers without compensation. An example of the second exception would be a laundry operated by a college for the purpose of laundering dormitory linens and the clothing of students. The third exception applies to so-called "thrift shops" operated by a tax-exempt organization where

those desiring to benefit such organization contribute old clothes, books, furniture, etc., to be sold to the general public with the proceeds going to the exempt organization.

(f) *Special rule respecting publishing businesses.* For a special rule with respect to publishing businesses carried on by an organization, see section 513(c).

(g) *Effective date.* This section is applicable with respect to taxable years beginning after December 13, 1967. However, if a taxpayer wishes to rely on the rules stated in this section for taxable years beginning before December 13, 1967, it may do so.

PAR. 3. Section 1.512(a)-1 is redesignated, as § 1.512(a)-2 and, as so redesignated, is amended by revising the title of the section, by designating the existing provision as paragraph (a), and by adding a new paragraph (b) thereto. Such revised and added provisions read as follows:

**§ 1.512(a)-2 Definition applicable to taxable years beginning before December 13, 1967.**

(a) *In general.* * * *

(b) *Effective date.* Except as provided in paragraph (f) of §1.512(a)-1, this section is applicable with respect to taxable years beginning before December 13, 1967.

PAR. 4. There is inserted immediately after § 1.512(a) the following new section:

**§ 1.512(a)-1 Definition.**

(a) *In general.* Section 512 defines "unrelated business taxable income" as the gross income derived from any unrelated trade or business regularly carried on, less those deductions allowed by chapter 1 of the Code which are directly connected with the carrying on of such trade or business, subject to certain exceptions, additions and limitations referred to in § 1.512(b)-1. To be deductible in computing unrelated business taxable income, therefore, expenses, depreciation, and similar items not only must qualify as deductions allowed by chapter 1 of the Code, but also must be directly connected with the carrying on of unrelated trade or business. Except as provided in paragraph (d)(2) of this section, to be "directly connected with" the conduct of unrelated business, for purposes of section 512, an item of deduction must have proximate and primary relationship to the carrying on of that business. In the case of an organization which derives gross income from the regular conduct of two or more unrelated business activities, unrelated business taxable income is the aggregate of gross income from all such unrelated business activities less the aggregate of the deductions allowed with respect to all such unrelated business activities.

(b) *Expenses attributable solely to unrelated business.* Expenses, depreciation and similar items attributable solely to the conduct of unrelated business are proximately and primarily related to that business and therefore qualify for deduction to the extent that they meet the requirements of section 162, section 167, or other relevant provisions of the Internal Revenue Code. Thus, for example, salaries of personnel employed full-time in carrying on unrelated business are directly connected with the conduct of the unrelated business and are deductible in computing unrelated business taxable income if they otherwise qualify for deduction under the requirements of section 162. Similarly, depreciation of a building used entirely in the conduct of unrelated business would be an allowable deduction to the extent otherwise permitted by section 167.

(c) *Dual use of facilities or personnel.* Where facilities or personnel are used both to carry on exempt functions and to conduct unrelated trade or business, expenses, depreciation, and similar items attributable to such facilities or personnel (as, for example, items of overhead) shall be allocated between the two uses on a reasonable basis. The portion of any such item so allocated to the unrelated trade or business is proximately and primarily related to that business, and shall be allowable as a deduction in computing unrelated business taxable income in the manner and to the extent permitted by section 162, section 167, or other relevant sections of the Internal Revenue Code. Thus, for example, assume that X, an exempt organization subject to the provisions of section 511, pays its president a salary of $20,000 a year. X derives gross income from the conduct of unrelated trade or business. The president devotes approximately 10 percent of his time during the year to the unrelated business. For purposes of computing X's unrelated business taxable income, a deduction of $2,000 ($20,000 times 10 percent) would be allowable for the salary paid to its president.

(d) *Exploitation of exempt functions*—(1) *In general.* In certain cases, gross income is derived from unrelated trade or business which exploits an exempt function. Except as specified in subparagraph (2) of this paragraph, in such cases expenses, depreciation and similar items attributable to the conduct of the exempt function are not deductible in computing unrelated business taxable income. Since such items are incident to a function of the type which it is the chief purpose of the organization to conduct, they do not possess proximate and primary relationship to the unrelated trade or business. Therefore, they do not qualify as directly connected with that business.

(2) *Allowable deductions.* Where unrelated trade or business is of a kind carried on for profit by taxable organizations and where the exempt activity exploited by the business is a type of activity normally conducted by taxable organizations in pursuance of such business, the expenses, depreciation and similar items which are attributable to the exempt activity qualify as directly connected with the carrying on of the unrelated trade or business to the extent that:

(i) The aggregate of such items exceeds the income (if any) derived from or attributable to the exempt activity; and

(ii) The allocation of such excess to the unrelated trade or business does not result in a loss from such unrelated trade or business.

Under the rule of the preceding sentence, expenses, depreciation and similar items paid or incurred in the performance of an exempt function must be allocated first to the exempt function to the extent of the income derived from or attributable to the performance of that function. Furthermore, such items are in no event allocable to the unrelated trade or business to the extent that their deduction would result in a loss carryover or carryback with respect to that trade or business. Similarly, they may not be taken into account in computing unrelated business taxable income attributable to unrelated trade or business not exploiting the same exempt function.

(e) *Examples.* The provisions of this section are illustrated by the following examples:

(3) *Examples.* The provisions of this paragraph are illustrated by the following examples:

*Example (1).* W is an exempt business league with a large membership. Under an arrangement with an advertising agency W regularly mails brochures, pamphlets and other commercial advertising materials to its members, charging the agency an agreed amount per enclosure. The distribution of the advertising materials does not contribute importantly to the accomplishment of the purpose for which W is granted exemption. Accordingly, the payments made to W by the advertising agency constitute gross income from unrelated trade or business. In computing W's unrelated business taxable income, the expenses attributable solely to the conduct of the business, or allocable to such business under the rule of paragraph (c) of this section; are allowable as deductions in accordance with the provisions of section 162. Such deductions include the costs of handling and mailing, the salaries of personnel used full-time in the unrelated business and an allocable portion of the salaries of personnel used both to carry on exempt functions and to conduct the unrelated business. However, costs of developing W's membership and carrying on its exempt activities are not deductible. Those costs are necessary to the maintenance of the intangible asset exploited in the unrelated business—W's membership—but are incurred primarily in connection with W's fundamental status and functioning as an exempt organization. As a consequence, they do not have proximate and primary relationship to the conduct of the unrelated business, and do not qualify as directly connected with it.

*Example (2).* Z, an exempt business league, publishes a monthly journal which it sells by subscription to members and others. The articles and other editorial content contribute importantly to the accomplishment of Z's exempt purposes. Therefore, the income attributable to journal subscriptions does not constitute gross income from unrelated trade or business. In connection with the publication of the journal, Z derives income from the regular sale of advertising space and services to commercial advertisers. Since the provision of commercial advertising space and services does not contribute importantly to the accomplishment of Z's exempt purposes, Z's income from advertising constitutes gross income from unrelated trade or

business. In computing Z's unrelated business taxable income, allowable deductions would (subject to the rules provided in section 162 and other relevant sections of the Internal Revenue Code) include the specific costs of the advertising business, such as advertising copy and mechanical costs, advertising sales commissions and similar expenses. Also allowable would be items of deduction (such as general overhead expenses and depreciation) allocable to the advertising business in accordance with the rule of paragraph (c) of this section. In addition, since expenses, depreciation and similar items related to the production and distribution of the editorial content of the journal are costs generally incurred by taxable organizations publishing journals with advertising, such items would, subject to the limitations of subdivisions (i) and (ii) of paragraph (d)(2) of this section, be treated as directly connected with the conduct of the advertising business and be allowable as deductions in computing Z's unrelated business taxable income to the extent provided in section 162, section 167, and other relevant sections of the Internal Revenue Code. The limitation of subdivision (i) of paragraph (d)(2) of this section would require reduction of the total of the items of editorial cost by the amount of the income attributable to subscriptions before deduction of such cost from the advertising income. The general effect of these rules would be to result in taxation of the advertising income only if the journal produced an overall net profit for the year and to confine the base upon which any tax would be computed to the amount of such net profit. The limitation of subdivision (ii) of paragraph (d)(2) of this section would preclude deduction of the items of editorial cost from any other unrelated business income of Z for the same taxable year or use of such items in computing a net operating loss carryover or carryback of the organization.

(f) *Effective date.* This section is applicable with respect to taxable years beginning after December 13, 1967. However, if a taxpayer wishes to rely on the rules stated in this section for taxable years beginning before December 13, 1967, it may do so.

PAR. 5. Paragraph (f)(4) of § 1.51(b)-1 is amended to read as follows:

**§ 1.512(b)-1 Exceptions, additions, and limitations.**

* * * * *

(f) *Research.* * * *

(4) For the purpose of §§ 1.512(a)-1, 1.512(a)-2, and this section, the term "research" does not include activities of a type ordinarily carried on as an incident to commercial or industrial operations, for example, the ordinary testing or inspection of materials or products or the designing or construction of equipment, buildings, etc. The term "fundamental research" does not include research carried on for the primary purpose of commercial or industrial application.

* * * * *

PAR. 6. Paragraph (d)(5)(v) of § 1.501(c)(3)-1 is amended to read as follows:

**§ 1.501(c)(3)-1 Organizations organized and operated for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals.**

* * * * *

(d) *Exempt purposes.* * * *

(5) *Scientific defined.* * * *

(v) The fact that any organization (including a college, university, or hospital) carries on research which is not in furtherance of an exempt purpose described in section 501(c)(3) will not preclude such organization from meeting the requirements of section 501(c)(3) so long as the organization meets the organizational test and is not operated for the primary purpose of carrying on such research (see paragraph (e) of this section, relating to organizations carrying on a trade or business). See paragraph (a)(5) of § 1.513-2, with respect to research which constitutes an unrelated trade or business, and section 512(b)(7), (8), and (9), with respect to income derived from research which is excludable from the tax on unrelated business income.

* * * * *

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

Approved: December 8, 1967.

[SEAL] SHELDON S. COHEN,
*Commissioner of Internal Revenue.*

STANLEY S. SURREY,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 67-14463; Filed, Dec. 11, 1967; 8:51 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter I—Office of the Secretary of Defense

### SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

### PART 52—SOLE SURVIVING SONS

The Secretary of Defense approved the following:

Sec.
52.1 Reissuance and purpose.
52.2 Applicability.
52.3 Definitions.
52.4 Policy.

AUTHORITY: The provisions of this Part 52 are issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

**§ 52.1 Reissuance and purpose.**

This part reflects up-to-date policies concerning the assignment and discharge of sole surviving sons of families who have suffered casualties.

**§ 52.2 Applicability.**

The provisions of this part apply to the Military Departments.

**§ 52.3 Definitions.**

As used in this part, the following definitions will apply:

(a) "Sole surviving son" means the only remaining son in a family of which, because of hazards incident to service in the Armed Forces of the United States, the father, or one or more sons or daughters—

(1) Have been killed;

(2) Have died as a result of wounds, accident, or disease;

(3) Are in a captured or missing-in-action status; or

(4) Are permanently 100 percent physically disabled (to include 100 percent mental disability) as determined by the Veterans Administration or one of the military services, and are hospitalized on a continuing basis, and not gainfully employed by virtue of such disability.

(b) "Armed Forces of the United States" denotes collectively all components of the Army, Navy, Air Force, Marine Corps, and Coast Guard.

**§ 52.4 Policy.**

(a) *Assignments.* (1) A sole surviving son may not be assigned to duties normally involving actual combat with the enemy if he or one of his parents submits a request for noncombat duty. However, where the parent alone makes the request, it may be waived by the serviceman.

(2) This policy will not be interpreted to mean that sole surviving sons will not be assigned to overseas commands where combat conditions are nonexistent.

(b) *Discharges.* (1) Enlisted personnel who become sole surviving sons subsequent to their enlistment or induction may apply for and be granted an administrative discharge, except in instances:

(i) Arising during the period of a war or national emergency hereafter declared by the Congress; or

(ii) Where the individual qualifies as a sole surviving son on the basis of a captured or missing-in-action status of a father, brother, or sister (see § 52.3(a)(3)).

(2) Sole surviving sons who qualify for discharge on the basis of the 100 percent disability status of the father, or one or more sons or daughters in a family (see § 52.3(a)(4)) shall be required to complete at least 6 months of active duty prior to discharge in order to qualify for a veteran's exemption under the provisions of 50 App. U.S.C. 456(b)(3).

(3) Commissioned officers (including warrant officers) will not be released from active duty based on their qualifications as sole surviving sons.

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

[F.R. Doc. 67-14380; Filed, Dec. 11, 1967; 8:45 a.m.]

# Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter I—National Park Service, Department of the Interior

### PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

### Shenandoah National Park, Va.

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916, 245 DM-1 (27

F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southeast Region Order No. 4 (31 F.R. 8135), as amended, § 7.15 of Title 36 of the Code of Federal Regulations is amended as set forth below.

The purpose of this amendment is to revoke regulations concerning: State fishing licenses, speed, travel on roads and trails, report of accidents by wrecker operators, riding or hitching horses in areas of public gatherings, and quiet hours in campgrounds and picnic areas, which are no longer necessary because these matters are covered by regulations contained in Parts 2 and 4 of this chapter.

Since these amendments will not impose any additional restrictions on the public, and in some instances will remove existing restrictions, public comment thereon and a delayed effective date are deemed unnecessary and these amendments shall take effect upon publication in the FEDERAL REGISTER.

(5 U.S.C. 553, 39 Stat. 535; 16 U.S.C. 3)

Section 7.15 of Part 7 of Title 36 of the Code of Federal Regulations is hereby amended by revoking paragraph (a)(7), paragraphs (b), (c), (d), and (f), and paragraph (e)(2).

JACKSON E. PRICE,
*Regional Director, Southeast Region, National Park Service.*

NOVEMBER 13, 1967.

[F.R. Doc. 67-14385; Filed, Dec. 11, 1967; 8:45 a.m.]

# Title 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Department of Health, Education, and Welfare

### SUBCHAPTER D—GRANTS

### PART 53—GRANTS FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND MEDICAL FACILITIES

### General Standards of Construction and Equipment

On page 8334 of the FEDERAL REGISTER of June 9, 1967, there was published a notice of proposed rule making to issue regulations incorporating by reference in Part 53 of Title 42 a rearranged, revised, and updated version of the standards of construction for hospitals and long-term care facilities and deleting the present Standards of construction and equipment for such facilities contained in Subpart N of Part 53. Interested persons were given 30 days in which to submit their views in writing regarding the proposed rulemaking and regarding any matters in the revised construction standards appended to the notice.

No comments were received on the proposed amendments to incorporate the construction standards by reference, and those amendments incorporating such standards by reference are hereby adopted without change and are set forth below.

Several comments were received within the allotted time dealing with various items in the standards hereby incorporated. After consideration of such comments, some revisions were made in the standards, principally concerning: (1) The provision of the elements for general hospital services which are to be purchased or shared by cooperative arrangements between a general hospital and other hospitals or medical facilities; (2) the fire-resistive characteristics of partitions in hospitals and long-term care facilities; (3) deletion of the standpipe system requirement for hospitals and long-term care facilities; (4) the percentage of beds in a nursing home which must be provided in one or two bedrooms; (5) deletion of the requirement for special isolation rooms in long-term care facilities.

Requests for copies of the "General Standards of Construction and Equipment for Hospital and Medical Facilities" (PHS No. 930-A-7) containing such revisions, as well as other editorial and minor technical changes, should be directed to the Division of Hospital and Medical Facilities, Public Health Service, Department of Health, Education, and Welfare, Willste Building, 7915 Eastern Avenue, Silver Spring, Md. 20910, or to the Public Health Service Information Center or Regional Office Information Center as listed in 45 CFR § 5.31 (32 F.R. 9316).

*Effective date.* These amendments to the regulations of Part 53 as set forth below shall be effective upon publication in the FEDERAL REGISTER.

1. Paragraph (a) of § 53.101 is revised to read as follows:

**§ 53.101 General.**

(a) Plans and specifications for each project submitted to the Surgeon General for approval, and in the case of rehabilitation facilities, the approval of the Secretary, under the Federal Act shall be prepared in accordance with "General Standards of Construction and equipment for Hospital and Medical Facilities" (PHS No. 930-A-7), and any amendments or revisions thereof, which document is hereby incorporated by reference and deemed published herein. Said document will be provided to all applicants for construction grants under this part, and is available to any interested person, whether or not affected by the provisions of this part, upon request to the Division of Hospital and Medical Facilities,[1] Public Health Service, Department of Health, Education, and Welfare, or to the Public Health Service Information Center or Regional Office Information Center as listed in 45 CFR § 5.31 (32 F.R. 9316). The Surgeon General may approve, subject also in the case of rehabilitation facilities to the approval of the Secretary, plans and specifications which contain deviations from the requirements prescribed if he is satisfied that the purposes of such requirements have been fulfilled.

* * * * *

[1] The Division also maintains an official, historic file of PHS No. 930-A-7.

2. Paragraph (f) of § 53.1 is revised to read as follows:

**§ 53.1 Definitions.**

* * * * *

(f) *Facilities for long-term care.* * * *

(2) In which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State. Institutions furnishing primarily domiciliary care are not included.

"Chronic disease hospitals" and "nursing homes" as used in the document "General Standards of Construction and Equipment for Hospital and Medical Facilities," incorporated by reference in § 53.101(a), constitute "facilities for long-term care."

* * * * *

3. Section 53.125 is revised to read as follows:

**§ 53.125 Construction standards.**

The State agency shall adopt general standards of construction and equipment for the various types of hospitals, facilities for long-term care, diagnostic or treatment centers, rehabilitation facilities, and public health centers assisted under this program. The standards adopted shall not be less than the general standards prescribed by the Public Health Service and set forth in the document "General Standards of Construction and Equipment for Hospital and Medical Facilities", as incorporated by reference in § 53.101(a).

4. Subpart N (Appendix A) of part 53, Chapter 1 of Title 42 of the Code of Federal Regulations is revoked.

(Sec. 215, 58 Stat. 690, as amended, sec. 603, 78 Stat. 451, as amended; 42 U.S.C. 216, 291c)

Approved: November 30, 1967.

[SEAL] WILLIAM H. STEWART,
*Surgeon General.*

WILLIAM H. STEWART,
*Chairman,*
*Federal Hospital Council.*

WILBUR J. COHEN,
*Acting Secretary.*

NOTE: Incorporation by reference provisions in § 53-101(a) approved by Director of the Federal Register on December 11, 1967.

[F.R. Doc. 67-14323; Filed, Dec. 11, 1967; 8:45 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

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

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4337]

[Idaho 017167]

### IDAHO

### Withdrawal for Research and Grazing Study Area

By virtue of the authority vested in the President and pursuant to Executive

Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for a research and grazing study area:

BOISE MERIDIAN

T. 13 S., R. 27 E.,
Sec. 1;
Sec. 2, E½E½;
Sec. 11, E½E½;
Secs. 12 and 13;
Sec. 14, E½E½;
Sec. 24.
T. 13 S., R. 28 E.,
Secs. 6 to 8, inclusive;
Sec. 9, W½ except that portion on the east side of Interstate Highway 80 north;
Secs. 17 to 19, inclusive;
Sec. 20, N½ and SW¼.

The areas described aggregate 7,857.08 acres in Cassia County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
*Assistant Secretary of the Interior.*

DECEMBER 6, 1967.

[F.R. Doc. 67-14383; Filed, Dec. 11, 1967; 8:45 a.m.]

# Title 45—PUBLIC WELFARE

## Chapter XI—National Foundation on the Arts and the Humanities

## PART 1105—STANDARDS OF CONDUCT OF EMPLOYEES

Part 1105 is added to Title 45 of the Code of Federal Regulations to read as follows. This material amends and supersedes that material published in 5 CFR, Chapter XIII, Part 2300.

Sec.
1105.735-1 Purpose.
1105.735-2 Scope.
1105.735-3 Definitions.
1105.735-4 Statutory provisions.
1105.735-5 Conflicts-of-Interest Counselor.
1105.735-6 Statements of employment and financial interest.
1105.735-7 Employee conduct.
1105.735-8 Presenting grievances to Congress.
Appendix—Related Statutory Provisions.

AUTHORITY: The provisions of this Part 1105 issued under Executive Order 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

### § 1105.735-1 Purpose.

While confident of the integrity and sense of responsibility of the employees of the National Endowment for the Arts and the National Endowment for the Humanities, it is essential to the Government and to the conduct of the business of the National Endowment for the Arts and the National Endowment for the Humanities that unusually high standards of honesty, integrity, impartiality, and conduct be maintained by employees of the Endowments. In accordance with these concepts, this part sets forth policies and procedures of the Endowments with respect to employee conduct, certain permissible and prohibited outside activities, and possible conflicts-of-interest situations.

### § 1105.735-2 Scope.

The policies and procedures contained in this part apply to all employees of the Endowments, except that specific provision is made in § 1105.735-6-(b) for the filing of Statements of Employment and Financial Interests by special Government employees.

### § 1105.735-3 Definitions.

In this part:

(a) "Employee" means an officer or employee of the National Endowment for the Arts or the National Endowment for the Humanities, or a member of the shared staff of both Endowments. The term "employee" includes a "special Government employee" unless expressly qualified.

(b) "Shared staff" and "joint employees" mean employees performing services for both Endowments on a shared basis.

(c) "Endowment" means either the National Endowment for the Arts, or the National Endowment for the Humanities.

(d) "Foundation" means the National Foundation on the Arts and the Humanities.

(e) "Chairman" means the Chairman of the National Endowment for the Arts or the Chairman of the National Endowment for the Humanities.

(f) "Special Government employee" means a "special Government employee" as defined in section 202 of Title 18 of the United States Code who is employed by the National Endowment for the Arts or the National Endowment for the Humanities or by both Endowments jointly.

### § 1105.735-4 Statutory provisions.

Each employee is responsible for acquainting himself not only with the provisions of this part, but also with applicable portions of each Federal statute relating to his conduct as an employee of the National Endowment for the Arts or the National Endowment for the Humanities and of the U.S. Government. This part will be called to the attention of all employees by the Administrative Officer of the Foundation at least once a year and he will provide a copy of the part to each new employee who joins either the National Endowment for the Arts or the National Endowment for the Humanities or becomes a member of the shared staff. (A list of pertinent statutes is provided in the Appendix to this part.)

### § 1105.735-5 Conflicts-of-Interest Counselor.

(a) *Conflicts-of-Interest Counselor.* The General Counsel of the Foundation is designated the Conflicts-of-Interest Counselor, with responsibility for providing, on request from any employee, counsel regarding conflicts-of-interest regulations and requirements, as well as their applicability in particular situations. Each employee is responsible for seeking the advice of the Conflicts-of-Interest Counselor whenever it appears that he may be, or may become, involved in a possible conflicts-of-interest situation. Any supervisor may refer to the Conflicts-of-Interest Counselor any possible conflicts-of-interest situation involving a subordinate of his whenever he deems such action appropriate. In such cases, the subordinate concerned shall be informed that the matter has been referred for consideration and shall be afforded the opportunity to state his case. The General Counsel of the Foundation is responsible for reviewing conflicts-of-interest matters brought to his attention and for attempting to work with the employees concerned in resolving such situations, and for offering employees an opportunity to explain any conflict or appearance of conflict. Matters which cannot be satisfactorily resolved in this manner will be referred to the Chairman of the Endowment concerned, or, in the case of a shared staff member, to the Chairman of both Endowments, for decision and appropriate action. Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

(b) *Disciplinary and other remedial actions.* When there is a final decision that a conflicts-of-interest situation requires disciplinary or other remedial action, such action shall be taken promptly to end the conflict or appearance of conflict of interest and to carry out any appropriate disciplinary measure. Any action taken, whether disciplinary or otherwise, shall be effected in accordance with applicable laws, Executive orders, Civil Service Commission regulations and the regulations in this part. The action taken may involve, among other things:

(1) Divestment by the employee of his conflicting interest;

(2) Changes in existing duties;

(3) Disqualification for a particular assignment;

(4) Appropriate disciplinary action, up to and including removal.

### § 1105.735-6 Statements of employment and financial interests.

(a) *Employees other than special Government employees*—(1) *General requirement.* Statements of employment and financial interests are required of all Federal employees occupying positions at or above Grade 16 or the equivalent, as well as all employees occupying positions which either require the exercise of judgment in making a Government decision, or in taking Government action with regard to:

(i) Contracting or procurement;

(ii) Administering or monitoring grants or subsidies;

(iii) Regulating or auditing private or other non-Federal enterprises;

(iv) Other activities where the decision or action has an economic impact on the interest of a particular non-Federal enterprise; or

require the incumbent to report in order to avoid involvement in a possible conflicts-of-interest situation and carry out the purpose of law.

(2) *Requirements of the National Endowment for the Arts and the National Endowment for the Humanities.* In order to fulfill the Endowments' obligations under the general Government requirement described in subparagraph (1) of this paragraph, it has been determined that a Statement of Employment and Financial Interests must be completed and submitted in accordance with the procedures set forth in this section by employees occupying the following positions:

(i) National Endowment for the Arts:
(*a*) Deputy Chairman.
(*b*) Special Assistant to the Chairman.
(*c*) Special Assistant to the Deputy Chairman.
(*d*) Director of Intergovernmental and Congressional Relations.
(*e*) Director, Office of State and Community Operations.
(*f*) Directors of Programs.
(ii) National Endowment for the Humanities:
(*a*) Deputy Chairman.
(*b*) Special Assistant to the Chairman.
(*c*) Division Directors.
(*d*) Director of Planning and Analysis.
(*e*) Program Officers.
(*f*) Director, Office of Grants.
(iii) Shared Staff:
(*a*) General Counsel.
(*b*) Administrative Officer.

(3) *Inclusion and exclusion of positions.* (i) Whenever appropriate, the Chairman of an Endowment may amend subparagraph (2) of this paragraph to include additional positions in his Endowment that entail submission of such statements or may exclude any positions in his Endowment listed in subparagraph (2) of this paragraph the inclusion of which is not required by the general requirement in subparagraph (1) of this paragraph. Inclusion or elimination of shared positions will be accomplished by agreement of both Chairmen. Each supervisor is responsible for bringing to the attention of the appropriate Chairman (through the Deputy Chairman) any position which the supervisor believes should be covered or excluded by this requirement.

(ii) If an employee believes that his position has been improperly included among those for which a Statement of Employment and Financial Interests is required, he may bring this matter, via the Foundation's grievance procedures, to the attention of the appropriate Deputy Chairman or, in the case of shared staff, to the attention of both Deputy Chairmen. In the event that the recommendation is made that the position be included, the employee may appeal to the Chairman of the Endowment concerned, or, in the case of shared staff, to both Chairmen, whose ruling shall be final.

(iii) Although an employee's position may generally be included within the terms of subparagraph (1) of this paragraph, such position may be excluded from the reporting requirement when it is determined that:

(*a*) The duties of a position are such that the likelihood of the incumbent's involvement in a conflicts-of-interest situation is remote; or

(*b*) The duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government.

(4) *Submission of original and supplementary statements.* Each employee covered by this requirement shall complete the statement and submit it within 90 days after the effective date of this part. Each new employee shall complete and submit the statement within 30 days after his entrance on duty or within 90 days after the effective date of this part, whichever date is later. All changes in, or additions to, the information contained in each employee's original statement must be reported in a supplementary statement submitted by the employee as of June 30 each year. If no changes or additions occur a negative report is required. Not withstanding the filing of the annual report required by this subparagraph, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts of interest provisions of section 208 of title 18, U.S.C., or § 1105.735–7 of this part. The Administrative Office of the Foundation is responsible for informing each new, affected employee of the requirement for him to submit the statement within 30 days after his entrance on duty.

(5) *Interests of employees' relatives.* For purposes of the statement, the interests of a spouse, minor child, or any other member of an employee's immediate household who is a blood relation of the employee, are considered to be interests of the employee.

(6) *Information not known by employees.* If information required to be included on the statement of employment and financial interests (supplementary or otherwise, including holdings placed in trust) is not known by the employee but is known to another person, the employee shall request such other person to submit the information on his behalf.

(7) *Information not required.* Employees are not required to submit information relating to their financial interests in any professional society not conducted as a business enterprise as described in the next sentence, charitable, religious, social, fraternal, recreational, public service, civic, political, or similar organization not conducted as a business enterprise. Professional societies, educational institutions, and other nonprofit organizations engaged in research, development, or related activities involving grants of money from, or contracts with, the Government are deemed "business enterprises" and are required to be included in employees' statements of employment and financial interests.

(8) *Effect of employees' statements on other requirements.* The statements of employment and financial interests and supplementary statements required of employees are in addition to, and are not in substitution for, or in derogation of, any similar requirement imposed by law, regulation, or Executive order. The submission of the statement or supplementary statement by an employee does not permit him or any other person to participate in any matter in which his or the other person's participation is prohibited by law, regulation, or Executive order.

(9) *Confidentiality of employees' statements.* Each statement of employment and financial interest and each supplementary statement will be held in strictest confidence. The officials designated below to receive such statements will not allow access to, or information to be disclosed from, a statement except to carry out a purpose of this part. Information will not be disclosed from the statement except as the Civil Service Commission or the appropriate Chairman (or Chairmen, in the case of shared staff members) may authorize for good cause shown.

(10) *Review of statements.* (i) Each Deputy Chairman will submit his statement to the appropriate Endowment Chairman.

(ii) Employees of either Endowment shall submit their statements to the Deputy Chairman of that Endowment.

(iii) Joint employees shall submit their statements to both Deputy Chairmen.

(iv) When a statement submitted under subparagraph (2) or (3) of this paragraph indicates a conflict between the interests of an employee and the performance of his services for the Government and when the conflict or appearance of conflict cannot be resolved by the Deputy Chairman (or by both Deputy Chairmen in the case of joint employees), he shall report the information concerning the conflict or appearance of conflict to the Chairman through the General Counsel. In the case of joint employees, information concerning the conflict or appearance of conflict shall be reported to both Chairmen. The employee concerned shall be given an opportunity to explain the conflict or appearance of conflict before remedial action is initiated.

(b) *Special Government employees.* (1) Each special Government employee shall submit a statement of employment, and, unless otherwise directed, a statement of financial interests not later then the time of his employment. It is necessary that the special Government employee report all Federal and non-Federal employment, and, when a statement of financial interests is required, those financial interests which relate, either directly, or indirectly, to his Foundation responsibilities or duties.

(2) Each special Government employee must file a supplementary statement of employment and financial interests whenever a significant change occurs, either in his employment or financial interests, in order that his statement may be kept current.

(3) The provisions of paragraph (a) (5) through (9) of this section apply to special Government employees in the same manner as to other employees.

**§ 1105.735–7 Employee conduct.**

(a) *General.* (1) Each Endowment assumes that an employee will conduct himself in a manner that will not discredit or embarrass himself or the Endowment. However, it is pointed out that the violation of the regulations in this part, or any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct on the part of an employee (whether in official duty status or not), is cause for immediate disciplinary action, up to and including removal.

(2) Employees shall avoid any action, whether or not specifically prohibited, which might result in or create the appearance of:

(i) Using public office for private gain;

(ii) Giving preferential treatment to any person;

(iii) Impeding Government efficiency or economy;

(iv) Losing complete independence or impartiality;

(v) Making a Government decision outside official channels; or

(vi) Affecting adversely the confidence of the public in the integrity of the Government.

(b) *Indebtedness.* Employees are expected to meet their just financial obligations and not to take advantage of the fact that their wages are not subject to garnishment for private debts. Failure to meet just financial obligations in a proper and timely manner may result in disciplinary action, up to, and including, removal. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the agency determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Endowment concerned to determine the validity or amount of the disputed debt.

(c) *Payment of taxes.* Employees are expected to meet their obligations for payment of taxes to Federal, State, and local authorities. Delinquency in payment of Federal, State, and local taxes is cause for disciplinary action, up to, and including, removal. Federal agencies are required to furnish State taxing authorities (including the District of Columbia) with a copy of Form W–2 indicating annual earnings and Federal income tax withheld. Employees are authorized to pay delinquent Federal taxes by payroll deduction: *Provided*, That they make satisfactory arrangements with the Internal Revenue Service to liquidate their tax liabilities in this manner. When such arrangements are not made, District Directors of Internal Revenue have the authority to levy upon the salaries of Federal employees for the full amount of delinquent Federal income tax.

(d) *Financial interests.* Any employee may hold financial interests and engage in financial transactions in the same way as any private citizen, provided that such interests or activities are not prohibited by law, Executive order, or the regulations in this part. In particular, no employee may have any direct or indirect financial interest that conflicts substantially or appears to conflict substantially with his duties and responsibilities as an Endowment employee. No employee shall carry out Endowment duties involving any organization in which he has a direct or indirect financial interest. No employee shall engage directly or indirectly in any financial transaction resulting from, or primarily relying on, information obtained through his employment, or use his employment to coerce, or give the appearance of coercing, a person, to provide financial benefit to himself or another.

(e) *Participation in Endowment grants by former Endowment employees.* In cases not directly coming under the prohibitions of 18 U.S.C. 207 (relating to activities of former Government officials), the following rules shall apply:

(1) In addition to the statutory bars against ever dealing with the U.S. Government in connection with a particular matter in which he participated personally and substantially while an employee, and against dealing with the Government for 1 year after leaving in connection with a matter under his official responsibility while in the Government, a former full-time employee of an Endowment may not negotiate with either Endowment, with a view to obtaining support for himself or his organization, within 1 year after having left the Endowment, except with the written permission of the Chairman of the Endowment in which he had been employed.

(2) A former full-time employee of an Endowment may not be compensated from an Endowment grant directly or indirectly within 1 year of his leaving the Endowment, except with the written permission of the Chairman of the Endowment in which he had been employed.

(3) In the case of joint employees, the written permission referred to in subparagraphs (1) and (2) of this paragraph must be given by both Chairmen.

(f) *Gifts, entertainment, and favors.* Employees may not solicit, or accept directly or indirectly from any person, institution, corporation, or group, anything of economic value as a gift, gratuity, favor, entertainment, or loan, which might be reasonably interpreted by others as being of such a nature that it would affect his impartiality. This is especially applicable in those instances where the employee has reason to believe that the person, institution, corporation, or group:

(1) Has, is seeking, or is likely to seek, assistance, support, or funds from an Endowment; or

(2) Conducts operations or activities which are involved with, or are supported by, an Endowment; or

(3) Has interests which might be substantially affected by the employee's performance or nonperformance of duties; or

(4) May be attempting to affect the employee's official actions.

(i) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(ii) Employees are not permitted to accept a gift, or decoration, or other objects from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342.

(iii) Employees may accept promotional material of nominal intrinsic value such as pens, pencils, note pads, calendars, etc. Employees may, on infrequent occasions, accept items of nominal value such as food in the ordinary course of a luncheon or dinner meeting, site visit, or professional conference, when the employee is properly in attendance.

(iv) Neither this paragraph nor paragraph (g) of this section precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B–128527 of the Comptroller General dated March 7, 1967.

(g) *Outside employment and other activity.* (1) Full-time employees shall not engage in any outside employment or other outside activity not compatible with the full and proper discharge of their duties and responsibilities. Incompatible activities include, but are not limited to, acceptance of anything of monetary value which may result in or create the appearance of a conflict of interest.

(2) Full-time employees shall not engage in outside employment which tends to impair their health or capacity to discharge acceptably their duties and responsibilities.

(3) Full-time employees shall not receive anything of monetary value from a private source as compensation for their activities as Endowment employees.

(4) Employees shall not engage in teaching, lecturing, or writing which is dependent on official information obtained as a result of Government employment, except when the information has been, or is being made available to the general public, or will be made available to the public on request, or when the Chairman or Deputy Chairman of the Endowment concerned gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. However, employees are encouraged to engage in teaching, lecturing, and writing not prohibited by the regulations in this part, by law, or by Executive order.

(5) Employees shall not receive anything of monetary value for any consulting, lecturing, discussion, writing, or presentation, the subject of which is devoted to the responsibilities, programs, or operations of an Endowment, or which draws on official data or ideas which have not become part of the body of public information.

(6) Employees shall not serve as organizers or directors of conferences, colloquia or similar events supported by grant or contract from an Endowment, but may otherwise participate in such events provided they do not receive any compensation or economic benefit for such participation.

(7) Employees may, however, participate in the affairs of, and accept an award for meritorious public contribution or achievement given by a charitable, religious, fraternal, educational, recreational, public service, or civic organization.

(h) *Advice or assistance to nonprofit or commercial organizations.* The conditions under which full-time employees may offer assistance or advice to nonprofit or commercial organizations are set forth in this paragraph (h). Although these conditions are stated as general rules, illustrative applications to specific situations are set forth as an aid to interpretation:

(1) *General rules.* While not on official duty, an employee may provide advice or assistance and receive compensation therefor, to either nonprofit or commercial organizations: *Provided,* That such services are unrelated to his Government activities and do not draw upon information deriving from Government sources not publicly available.

(2) *Specific examples.* (i) *Visiting committees.* Employees should not participate in the deliberations of a college or university visiting committee; however, an employee may meet with such groups as an Endowment official where it would be appropriate to attend a similar meeting with any other comparable group requesting his assistance.

(ii) *Participation in non-Federal institutions.* Employees may not participate in any way in the policy making or administration of a non-Federal institution which receives, or is eligible to receive, funds from a Federal agency.

(iii) *Membership and office holding in professional societies.* An employee may be a member of a professional society, but may not serve as an officer except where the society has not received any support from an Endowment during the preceding three years and the employee has no reason to expect it to seek support during the tenure of his office. If the society later requests support from an Endowment, the employee should resign his office in the society or request permission to remain in such office.

(i) *Misuse of information.* For the purpose of furthering a private interest, employees shall not (except as provided in paragraph (g)(4) of this section) directly or indirectly use, or allow the use of, official information obtained through, or in connection with, his Government employment which has not been made available to the general public.

(j) *Compensation from Endowment-awarded funds.* No full-time employee may receive any compensation, either directly or indirectly, from funds awarded to contractors or grantees by either Endowment.

(k) *Use of Federal property.* No employee may use Federal property or facilities of any kind for other than officially approved activities. Every employee has the responsibility to protect and conserve all Federal property which has been entrusted to him.

(l) *Exercise of notary powers.* Employees who are notaries public may not charge or receive any compensation for performing any notarial act during working hours, including the luncheon period.

(m) *Political activity.* Restrictions in this section are applicable to employees on leave, leave without pay, or furlough, as well as to other regular employees. Individuals whose employment is on an intermittent basis (not occupying a substantial portion of their time) are subject to the political activities restrictions only while they are in an active duty status. The period of active duty status for a particular employee includes the entire 24-hour period of any day of actual employment. The "Federal Personnel Manual" may be consulted in the Foundation Administrative Office. If an employee is in doubt about permissible activities, he should contact the Administrative Office for clarification.

(1) Employees may not use their official positions or influence for the purpose of interfering with an election and they may not take an active part in political management or in political campaigns, except as provided in subparagraphs (4) and (5) of this paragraph.

(2) No employee may discriminate against another employee because of his political opinions or affiliations.

(3) An employee may not become a candidate for nomination or election to a Federal, State, county, or municipal office on a partisan political ticket. Nor may an employee become a candidate as an independent when opposed by a partisan political candidate, except as provided in subparagraph (4) of this paragraph.

(4) Certain political subdivisions in the vicinity of Washington, D.C., as well as other municipalities, designated by the Civil Service Commission, have been granted a limited exception to the rules prohibiting political management or candidacy for local office. In such municipalities, employees may become candidates as independents, even when opposed by partisan political candidates.

(5) In general, employees are encouraged to be candidates for, and to hold, State, county, or municipal offices of a nonpartisan nature when permitted by law. Employees desiring to be candidates for, or to hold, a State or local office or to undertake the political management of a candidacy for such office, must secure the approval of the appropriate Endowment Chairman or, in the case of members of the shared staff, of both Chairmen.

(6) Full-time employees, with the prior consent of the Chairman concerned, or of both Chairmen, in the case of members of the shared staff, may hold positions under a State or local government on a part-time basis only. Intermittent employees may hold full-time or part-time State or local government positions. In both cases, the above restrictions on political activity must be observed.

(n) An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity, such as a lottery or the sale or purchase of numbers, etc.

**§ 1105.735–8 Presenting grievances to Congress.**

Nothing in this part shall be construed as abridging in any way the right of employees, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information, when appropriate, to either House of Congress, or to any committee or member thereof.

These amendments were approved by the Civil Service Commission on November 9, 1967, and are effective upon publication in the FEDERAL REGISTER.

Dated: December 2, 1967.

ROGER L. STEVENS,
*Chairman, National Endowment for the Arts.*

Dated: December 4, 1967.

BARNABY C. KEENEY,
*Chairman, National Endowment for the Humanities.*

APPENDIX—RELATED STATUTORY PROVISIONS

The following is a list of statutes related to the conduct of Government employees and consultants. Upon request, pertinent excerpts of these statutes will be made available by the Administrative Office of the Foundation.

1. House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service."

2. Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

3. The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

4. The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

5. The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

6. The prohibitions against (1) the disclosure of classified information (18 U.S.C.

796, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

7. The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

8. The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a.(c)).

9. The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

10. The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

12. The prohibition against mutilating or statements in a Government matter (18 U.S.C. 1001).

12. The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

13. The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

14. The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

15. The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

16. The prohibition against proscribed political activities in Subchapter III of Chapter 73 of Title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

17. The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

[F.R. Doc. 67-14411; Filed, Dec. 11, 1967; 8:48 a.m.]

# Title 46—SHIPPING

## Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 8, Part I; Docket No. 65-14]

## PART 526—FREE TIME AND DEMURRAGE CHARGES ON IMPORT PROPERTY APPLICABLE TO ALL COMMON CARRIERS BY WATER

### Miscellaneous Amendments

By orders served upon respondents and published in the FEDERAL REGISTER, the Federal Maritime Commission instituted its Docket No. 65-14, In the Matter of Free Time and Demurrage Practices on Inbound Cargo at New York Harbor. The purpose of the proceeding was to investigate such practices to determine the extent to which they are in compliance with section 17 of the Shipping Act, 1916, which requires the establishment, observance and enforcement of "just and reasonable practices and regulations relating to or connected with the receiving, handling, storing, or delivering of property", and General Order 8, Part I, which was promulgated by our predecessor agency in compliance with the requirement of section 17 requiring determination, prescription, order and enforcement of a just and reasonable regulation or practice whenever "any such regulation or practice is unreasonable." The orders also placed in issue the question of the need for amendment to present General Order 8, Part I.

Hearings were held before an Examiner pursuant to which briefs were filed and an Initial Decision issued. Exceptions and replies to this Initial Decision were considered and oral argument was held before and supplemental papers filed with the Commission. Following this procedure the Commission on December 7, 1967, served its report and order in Docket 65-14, finding that certain amendments were required in General Order 8, Part I, in order that just and reasonable practices be established and maintained in the future, prescribed such practices and required that notice of the amendments by published in the FEDERAL REGISTER.

Therefore, for the reasons set forth in the report in Docket No. 65-14, supra, and pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and its authority under sections 17 and 43 of the Shipping Act, 1916 (46 U.S.C. 816 and 841(a)), Part 526 of Chapter IV of Title 46 CFR is hereby amended as follows:

1. Section 526.1(c) is amended by adding a new sentence at the end thereof.

2. Section 526.1(d) is amended by inserting the words "longshoremen's strikes" before the words "trucking strikes" and inserting the clause "and when a consignee is prevented from removing his cargo by a longshoremen's strike which affects only one pier or less than a substantial portion of the port area", before the words "carriers shall".

3. A new section 526.1(f) is added reading as follows:

§ 526.1 Free time and demurrage charges at the Port of New York.

* * * * *

(c) Where a carrier is for any reason unable, or refuses, to tender cargo for delivery, free time must be extended for a period equal to the duration of the carrier's disability or refusal. If such condition arises after the expiration of free time, an additional period during which no demurrage is charged or first period demurrage shall be applicable, whichever is specified in the appropriate tariff.

(d) Where a consignee is prevented from removing his cargo by factors beyond his control (such as, but not limited to, longshoremen's strikes, trucking strikes, or weather conditions) which affect an entire port area or a substantial portion thereof, and when a consignee is prevented from removing his cargo by a longshoremen's strike which affects only one pier or less than a substantial portion of the port area, carriers shall (after expiration of free time) assess demurrage against imports at the rate applicable to the first demurrage period, for such time as the inability to remove the cargo may continue. Every departure from the regular demurrage charges shall be reported to the Commission.

* * * * *

(f) Following a longshoremen's strike of 5 days or more, free time or first period demurrage, depending upon the position of the cargo at the commencement of the strike, shall be extended for a period not less than 5 days (exclusive of Saturdays, Sundays and legal holidays) and 5 calendar days, respectively, beyond the time at which they would normally terminate: *Provided, however*, That such extensions shall apply only if cargo is actually picked up within such extended time or, if an appointment system acceptable to both carriers and consignees is adopted, within 24 hours of advance notification that cargo is available for pickup and readily accessible, subject to the requirement that time not be extended more than 24 hours beyond the additional free time or demurrage period.

*Effective date.* These amendments shall become effective February 15, 1968.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 67-14420; Filed, Dec. 11, 1967; 8:48 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

## PART 33—SPORT FISHING

### Chautauqua National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Sport fishing on the Chautauqua National Wildlife Refuge, Havana, Ill., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 3,800 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) The open season for sport fishing on the refuge extends from sunrise to sunset each day during the following periods: from January 1, 1968, through March 14, 1968, in designated waters of Lake Chautauqua; from March 15, 1968, through September 30, 1968, in all waters of Lake Chautauqua; from October 1, 1968, through December 31, 1968, in designated waters of Lake Chautauqua; and from January 1, 1968, through December 31, 1968, in designated waters of Liverpool Lake and the refuge borrow ditches.

(2) The use of boats, powered by motors of six (6) horsepower or less, is permitted in the waters of Lake Chautauqua.

(3) No person shall enter upon or fish from any dike, water control structure or shoreline within the refuge except at the Recreation Area and Boatyard No. 3.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1968.

RICHARD E. TOLTZMANN,
*Refuge Manager, Chautauqua National Wildlife Refuge, Havana, Ill.*

DECEMBER 1, 1967.

[F.R. Doc. 67-14381; Filed, Dec. 11, 1967; 8:45 a.m.]

## PART 33—SPORT FISHING

### Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Sport fishing on the Bombay Hook National Wildlife Refuge, Smyrna, Del., is permitted in tidal waters. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing from boats only is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1968.

RICHARD E. GRIFFITH,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

NOVEMBER 30, 1967.

[F.R. Doc. 67-14423; Filed, Dec. 11, 1967; 8:49 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

### [ 7 CFR Part 812 ]

### HAWAII AND PUERTO RICO

### Sugar Requirements and Quotas for Local Consumption for Calendar Year 1968

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), is considering the determination of sugar requirements and the establishment of quotas for local consumption in Hawaii and Puerto Rico for the calendar year 1968.

In accordance with the rule making requirements in 5 U.S.C. 553, all persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation may file the same in duplicate with the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, on or before December 15, 1967. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The proposed determination of sugar requirements and quotas for Hawaii and Puerto Rico for the calendar year 1968, set forth in form and language appropriate for issuance if adopted by the Secretary, is as follows:

*Basis and purpose.* The purpose of Sugar Regulation 812 is to determine pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter referred to as the "Act"), the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and to establish quotas for local consumption in such areas for the calendar year 1968. To the extent required by section 201 of the Act, this regulation establishes sugar requirements based on official estimates of the Department of Agriculture and on statistics published by other agencies of the government.

Since the Act provides that the Secretary of Agriculture determine sugar requirements for local consumption in Hawaii and in Puerto Rico and establish local consumption quotas to be effective on January 1, 1968, it is found to be impracticable and not in the public interest to comply with the 30-day effective date requirements in 5 U.S.C. 553(d) (80 Stat. 378), and these regulations shall be effective January 1, 1968.

Sec.

812.1 Sugar requirements and quota; Hawaii.
812.2 Sugar requirements and quota; Puerto Rico.
812.3 Restrictions on marketing.

**§ 812.1 Sugar requirements and quota; Hawaii.**

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1968 is 55,000 short tons, raw value, and a quota of 55,000 short tons, raw value, is hereby established for Hawaii for local consumption for the calendar year 1968.

**§ 812.2 Sugar requirements and quota; Puerto Rico.**

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1968 is 130,000 short tons, raw value, and a quota of 130,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the calendar year 1968.

**§ 812.3 Restrictions on marketing.**

Pursuant to section 209 of the Act, for the calendar year 1968 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (23 F.R. 1943, 27 F.R. 1450, and 32 F.R. 3045), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1968 has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

*Statement of bases and considerations.* Pursuant to section 203 of the Act, the provisions of section 201 of the Act deemed applicable to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the 12-month period ended September 30, 1966, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and in Puerto Rico, including that which was lost in refining after charge to the local quotas, during such 12-month period are estimated to have been approximately 48,000 short tons of sugar, raw value, and 123,000 short tons of sugar, raw value, respectively.

The provisional estimate by the Bureau of Census of the total population for Hawaii as of July 1, 1967, is 739,000 and for Puerto Rico is 2,697,000. This represents a normal increase in population for Hawaii and Puerto Rico over 1966.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand is a significant factor in the total sugar requirements. During the period 1960 through 1966 sugar consumption in this area has varied from 118 to 138 pounds, raw value, per person. These wide year-to-year variations suggest the possibility that requirements could be higher in 1968 than in the 12 months ended September 30, 1967, when sugar marketings approximated 48,000 short tons, raw value.

In Puerto Rico during the 12 months ended September 30, 1967, marketings of sugar for local consumption totaled approximately 123,000 short tons, raw value. After making allowance for possible consumption increases in 1968 resulting from probable population increases, the total sugar needed to meet requirements for local consumption in Puerto Rico in 1968 may be approximately 130,000 short tons, raw value.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1968 local quota is not completely filled. It is therefore, desirable to establish the 1968 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in Hawaii and Puerto Rico for 1968 have been determined to be 55,000 and 130,000 short tons, raw value, respectively.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 201, 203, 209, 211; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1113, 1119, 1121)

Signed at Washington, D.C., this 8th day of December 1967.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 67-14494; Filed, Dec. 11, 1967; 9:27 a.m.]

---

### [ 7 CFR Part 817 ]

### CONTINENTAL UNITED STATES

### Importation of Sugar-Containing Products or Mixtures

Notice is hereby given that the Secretary of Agriculture pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the Act is considering amendment of Sugar Regulation 817 (32 F.R. 14363) in the manner hereinafter set forth.

All persons who desire to submit written data, views or arguments for consideration in connection wit., the proposed regulation may file with or mail the same in duplicate to the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, to be delivered or postmarked not later than 10 days after this notice is published in the FEDERAL REGISTER.

In view of the limited time remaining in the year and the desirability of issuing and publishing this amendment in final form as early as possible before January 1, 1968, when it should be in effect, it is hereby found and determined that the time permitted to submit data, views, and arguments is reasonable.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The proposed amendment is set forth essentially in form and language appropriate for issuance if adopted by the Secretary as follows:

*Basis and purpose and bases and considerations.* The purpose of this amendment is to provide for quantitative import limitations pursuant to section 206 of the Act for the calendar year 1968 and each subsequent calendar year on sugar-containing products or mixtures that contain flour or butterfat or both, if the flour or butterfat content, singly or combined, constitute the principal solid ingredients other than sugar, and the butterfat content is not more than 5.5 percent by weight.

Presidential Proclamation 3790 (32 F.R. 9803), issued pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), established import limitations on articles containing over 5.5 percent by weight of butterfat. Accordingly, the limitations established herein with respect to sugar-containing products or mixtures that contain butterfat apply if the butterfat content is 5.5 percent or less by weight.

Section 206 of the Act provides in substance as follows. If the Secretary determines that the prospective importation or bringing into the continental United States, Hawaii, or Puerto Rico of any sugar-containing product or mixture will substantially interfere with the attainment of the objectives of the Act, he may limit the quantity of such product or mixture to be brought or imported from any country or area to an annual quantity not less than the average imports of such product or mixture from any such country or area during the most recent three consecutive years for which reliable data are available. In the event there are no reliable data available of the importation or bringing in of any sugar-containing product or mixture for 3 consecutive years, the Secretary may limit the quantity of such product or mixture to be imported or brought in annually from any country or area to not less than a quantity containing 100 short tons, raw value, of sugar or liquid sugar. In determining whether the actual or prospective importation of a sugar-containing product or mixture will or will not substantially interfere with attainment of the objectives of the Act, the Secretary shall take into consideration the criteria specified in section 206 of the Act, and such determination shall be made in conformance with the rule-making requirements of 5 U.S.C. 553.

There are no reliable data available indicating that any sugar-containing products or mixtures containing butterfat and/or flour and sugar in the proportions covered by this regulation are currently being imported. Such products have not customarily moved in international trade nor have they been manufactured or generally used in the United States. However, as the absence in Proclamation 3790 of limitations on imports of articles containing 5.5 or less percent of butterfat would permit the importation of sugar-containing products that contain 5.5 or less percent of butterfat, and in view of inquiries received by the Department regarding prospective importation of mixtures of sugar and butterfat or flour, it appears that the import limitations, as provided herein, are warranted.

Most countries exempt sugar used in products for export from any requirements of their own sugar program. Accordingly, the sugar utilized in producing these products generally would be world market sugar i.e., sugar without a protected or preferential market which most developed countries have for the protection of domestic sugar producers. The price of world market sugar is quite volatile and at times below the cost of production. World market sugar prices during 1965, 1966, and 1967 have been at unusually low levels.

The lower price of world market sugar in relation to the price of sugar imported from foreign countries within the quota system embodied in the Sugar Act, could have a marked influence on the potential imports of these mixtures. Indications are that in the absence of limitations on the importation of such sugar-containing mixtures or products, such mixtures would be produced in some foreign countries solely for the purpose of export to this country.

It is evident that any displacement of quota sugar by the quota free importation of low priced world sugar in such sugar-containing products or mixtures would affect the level of sugar requirements and accordingly could reduce the quotas for foreign countries and some domestic areas. These mixtures would be imported for commercial use generally by ice cream manufacturers and bakeries and would replace quota sugar. The prospective importation of such mixtures are of such magnitude as to constitute direct and serious competition with quota sugar.

It is determined that to permit the importation of unlimited quantities of sugar in products consisting of ingredients other than sugar, principally of butterfat and/or flour in the proportions covered by this regulation would substantially interfere with the attainment of the objectives of the Sugar Act of 1948, as amended.

The determination to place limitations on the imports of these mixtures is based upon the total sugar content of the mixtures in relation to other ingredients, the cost of sugar in the mixtures in relation to the cost of sugar in the United States, the prospective volume of importations, the fact that such mixtures or products would not be marketed to the ultimate consumer in the identical form in which imported, and that such mixtures or products would be subject to further processing or mixing with similar or other ingredients.

There are no reliable data available of importations for three consecutive years of sugar products or mixtures which contain solid ingredients consisting principally other than sugar of flour or 5.5 percent or less by weight of butterfat or both. Therefore, the total quantity of all sugar-containing products or mixtures which may be imported from each country during the year 1968 and each calendar year thereafter is limited to 100 short tons, raw value, of sugar content (dry bases) the equivalent of 187,000 pounds of refined sugar.

Pursuant to the provisions of section 403 of the Act (61 Stat. 932) paragraph (d) of § 817.10 of Part 817, Chapter VIII, Title 7, is amended to read as follows:

**§ 817.10 Sugar containing products and mixtures.**

* * * * *

(d) It is hereby determined that prospective importations into the continental United States, Hawaii, and Puerto Rico of the following described sugar-containing products or mixtures will substantially interfere with the attainment of the objectives of the Act and shall be subject to the import limitations provided in this paragraph: Products or mixtures which (1) contain more than 25 percent sugar expressed as a percent of the total weight of solids (excluding moisture and volatile matter); (2) contain flour or butterfat or both, provided (i) such ingredients, singly or combined, constitute the principal solid ingredients other than sugar, and (ii) the butterfat content is not more than 5.5 percent by weight; and (3) either are to be further subjected to processing or mixing with similar, or other ingredients, or are not to be marketed to the ultimate consumer in the identical form and package in which imported. The total quantity of all such products or mixtures which may be imported from each country during the calendar year 1968 and each subsequent calendar year shall be limited to 100 short tons, raw value, of sugar content (dry basis), the equivalent of 187,000 pounds of refined sugar. None of the described products or mixtures, subject to the import limitation imposed by this paragraph shall be imported except pursuant to the procedural requirements contained in paragraph (c) of this section. All persons should take notice that the total quantity of products or mixtures containing more than 5.5 percent by weight of butterfat which may be imported from a foreign country is subject

to the quantity import limitations on butterfat containing products imposed by Presidential Proclamations issued pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624). It is for this reason that sugar-containing products containing butterfat of more than 5.5 percent by weight are not dealt with in the regulation.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 206; 61 Stat. 927, as amended, 7 U.S.C. 116)

Signed in Washington, D.C., this 8th day of December 1967.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 67-14495; Filed, Dec. 11, 1967; 9:27 a.m.]

## Consumer and Marketing Service

## [ 7 CFR Part 948 ]

[Area 1]

## IRISH POTATOES GROWN IN COLORADO

### Notice of Proposed Changes Regarding Fiscal Period and Expenses and Rate of Assessment

Notice is hereby given of a proposal to change the fiscal period for Area No. 1 which began June 1, 1967, to extend it through June 30, 1968, and to change subsequent fiscal periods to begin July 1 each year and to end June 30, inclusive, of the following year. Also, it is proposed to make the current budget of expenses and rate of assessment applicable to the intial 13-month fiscal period. No changes in either the assessment rate or the approved expenses (7 CFR 948.256) will be necessary to cover the 13-month fiscal period.

The proposed changes were recommended by the Area Committee for Area No. 1 (Western Slope) established under Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), pursuant to which this regulatory program is effective.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are:

A. For Area No. 1, the fiscal period for 1967-68 which began June 1, 1967, is amended to end June 30, 1968, both dates inclusive.

B. Change the ending date of the fiscal period appearing in § 948.256 (a) to read "June 30, 1968".

C. Amend § 948.103 to read as follows:

**§ 948.103 Fiscal period.**

(a) The fiscal periods for Area No. 3 shall begin June 1 of each year and end May 31 of the following year, both dates inclusive.

(b) The fiscal periods for Area No. 1 and Area No. 2 shall begin July 1 and end June 30 of the following year, both dates inclusive.

Dated: December 6, 1967.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[F.R. Doc. 67-14407; Filed, Dec. 11, 1967; 8:47 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 46 ]

[Docket No. FDC-76]

## PEANUT BUTTER

### Definitions and Standards of Identity; Proposed Findings of Fact and Tentative Order

*Correction*

In F.R. Doc. 67-14222 appearing at page 17482 of the issue for Wednesday, December 6, 1967, the following corrections should be made:

1. In paragraph 16 the 10th line is corrected to read "of the finished peanut butter and malt-".

2. In paragraph 16 the word "that" in the 16th line is corrected to read "than".

3. In paragraph 37 the word "monstearate" in the 16th line is corrected to read "monostearate".

## [ 21 CFR Part 130 ]

## NEW DRUGS EXEMPTED FOR INVESTIGATIONAL USE IN HUMAN BEINGS

### Notice of Proposed Rule Making

In view of the requirements in the regulations dealing with investigators and the authority to declare them ineligible to receive investigational-use drugs, it is desirable to have a hearing procedure whereby the investigator has an opportunity to present information in explanation of charges of failing to abide by commitments or of submitting false data in reports to sponsors. It is also desirable for similar procedures to be available to sponsors in connection with the termination of their exemptions to ship new drugs for investigational use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505(i), 701(a), 52 Stat. 1053, as amended, 1055; 21 U.S.C. 355(i), 371(a)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), it is proposed that § 130.3 be amended by revising paragraph (c) and the closing text of paragraph (d) following subparagraph (11) to read as follows:

**§ 130.3 New drugs for investigational use in human beings; exemptions from section 505(a).**

* * * * *

(c) (1) Whenever the Food and Drug Administration has information indicating that an investigator has repeatedly or deliberately failed to comply with the conditions of these exempting regulations outlined in Form FD-1572 or FD-1573 (set forth in paragraph (a) (12) and (13) of this section), or has submitted to the sponsor of the investigation false information in his Form FD-1572 or FD-1573 or in any required report, the Director of the Bureau of Medicine will furnish the investigator written notice of the matter complained of in general terms and offer him an opportunity to explain the matter in an informal conference. If an explanation is offered but not accepted by the Bureau of Medicine, the Commissioner will provide the investigator an opportunity for an informal hearing on the question of whether the investigator is entitled to receive investigational-use drugs, if the hearing is requested within 10 days after notification that the explanation is not acceptable.

(2) After evaluating all available information, including any explanation and assurance presented by the investigator, if the Commissioner determines that the investigator has repeatedly or deliberately failed to comply with the conditions of the exempting regulations in this section or has submitted false information to the sponsor of an investigation and has failed to furnish adequate assurance that the conditions of the exemption will be met, the Commissioner will notify the investigator and the sponsor of any investigation in which he has been named as a participant that the investigator is not entitled to receive investigational-use drugs with a statement of the basis for such determination.

(3) Each "Notice of Claimed Investigational Exemption for a New Drug" (Form FD-1571 set forth in paragraph (a)(2) of this section) and each approved new-drug application containing data reported by an investigator who has been determined to be ineligible to receive investigational-use drugs will be examined to determine whether he has submitted unreliable data that are essential to the continuation of the investigation or essential to the approval of any new-drug application.

(4) If the Commissioner determines that unreliable data submitted by the investigator are essential to the continuation of an investigation, the exemption will be terminated and the sponsor of such investigation will be afforded an opportunity for an informal hearing by the Commissioner on the question of whether the exemption can be reinstated.

(5) If the Commissioner determines that unreliable data submitted by the

investigator were essential to approval of a new-drug application, the Commissioner will proceed to withdraw approval of the application in accordance with section 505(e) of the act.

(6) An investigator who has been determined to be ineligible may be reinstated as eligible to received investigational-use drugs when the Commissioner determines that he has presented adequate assurance that he will employ such drugs solely in compliance with the exempting regulations in this section for investigational-use drugs.

(d) * * * he shall notify the sponsor and invite his immediate correction. A conference will be arranged with the Bureau of Medicine if requested. If the Bureau of Medicine does not accept the explanation and/or the correction submitted by the sponsor, the Commissioner will provide the sponsor an opportunity for an informal hearing on the question of whether his exemption should be terminated, if the hearing is requested within 10 days after notification that the explanation or correction is not acceptable. After evaluating all the available information including any explanation and/or correction submitted by the sponsor, if the Commissioner determines that the exemption should be terminated he shall notify the sponsor of the termination of the exemption and the sponsor shall recall unused supplies of the drug. If at any time the Commissioner concludes that continuation of the investigation presents an imminent hazard to the public health, he shall terminate the exemption forthwith an notify the sponsor of the termination. The Commissioner will inform the sponsor that the exemption is subject to reinstatement on the basis of additional submissions that eliminate such hazard(s) and will afford the sponsor an opportunity for an informal hearing, on request, on the question of whether the exemption should be reinstated. The sponsor shall recall the unused supplies of the drug upon notification of the termination.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 1, 1967.

JAMES L. GODDARD,
*Commissioner of Food and Drugs.*

[F.R. Doc. 67-14432; Filed, Dec. 11, 1967; 8:50 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## [ 14 CFR Part 39 ]

[Docket No. 8571]

## AIRWORTHINESS DIRECTIVES

### British Aircraft Corp. Model BAC 1–11 200 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corp. Model BAC 1–11 200 Series airplanes. There has been a fatigue failure in the seal groove of a nose undercarriage retraction jack piston head, P/N AB44–321, installed in a system test rig. Since this condition is likely to exist or develop in other airplanes of the same type design, the airworthiness directive would establish a service life of 10,000 landings for these piston heads. In addition the AD would permit the replacement of these piston heads with Modification P M 3069 piston heads which are not subject to a service life limitation.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before January 11, 1968, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to BAC 1–11 200 Series airplanes.

Compliance required as indiacted.

To prevent fatigue damage to the Nose Undercarriage Retraction Jack Piston Head P/N AB44–321, accomplish the following:

(a) Within the next 1,000 landings or before the accumulation of 10,000 landings, whichever occurs later, replace pre Modification P M 3069 piston heads, P/N AB44–321, with serviceable piston heads of the same part number or with BAC Modification P M 3069 piston heads. P/N AB44–321 are used as piston heads, P/N AB44–321 are used as replacements, replace the piston heads at intervals not to exceed 10,000 landings.

(b) The repetitive replacements required by paragraph (a) may be discontinued after the incorporation of BAC Modification P M 3069 piston heads.

(c) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from take off to landing for the airplane type.

(BAC 1–11 Alert Service Bulletin 32–A–P M 3069 and BAC 1–11 Service Bulletin 32–P M 3069 cover this subject.)

Issued in Washington, D.C., on December 5, 1967.

R. S. SLIFF,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 67-14396; Filed, Dec. 11, 1967; 8:46 a.m.]

## [ 14 CFR Part 39 ]

[Docket No. 8572]

## AIRWORTHINESS DIRECTIVES

### British Aircraft Corp. Model BAC 1–11 200 and 400 Series Airplanes Having Flight Recorders Installed on Right Shear Deck at Station 855

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corp. Model BAC 1–11 200 and 400 Series airplanes having flight recorders installed on the right shear deck at Station 855. It has been determined that the flight recorder could break away from its mounting and damage the adjacent hydraulic pipes if the installation fastener is not properly locked. Since this could occur on any airplane having flight recorders installed on the right shear deck at Station 855, the proposed airworthiness directive would require the installation of a shield and suitable mounting which will protect the hydraulic pipes from damage if the flight recorder breaks away from its mounting.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before January 11, 1968, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1-11 200 and 400 Series airplanes, having flight recorders installed on the right shear deck at Station 855.

Compliance required within the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished.

To protect the hydraulic pipes which are routed on the underside of the front fin sloping frame at Station 855 from damage in the event the flight recorder mounted on the right shear deck breaks away from its mounting, install a shield to cover the pipes in accordance with British Aircraft Corp. BAC 1-11 Service Bulletin 53-PM 2664, or later ARB-approved issue, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

Issued in Washington, D.C., on December 4, 1967.

R. S. SLIFF,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 67-14397; Filed, Dec. 11, 1967; 8:46 a.m.]

## [ 14 CFR Part 39 ]

[Docket No. 8570]

## AIRWORTHINESS DIRECTIVES

### Dowty Rotol Propellers Installed on Certain Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Dowty Rotol Propellers (c)R.193/4-30-4/50 installed on Fairchild F-27A, F-27F, F-27G, F-27J, and FH-227, and Fokker F-27 Mk 400; (c)R.257/4-30-4/60 installed on Fairchild FH-227B and FH-227C; and (c)R.184/4-30-4/50 installed on Grumman G-159 airplanes. There have been failures of the propeller hub driving center, P/N RA 57500, due to cracking in the area of the flange on the rear face between the bolt holes and the adjoining inboard 0.050" radius. Since this condition is likely to exist or develop in other propellers of the same type design, the proposed airworthiness directive would require the strengthening of the component by the incorporation of Dowty Rotol modification (c)VP.2486 at the next scheduled propeller overhaul, or within the next 2,500 hours' time in service after the effective date of this AD, whichever occurs first.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before January 11, 1968, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DOWTY ROTOL. Applies to Dowty Rotol Propellers (c)R.193/4-30-4/50 installed on Fairchild F-27A, F27F, F-27G, F-27J and FH-227, and Fokker F-27 Mk 400; (c)R.257/4-30-4/60 installed on Fairchild FH-227B and FH-227C; and (c) R.184/4-30-4/50 installed on Grumman G-159 airplanes.

Compliance required as indicated unless already accomplished.

To prevent failure of the propeller hub driving center, P/N RA 57500, at the next scheduled propeller overhaul or within the next 2,500 hours' time in service after the effective date of this AD, whichever occurs first, incorporate Dowty Rotol modification (c) VP.2486, in accordance with Dowty Rotol Service Bulletin No. 61-573, dated August 1967, or later ARB-approved issue, or an FAA-approved equivalent.

Issued in Washington, D.C., on December 4, 1967.

R. S. SLIFF,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 67-14398; Filed, Dec. 11, 1967; 8:46 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 67-SW-84]

## TRANSITION AREAS

### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Jasper, Tex., and the Lufkin, Tex., transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The Jasper, Tex., transition area is described in FAR, Part 71, § 71.181 (32 F.R. 8709, 10,061, 10,644, 13,806). It is proposed to cancel the 1,200-foot portion of the Jasper, Tex., transition area and incorporate it within the recommended description of the 1,200-foot portion of the Lufkin, Tex., transition area.

The Lufkin, Tex., transition area is described in FAR, Part 71, § 71.181 (32 F.R. 2215). It is proposed to amend the 1,200-foot portion of this transition area as follows.

LUFKIN, TEX.

That airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at lat. 30°35'00" N., long. 95°21'00" W., to lat. 31°19'00" N., long. 95°58'00" W., to lat. 31°47'00" N., long. 95°55'00" W., to lat. 31°59'00" N., long. 95°31'00" W., to lat. 32°00'00" N., long. 94°30'00" W., to lat. 31°42'00" N., long. 94°37'00" W., to lat. 31°42'00" N., long. 93°56'00" W., to lat. 31°08'00" N., long. 94°02'00" W., to lat. 30°44'00" N., long. 93°51'00" W., to lat. 30°35'45" N., long. 94°14'15" W., to point of beginning.

Redescription of the Lufkin, Tex., transition area will provide controlled airspace for the vectoring of en route aircraft operating between the Lufkin, and the Shreveport, Houston, and Beaumont, Tex., terminal areas. This action will also provide the necessary controlled airspace for the following off-airway routes:

Houston VORTAC to Quitman, Tex., VOR via direct.
Lufkin VORTAC to Canton, Tex., Int. via Reese, Tex. Int.
Lufkin VORTAC to Tyler, Tex., RBN via direct.
Lufkin VORTAC to Tyler, Tex., via LFK 340 radial and TYR ILS southeast course.
Lufkin VORTAC to Monroe, La., VORTAC via direct.
Leona, Tex., VORTAC to Lufkin VORTAC via direct.
Gregg County, Tex., VORTAC to Leona, Tex., VORTAC via GGG 207 radial and LOA 035 radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on November 30, 1967.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[F.R. Doc. 67-14399; Filed, Dec. 11, 1967; 8:47 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 67-SW-85]

## TRANSITION AREAS

### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Beeville, Tex., and the Victoria, Tex., transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Forth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The Beeville, Tex., transition area is described in FAR, Part 71, § 71.181 (32 F.R. 2157). It is proposed to amend the 1,200-foot portion of the transition area to read as follows:

BEEVILLE, TEX.

That airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at lat. 29°00'00" N., long. 97°17'00" W., to lat. 29°08'00" N., long. 97°00'00" W., to lat. 29°00'00" N., long. 96°30'00" W., to lat. 28°22'00" N., long. 96°-30'00" W., to lat. 28°14'00" N., long. 96°46'-00" W., to lat. 28°07'00" N., long. 97°15'00" W., to lat. 28°07'00" N., long. 98°27'00" W., to lat. 28°27'00" N., long. 98°14'00" W., to lat. 28°34'00" N., long. 98°23'00" W., to lat. 28°43'30" N., long. 98°17'30" W., to lat. 29°00'00" N., long. 97°43'00" W., to point of beginning.

The Victoria, Tex., transition area is described in FAR, Part 71, § 71.181 (32 F.R. 2264). It is planned to cancel the 1,200-foot portion of the transition area as it is incorporated in the proposed description of the Beeville, Tex., transition area.

The proposed amendments are primarily editorial in nature and will eliminate overlapping descriptions of the Beeville, Victoria, and Corpus Christi, Tex., transition areas.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on November 30, 1967.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[F.R. Doc. 67-14400; Filed, Dec. 11, 1967; 8:47 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 67-SW-86]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Corpus Christi, Tex., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The Corpus Christi, Tex., transition area is described in FAR, Part 71, § 71.181 (32 F.R. 2173, 10,193). It is proposed to amend the 1,200-foot portion of the transition area to read as follows:

CORPUS CHRISTI, TEX.

That airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at lat. 28°07'00" N., long. 98°27'00" W., to lat. 28°07'00" N., long. 97°15'00" W., to lat. 28°14'00" N., long. 96°46'00" W., thence south along long. 96°46'00" W., to 3 nautical miles from the shoreline, thence southwest 3 nautical miles from and parallel to the shoreline to lat. 27°49'00" N., to lat. 27°45'30" N., long. 96°51'00" W., to lat. 27°28'20" N., long. 96°45'30" W., to lat. 27°14'30" N., long. 96°55'30" W., to lat. 27°23'00" N., long. 97°06'00" W. thence southwest to a point 3 nautical miles from the shoreline at lat. 27°11'20" N., to lat. 26°50'00" N., long. 97°51'00" W., to lat. 26°51'00" N., long. 97°58'30" W., to lat. 27°24'00" N., long. 98°15'30" W., to lat. 27°24'00" N., long. 98°27'00" W., to point of beginning.

The redescription is primarily editorial in nature and eliminates overlapping descriptions between the Beeville, Victoria, and Houston, Tex., transition areas.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on November 30, 1967.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[F.R. Doc. 67-14401; Filed, Dec. 11, 1967; 8:47 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 67-SW-83]

## TRANSITION AREAS

### Proposed Alteration and Revocation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Austin, Tex., and Houston, Tex., transition areas and revoke the 1,200-foot portion of the College Station, Tex., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The Houston, Tex., transition area is described in FAR, Part 71, § 71.181 (32 F.R. 2200, 8891, 12,442). It is proposed to amend the 1,200-foot portion of the Houston, Tex., transition area as follows:

HOUSTON, TEX.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 30°35'00" N., long. 95°21'00" W., to lat. 30°35'45" N., long. 94°14'15" W., to lat. 30°16'20" N., long. 94°05'10" W., thence counterclockwise along the arc of a 25-mile radius circle centered at lat. 29°54'40" N., long. 94°02'40" W., to a point 3 nautical miles from the shoreline at long. 94°10'00" W., thence southwest 3 nautical miles from and parallel to the shoreline to lat. 28°22'00" N., thence to lat.

28°22'00" N., long. 96°30'00" W., to lat. 29°00'00" N., long. 96°30'00" W., to lat. 29°08'00" N., long. 97°00'00" W., to lat. 29°30'00" N., long. 96°39'30" W., to lat. 29°54'00" N., long. 96°49'00" W., to lat. 30°26'00" N., long. 96°58'30" W., to lat. 30°48'00" N., long. 97°05'20" W., to lat. 30°51'00" N., long. 96°56'00" W., to lat. 31°17'00" N., long. 96°11'00" W., to lat. 31°19'00" N., long. 95°58'00" W., to point of beginning.

The proposed amendment will encompass a portion of uncontrolled airspace lying between V13E and V289 and will also provide controlled airspace for radar vectoring of aircraft operating to and from the Houston, Tex., terminal area and between the Lufkin and Beaumont, Tex., terminal areas.

The College Station, Tex., transition area is described in FAR, Part 71, § 71.181 (32 F.R. 2170). It is proposed to revoke the 1,200-foot portion of the transition area as this will be incorporated in the redescription of the 1,200-foot portion of the Houston, Tex., transition area.

The Austin, Tex., transition area is described in FAR, Part 71, § 71.181 (32 F.R. 2154). It is proposed to cancel the 4,500-foot portion of the Austin, Tex., transition area and incorporate it into the description of the Houston, Tex., transition area with a base of 1,200 feet. This action will also provide controlled airspace for off-airway direct routes between the Austin VORTAC and the College Station facility now being converted to a VORTAC; between College Station and the Tracy intersection and between College Station and the Paige, Tex., intersection.

Comparable airspace action is being taken in the adjoining airspace on the north, i.e., Proposed Alteration of the Jasper, Tex., and Lufkin, Tex., Transition Areas, 67-SW-84; on the southwest, i.e., Proposed Alteration of the Beeville, Tex., and Victoria, Tex., Transition Areas, 67-SW-85; and on the south southwest, i.e., Proposed Alteration of the Corpus Christi, Tex., Transition Area, 67-SW-86.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on November 30, 1967.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[F.R. Doc. 67-14402; Filed, Dec. 11, 1967; 8:47 a.m.]

---

## [ 14 CFR Part 71 ]

[Airspace Docket No. 67-SO-110]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Laurinburg, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Laurinburg transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Laurinburg-Maxton Airport.

The proposed transition area is required for the protection of IFR operations at Laurinburg-Maxton Airport. A prescribed instrument approach procedure to this airport utilizing the Pinehurst, N.C., VORTAC is proposed in conjunction with the designation of this transition area.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on November 30, 1967.

JAMES G. ROGERS,
*Director, Southern Region.*

[F.R. Doc. 67-14403; Filed, Dec. 11, 1967; 8:47 a.m.]

# Notices

## DEPARTMENT OF STATE

[Public Notice 282]

### CERTAIN NONIMMIGRANT VISAS

#### Validity

Public Notice 261 of April 6, 1967 authorized consular officers to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act valid for an indefinite period of time to otherwise eligible nationals of certain countries which offer reciprocal or more liberal treatment to nationals of the United States who are in a similar class. The Republic of Botswana is being added to the list of countries contained in that notice.

This notice amends Public Notice 261 of April 6, 1967 (32 F.R. 5643).

Dated: November 28, 1967.

BARBARA M. WATSON,
*Acting Administrator, Bureau of Security and Consular Affairs.*

[F.R. Doc. 67-14417; Filed, Dec. 11, 1967; 8:48 a.m.]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[Antidumping—ATS 643.3-G]

### BETA-OXY-NAPHTHOIC ACID FROM JAPAN

#### Antidumping Proceeding Notice

DECEMBER 6, 1967.

On August 21, 1967, information was received in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that Beta-oxy-Naphthoic acid imported from Japan is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

Beta-oxy-Naphthoic acid (BON) is used as an intermediate in the production of azo pigments and azoic color components. It also has a minor pharmaceutical use.

The information was submitted by Leonard, Clammer, Flues and Redmon, Washington, D.C., on behalf of Pfister Chemical, Inc., Ridgefield, N.J.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

Having conducted a summary investigation, and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the appropriate provisions of the Customs Regulations to determine the validity of the information.

A summary of information received from all sources is as follows:

The net price for export to the United States is substantially lower than the net price for home consumption.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs Regulations (19 CFR 14.6(d)(1)(i)).

[SEAL] LESTER D. JOHNSON,
*Commissioner of Customs.*

[F.R. Doc. 67-14438; Filed, Dec. 11, 1967; 8:50 a.m.]

---

[Antidumping—ATS 643.3-G]

### BETA-OXY-NAPHTHOIC ACID FROM WEST GERMANY

#### Antidumping Proceeding Notice

DECEMBER 6, 1967.

On August 21, 1967, information was received in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that Beta-oxy-Naphthoic acid imported from West Germany is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

Beta-oxy-Naphthoic acid (BON) is used as an intermediate in the production of azo pigments and azoic color components. It also has a minor pharmaceutical use.

The information was submitted by Leonard, Clammer, Flues and Redmon, Washington, D.C., on behalf of Pfister Chemical, Inc., Ridgefield, N.J.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

Having conducted a summary investigation, and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the appropriate provisions of the Customs Regulations to determine the validity of the information.

A summary of information received from all sources is as follows:

The net price for export to the United States is substantially lower than the net price for home consumption.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs Regulations (19 CFR 14.6(d)(1)(i)).

LESTER D. JOHNSON,
*Commissioner of Customs.*

[F.R. Doc. 67-14439; Filed, Dec. 11, 1967; 8:50 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[Redelegation Order 1, Amdt. 8]

### SUPERINTENDENTS AND SCHOOL SUPERINTENDENTS

#### Amendment of Delegation of Authority

DECEMBER 4, 1967.

Anadarko Area Office Redelegation Order 1, as amended, is further amended as hereinafter indicated:

1. The title of Part 2 is revised to read as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS AND SCHOOL SUPERINTENDENTS

2. In Part 2, sections 2.254, 2.261, 2.265, 2.266, and 2.267 are deleted.

3. In Part 2, section 2.12 is revised to read as follows:

Sec. 2.12 *Leases and permits.* All those matters set forth in 25 CFR 131 except (1) he approval of leases which provide for a duration in excess of 5 years; (2) the approval of permits (a) on lands permitted to the tribes with provision for the subpermitting thereof, or (b) on Government-owned land; (3) modification of any forms approved by the Secretary of the Interior, the Commissioner of Indian Affairs or the Area Director.

4. Part 3 is deleted in its entirety.

ROBERT L. BENNETT,
*Commissioner.*

[F.R. Doc. 67-14382; Filed, Dec. 11, 1967; 8:45 a.m.]

---

### Bureau of Land Management

[OR 2600]

### OREGON

#### Notice of Offering of Land for Sale

DECEMBER 4, 1967.

Under the Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-27) and 43 CFR Subpart 2243, there will be offered to the highest bidder, but at not less than appraised value, at a public sale to be held at 11 a.m. on the 23d day of January 1968, at the Land Office, 729 Northeast Oregon Street, Portland, Oreg., the following tracts of public land.

WILLAMETTE MERIDIAN

| Tract No. | Description | Acres | Appraised value | Publication costs |
|---|---|---|---|---|
| OR 2602 | T. 4 N., R. 26 E., sec. 14, all. Is subject to the Oregon Railroad & Navigation Co., right-of-way as to the S½SW¼, SW¼SE¼. | 640 | $28,200 | $30 |
| OR 2603 | T. 4 N., R. 26 E., sec. 12, W½. | 320 | 15,800 | 30 |
| OR 2614 | T. 4 N., R. 25 E., sec. 22, NE¼NE¼, S½N½, S½. The N½S½ is subject to the Pacific Telephone and Telegraph Co. right-of-way. | 520 | 20,000 | 30 |
| OR 2625 | T. 5 N., R. 27 E., sec. 28, all. The E½E½ is subject to the Umatilla Electric Cooperative Association right-of-way; and electric power transmission lines constructed by the United States in the S½N½, N½S½, and NW¼SE¼. The purchaser of this tract will be required to make provision to compensate for grazing improvements consisting of 1 mile of fence. | 640 | 26,900 | 30 |

If the land is not sold on that day the sale will be adjourned and the unsold land will be reoffered for sale on each succeeding Tuesday at 11 a.m. in the Land Office, 729 Norteast Oregon Street, Portland, Oreg., until sold, but if not sold by June 25, 1968, the sale will be closed on that date.

The lands will be sold subject to a reservation to the United States of rights-of-way for ditches or canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. sec. 945); subject to existing rights-of-way; and all minerals will be reserved to the United States.

No bid will be accepted for less than the appraised value to which bid must be added the cost of publication of $30 for each parcel.

Sealed or oral bids may be made by the principal or his agent. Bids for a parcel must be for all the lands in a parcel. Sealed bids will be considered only if received at the Land Office, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208, prior to the time of the sale on each date the auction is held. Sealed bids must be in envelopes accompanied by certified checks, post office money orders, bank drafts, or cashier's checks made payable to the Bureau of Land Management for the amount of the bid plus publication costs of $30. The envelopes must be marked in the lower left hand corner "Public Sale Bid, OR 2600, Tract No. ....." Personal checks will be accepted from successful oral bidders. The successful oral bidder at the sale will be required to pay immediately the amount thereof together with the cost of publication. The right is reserved to determine at any time that the lands should not be sold or that any and all bids should be rejected.

The above-described lands are segregated from all forms of appropriation, including location under the mining laws, and from all other petitions and applications pursuant to the Notice of Classification of Public Lands published in the FEDERAL REGISTER on September 14, 1967.

For further information write: Land Office, Bureau of Land Management, Post Office Box 2965, Portland, Oreg. 97208.

IRVING W. ANDERSON,
*Chief, Division of Lands and Minerals, Program Management and Land Office.*

[F.R. Doc. 67-14384; Filed, Dec. 11, 1967; 8:45 a.m.]

## Geological Survey

[Order 65]

## NORTH DAKOTA

### Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

FIFTH PRINCIPAL MERIDIAN, NORTH DAKOTA

COAL LANDS

T. 141 N., R. 83 W.,
Sec. 4, SW¼SE¼;
Sec. 5, lots 1 and 2, S½N½, S½;
Sec. 6, SE¼SW¼, SE¼;
Secs. 7 and 8;
Sec. 9, W½NE¼; W½, NW¼SE¼, S½SE¼;
Sec. 10, NE¼, SW¼SW¼, N½SE¼, SE¼SE¼;
Sec. 11, SW¼NW¼, NW¼SW¼;
Sec. 15, NW¼NW¼, S½SW¼;
Sec. 16, N½NE¼, SW¼NE¼, W½, SE¼;
Secs. 17 to 21, inclusive;
Sec. 22, N½NW¼, SW¼NW¼, S½SW¼;
Sec. 27, W½NE¼, W½, W½SE¼;
Secs. 28 to 33, inclusive;
Sec. 34, NW¼NE¼, NW¼, NW¼SW¼.

NONCOAL LANDS

T. 141 N., R. 83 W.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 1 to 4, inclusive, S½N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 5, lots 3 and 4;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, NE¼SW¼;
Sec. 9, E½NE¼, NE¼SE¼;
Sec. 10, NW¼, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 11, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 12;
Sec. 14, N½NE¼, SW¼NE¼, W½;
Sec. 15, NE¼, NE¼NW¼, S½NW¼, N½SW¼, SE¼;
Sec. 16, SE¼NE¼;
Sec. 22, NE¼, SE¼NW¼, N½SW¼;
Sec. 23, W½NW¼.

The area described aggregate 17,779 acres, more or less, of which about 11,722 acres are classified coal lands and about 6,057 acres are classified noncoal lands.

ARTHUR A. BAKER,
*Acting Director.*

DECEMBER 5, 1967.

[F.R. Doc. 67-14424; Filed, Dec. 11, 1967; 8:49 a.m.]

# DEPARTMENT OF AGRICULTURE

## Consumer and Marketing Service

## GRAIN STANDARDS

### Inspection Points

*Statement of considerations.* On October 6, 1967, there was published in the FEDERAL REGISTER (32 F.R. 13939) a notice of proposed rule making to consider requests from certain interested parties asking that licensed grain inspectors be authorized to post their licenses to inspect and grade grain under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) at one or more of the following additional places in Louisiana:

Ama, St. Charles Parish.
Myrtle Grove, Plaquemines Parish.
Reserve, St. John the Baptist Parish.

Inspection agencies, members of the grain trade, and other interested parties were given until November 21, 1967, to submit written data, views, or arguments with respect to the need, operation, and support of the proposed grain inspection points.

Data, views, or arguments in favor of opening grain inspection points at the three places were received from five inspection agencies and six other interested parties. No adverse comments were received with respect to approving the opening of three additional inspection points in Louisiana.

In keeping with the Department's policy, only one official grain inspection agency is approved at any one place. It is also the Department's policy in approving new inspection points, to cooperate with existing inspection agencies when practicable to do so, and to cooperate with inspection agencies that are interested in providing statewide inspection service. All five inspection agencies indicated a willingness to provide statewide inspection service upon request. Four of the inspection agencies now provide inspection service at one of more established inspection points.

Under Public Law 87-718, the Secretary of the Department of Agriculture, whenever he deems it feasible and in the public interest, is authorized and encouraged to cooperate with State agencies in the administration and enforcement of laws, including the U.S. Grain Standards Act, which pertain to the marketing of agricultural products. Only one of the five inspection agencies is a State agency.

One of the letters received from an interested party questioned whether, in view of the State's pay scale, Louisiana could provide an adequate inspection service. Assurances have been received from Louisiana that its pay scale for inspection personnel will be adequate to employ and retain a competent staff to perform official inspections in an approved manner.

After due consideration of all submissions made pursuant to the notice of October 6, 1967, and all other relevant matters, and pursuant to the authority contained in section 8 of the U.S. Grain Standards Act, as amended (7 U.S.C. 84),

Ama, St. Charles Parish; Myrtle Grove, Plaquemines Parish; and Reserve, St. John the Baptist Parish; are hereby approved under the U.S. Grain Standards Act as places where licensed inspectors may post their licenses, and the Louisiana Department of Agriculture is hereby authorized to station licensed inspectors at each place. Notice will be given to interested parties of the effective date that grain inspection services will be provided under the Act at Ama, Myrtle Grove, and Reserve.

(Sec. 8, 39 Stat. 485; 7 U.S.C. 84; 29 F.R. 16210, as amended)

Done at Washington, D.C., this 7th day of December 1967.

G. R. GRANGE,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 67-14443; Filed, Dec. 11, 1967; 8:50 a.m.]

# BUREAU OF THE BUDGET

## ORGANIZATION AND INFORMATION

The statement of organization and information published in the issue of July 4, 1967 (F.R. Doc. 67-7630; 32 F.R. 9755), is amended as follows:

1. Paragraphs (b), (c), and (e) of section 3 are revised to read as follows; and paragraph (f) is amended as indicated below.

SEC. 3. *Organization.* * * *

(b) Four offices and two staff offices, with Government-wide responsibilities in specialized areas, as follows:

Office of Budget Review.
Office of Executive Management.
Office of Legislative Reference.
Office of Statistical Standards.
Program Evaluation Staff.
Resources Planning Staff.

(c) Six divisions, as follows:

Economics, Science, and Technology Programs Division.
General Government Management Division.
Human Resources Programs Division.
International Programs Division.
National Security Programs Division.
Natural Resources Programs Division.

* * * * *

(e) * * *

(2) Units of the Bureau of the Budget are presently located in the Executive Office Building, 17th Street and Pennsylvania NW., and in the New Executive Office Building, 17th and H Streets NW., Washington, D.C. 20503. Regular office hours are from 9 a.m. to 5:30 p.m., Monday through Friday.

(3) The Executive Office Building is under the security control of the U.S. Secret Service, and admission to the building is by appointment. The New Executive Office Building is under the security control of the General Services Administration and admission to the building does not require an appointment. Persons desiring to visit Bureau officers or employees in either building will usually find it easier to do so if they write or telephone in advance for an appointment.

(f) [Amended]

The list of employees in paragraph (f) of section 3 is amended by substituting for the words "Administrative Assistant" the words "Special Assistant to the Director"; and by substituting for the words "Head of an office or chief of a program division" the words "Head of an office or director of a program division".

* * * * *

2. Paragraph (b) of section 11 is amended by deleting the words "Administrative Assistant to the Director or the" in the second sentence of that paragraph.

* * * * *

3. Subparagraph (3) of paragraph (a) of section 20 is amended by adding at the end of the list of materials indexed therein the following item:

"Federal Statistical Directory.

Dated: December 5, 1967.

CHARLES L. SCHULTZE,
*Director of the*
*Bureau of the Budget.*

[F.R. Doc. 67-14379; Filed, Dec. 11, 1967; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 18293; Order No. E-26083]

## ALASKA-CORDOVA MERGER CASE

### Opinion and Order and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of December 1967.

In his initial decision served September 14, 1967, Examiner Milton H. Shapiro granted, subject to conditions, the joint application of Alaska Airlines and Cordova Airlines for approval of an agreement of March 17, 1967, providing for the merger of Alaska Airlines and Cordova Airlines, and for approval of the transfer to Alaska of the certificate of public convenience and necessity issued to Cordova and all exemption authority now possessed by Cordova. Petitions for discretionary review of the initial decision have been filed by Northern Consolidated Airlines and Wien Alaska Airlines, jointly, and by Western Air Lines. Answers to the petitions have been filed by Alaska and Cordova, jointly, and the Bureau of Operating Rights.

Upon consideration of the petitions and answers the Board has determined to review the initial decision, without further proceedings, only to the extent hereafter indicated. Accordingly, except as modified herein, we adopt as our own the findings and conclusions of the examiner on the issues under review.

Petitioners repeat their arguments, made to the examiner, that the merger is inconsistent with the policies laid down in the Intra-Alaska Case,[1] in which the Board deleted Alaska's intra-Alaska local service routes from its system. At the time of that case, Alaska was a heavily subsidized carrier with no prospects for marked improvement, and the necessity of maintaining its intra-Alaskan local services created a drain on its system. However, the economics of States-Alaska services have changed considerably since that time, as reflected in the subsidy position of the States-Alaska carriers. Thus, Pan American's Alaska routes were then, for example, still in a subsidy status, whereas those operations, along with the rest of the Pan American system, are now self-sufficient.[2] Similiarly, prior to its merger with Western Air Lines, Pacific Northern Airlines, whose States-Alaska operations had previously been subsidized, achieved self-sufficiency.[3] Moreover, the Board's most recent subsidy determinations for Alaska demonstrate that that carrier's dependency on subsidy is rapidly diminishing, as reflected by a constantly declining level of subsidy payments under the Board's mail rate order ranging from $1,400,000 in 1967 to zero subsidy in 1971. Considering this fact, along with the examiner's finding that the merger will reduce even further the subsidy requirements of the combined carriers, it is apparent that approval of the merger will further the Board's program of subsidy reduction by incorporating a weak carrier, with a limited route structure and severe financial difficulties, into a stronger carrier which is on the road to self-sufficiency and which may ultimately be in a position to operate Cordova's routes without resort to subsidy. In light of the foregoing, and considering the manifold other benefits of the merger set forth in detail in the initial decision, the Board believes that the application of the policy of separation of local service and trunkline routes enunciated in the Intra-Alaska Case would be inappropriate in this situation.[4]

[1] 28 C.A.B. 57 (1958).

[2] Orders E-13841, May 8, 1959, and E-13956, June 1, 1959.

[3] Orders E-23030, Dec. 23, 1965, and E-23101, Jan. 10, 1966.

[4] In the view which we take of this matter, we find irrelevant the contention of petitioners that the examiner erred in relying upon a purported commitment of Alaska to be entirely free of subsidy by 1971, with respect to Cordova's system as well as Alaska's, in the event of the merger. The petitioners state that the record contains only indications of future "plans" on the part of Alaska which do not reach the level of a commitment. Receiving this point in petitioners' favor would not change the basic result reached here. To begin with, it is clear that Alaska has made a sizable commitment, embodied in the condition to the merger, limiting its right to claim subsidy to sums not exceeding those payable under the present mail rate orders applicable to Alaska and Cordova. Under this provision, the maximum subsidy which Alaska could claim would be approximately $473,000 in 1971 and future years, as opposed to $1,873,000, the maximum payable to both carriers in 1967 under the present orders. In any event, as we have indicated in the text above, our determination here does not rest upon the narrow ground of Alaska's commitment.

Western argues, inter alia, that the procedure followed in this case contains prejudicial error and that remedial action is required. Western's argument in this respect stems from the fact that the examiner issued an initial decision in this matter on September 14, 1967, whereas Cordova had been issued a certificate to serve Dawson, Canada, approved by the President on September 12, 1967, the certificate to become effective on November 11, 1967.[3] Under these circumstances, Western contends that the examiner should have issued a recommended decision, instead of an initial decision, and that it has been deprived of procedural rights under Rule 30 of the rules of practice applying to section 801 cases. Further, Western argues that under section 801 of the Act the transfer of Cordova's certificate for Dawson service to the merged carrier would require Presidential approval, and it also notes that a copy of the application was not transmitted to the President prior to hearing as required by that section.

We do not construe the initial decision as approving the transfer of Cordova's Dawson certificate to Alaska, nor shall we approve such a transfer here. Accordingly, Western's claims of procedural error are without substance. Recognizing, however, that the merger and Dawson route questions remain interrelated, the Board proposes that the Dawson route certificate be transferred to Alaska Airlines and tentatively concludes that such transfer is in the public interest. We make such tentative finding in the basis of our prior findings and conclusions in Cordova Airlines, Inc., Temporary Points Service Investigation, Docket 16325,[4] that the public convenience and necessity require issuance of a certificate to Cordova for the Dawson route and in light of the fact that the merger of Alaska and Cordova involves a concomitant transfer of the basic Cordova route system to Alaska. The effective date of the merger and accompanying domestic route transfers is accordingly stayed until the effective date of approval by the President of transfer to Alaska of the certificate of public convience and necessity issued to Cordova for route 124F, authorizing it to engage in air transportation between Northway, Alaska, and Dawson, Yukon Territory, Canada.

*Accordingly, it is ordered*, That:

1. Except as otherwise granted herein, the petitions for discretionary review and other requests for relief be, and they hereby are, denied and except as modified herein the initial decision of the examiner shall become effective as the final order of the Board upon the effective date of approval by the President of the transfer to Alaska of the certificate of public convenience and necessity issued to Cordova for Route 124F;

2. All interested persons are directed to show cause why the Board should not, subject to the approval of the President, transfer to Alaska Airlines, Inc., the certificate of public convenience and necessity issued to Cordova Airlines, Inc., for Route 124F, authorizing it to engage in air transportation between Northway, Alaska, and Dawson, Yukon Territory, Canada;

3. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within 10 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data and other evidence expected to be relied upon to support the stated objections;

4. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by any memoranda in opposition before further action is taken by the Board: *Provided*, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented which warrant the holding of an evidentiary hearing;

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

6. A copy of this order shall be transmitted to the President and served upon all parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

Murphy, Chairman, Murphy, Vice Chairman, Minetti, Gillilland and Adams, Members, concurred in the above opinion and order.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 67-14418; Filed, Dec. 11, 1967; 8:48 a.m.]

[Docket 19256; Order No. E-26079]

## AVIATION SERVICES, INC.

### Establishment of Service Mail Rate; Order To Show Cause

Issued under delegated authority December 6, 1967.

By notice of intent filed November 17, 1967, pursuant to 14 CFR, Part 298, the Postmaster General requests the Board to establish for Aviation Services, Inc., an air taxi operator, a final service mail rate of 23.9 cents per aircraft mile for the transportation of mail by air between Dodge City, Kans., and Pueblo, Colo.

The Postmaster General states that scheduled services are not presently provided in this market and that the two interested certificated carriers have indicated they will be unable to meet the Department's requirements.[1] Aviation Services proposes to use twin engine aircraft with all-weather capability in providing the mail service, and the proposed schedules will meet postal needs. No protest or objection has been filed against the services proposed in the notice of intent and the time for filing such objections has now expired.

The Postmaster General also states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to Aviation Services by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[2] to include the following findings and conclusions:

1. That the fair and reasonable final service mail rate to be paid to Aviation Services, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Dodge City, Kans., and Pueblo, Colo., and return, as described in the notice of intent in Docket 19256, shall be 23.9 cents per aircraft mile;

2. The final service mail rate here fixed and determined is to be paid in its entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302, 14 CFR, Part 298, and 14 CFR 385.14(f),

*It is ordered*, That:

1. All interested persons and particularly Aviation Services, Inc., the Postmaster General, and Frontier Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above, as the fair and reasonable rate of compensation to be paid to Aviation Services, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be

[3] Orders E-25672 and E-25673, served Sept. 13, 1967.
[4] Ibid.

[1] The notice of intent was served upon Central Airlines, Inc., and Frontier Airlines, Inc., which have now merged. Frontier, the surviving carrier, has certificate authority to operate between Dodge City, Kans., and Pueblo, Colo.

[2] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR, Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer it not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Aviation Services, Inc., the Postmaster General, and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By: Alfred R. Stout,
*Chief, Rates Division,*
*Bureau of Economics.*

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

[F.R. Doc. 67-14419; Filed, Dec. 11, 1967; 8:48 a.m.]

# CIVIL SERVICE COMMISSION

## SUPERINTENDENT OF SCHOOLS, PUBLIC SCHOOLS OF DISTRICT OF COLUMBIA

### Manpower Shortage

NOTICE OF LISTING

Under the provisions of 5 U.S.C., 5723, the Civil Service Commission has found, effective November 29, 1967, that there is a manpower shortage for the single position of Superintendent of Schools, Public Schools of the District of Columbia.

The appointee may be paid for the expenses of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 67-14414; Filed, Dec. 11, 1967; 8:48 a.m.]

## TRAINING INSTRUCTOR (ELECTRICAL POWER GENERATION)

### Manpower Shortage; Correction

FEDERAL REGISTER Document 67-14050 appearing in the issue of December 1, 1967, at page 16509 is amended by adding "Fort Belvoir, Va.", to the end of the first paragraph after the title and grade of position.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 67-14415; Filed, Dec. 11, 1967; 8:48 a.m.]

## NURSE—DIVISION OF INDIAN HEALTH; CONTINENTAL UNITED STATES (EXCEPT ALASKA)

### Notice of Adjustment of Minimum Rates and Rate Ranges

FEDERAL REGISTER Document 67-7933 published July 11, 1967, on page 10227, is amended by adding under coverage: "Fort Sill, Okla."

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 67-14416; Filed, Dec. 11, 1967; 8:48 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17881; FCC 67-1280]

## CAROL L. BRADLEY

### Order Designating Application for Hearing on Stated Issues

In the matter of Carol L. Bradley, Clinton, Md., application for authorization in the Citizens Radio Service.

The Commission has under consideration the above-entitled application for a Class D radio station license in the Citizens Radio Service.

There are substantial questions as to:

(a) Whether Carol L. Bradley has operated a radio transmitter without a license, in violation of section 301 of the Communications Act of 1934, as amended; and

(b) Whether Carol L. Bradley, while operating a radio transmitter on Citizens Radio Service frequencies, engaged in conduct prohibited by the Commission's rules governing that service.

In view of these questions, the Commission is unable to find that a grant of the captioned application would serve the public interest, convenience and necessity and must, therefore, designate the application for hearing. Except for the issues specified herein, the applicant is otherwise qualified to hold a Citizens Radio Service license.

*Accordingly, it is ordered,* Pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.973(b) of the Commission's rules, that the captioned application is designated for hearing at a time and place to be specified by subsequent order upon the following issues:

(1) To determine whether Carol L. Bradley operated radio transmitting apparatus without a license, in violation of section 301 of the Communications Act of 1934, as amended.

(2) In the event that applicant has been found under Issue (1) to have violated section 301 of the Communications Act of 1934, as amended, to determine whether Carol L. Bradley, while operating radio apparatus on Citizens Radio Service frequencies, engaged in conduct which, had she been licensed, would have been in violation of §§ 95.83(a)(1), 95.83(a)(11), 95.83(a)(13), 95.41(d)(2), 95.95(c), and 95.91 of the Commission's rules.

(3) To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of the captioned application would serve the public interest, convenience, and necessity.

*It is further ordered,* That, to avail herself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intent to appear on the date fixed for hearing and present evidence on the issues specified in this order; and

*It is further ordered,* That the Chief, Safety and Special Radio Services Bureau shall, within 10 days after the release of this order, furnish a Bill of Particulars to the applicant herein setting forth the basis for the above issues.

Adopted: November 22, 1967.

Released: December 7, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 67-14433; Filed, Dec. 11, 1967; 8:50 a.m.]

[Docket Nos. 17144, 17155; FCC 67M-1992]

## GENERAL ELECTRIC CABLEVISION CORP.

### Order Regarding Procedural Dates

In re Petitions of General Electric Cablevision Corp., Peoria, Ill., Docket No. 17144, File No. CATV 100-25; General Electric Cablevision Corp., Peoria Heights and Bartonville, Ill., Docket No. 17155, File No. CATV 100-59; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Peoria television market.

*It is ordered,* That the unopposed petition for modification of procedural dates, filed by General Electric Cablevision Corp. on November 29, 1967, is granted, and procedural dates are extended as follows:

GE to furnish direct affirmative written case to counsel for other parties and to Hearing Examiner from December 4, 1967, to January 10, 1968.

Receipt of notification of GE witnesses for cross-examination from December 18, 1967, to January 24, 1968.

Hearing from January 15, 1968, to February 19, 1968.

Issued: November 30, 1967.

Released: December 5, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 67-14435; Filed, Dec. 11, 1967; 8:50 a.m.]

## TRI-STATE TELEVISION TRANSLATORS, INC., AND WELLERSBURG TV, INC.

### Order Continuing Hearing

In re Tri-State Television Translators, Inc., (WO2AO, WO4AQ, WO5AI, WO8AU, W12AO), Cumberland, Md., Docket No. 17654, petitions for issuance of order to show cause; Wellersburg TV, Inc. (WO7AL, WO9AI, W13AP), Wellersburg, Pa., Docket No. 17655, order to show cause.

Pursuant to procedural arrangements looking toward a hearing and made at the further prehearing conference held on November 30, 1967: *It is ordered*, As follows:

(1) The Broadcast Bureau will furnish to counsel for the other parties and the Hearing Examiner by January 22, 1968, (a) copies of its proposed exhibits and (b) a list of the witnesses to be presented by it with indication of the general areas of their anticipated testimony;

(2) Tri-State Television Translators, Inc., and Wellersburg TV, Inc., will furnish to counsel for the other parties and the Hearing Examiner by January 30, 1968, (a) copies of their proposed exhibits and (b) lists of their witnesses together with indication of the general areas of their anticipated testimony; and

(3) The hearing heretofore scheduled for December 21, 1967, is postponed to February 6, 1968, at 10 a.m., in Cumberland, Md.

Issued: November 30, 1967.

Released: December 5, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 67-14436; Filed, Dec. 11, 1967; 8:50 a.m.]

[Docket No. 10834 etc.; FCC 67R-493]

## FLORIDA-GEORGIA TELEVISION CO., INC., ET AL.

### Memorandum Opinion and Order Enlarging Issues

In re Applications of Florida-Georgia Television Co., Inc., Jacksonville, Fla., Docket No. 10834, File No. BPCT-1624; Community First Corp., Jacksonville, Fla., Docket No. 17582, File No. BPCT-3681; The New Horizons Telecasting Co., Inc., Jacksonville, Fla., Docket No. 17583, File No. BPCT-3731; Florida Gateway Television Co., Jacksonville, Fla., Docket No. 17584, File No. BPCT-3732; for construction permit for new television broadcast station.

1. The above-captioned mutually exclusive applications for a television station utilizing Channel 12 at Jacksonville, Fla., were designated for consolidated hearing by Commission order, FCC 67-798, 10 RR 2d 846, released July 21, 1967. The issues set forth in that order include, among others, limited financial qualifications issues directed to each of the applicants except Florida-Georgia Television Co., Inc. (Florida-Georgia), and a standard comparative issue. Florida-Georgia is presently operating a station on Channel 12 in Jacksonville, Fla., pursuant to temporary authority issued by the Commission in its order, FCC 65-1021, 1 FCC 2d 1375, released November 19, 1965. On August 10, 1967, Florida-Georgia filed a petition to enlarge issues, seeking the addition of comparative efforts and comparative programing issues.[1]

COMPARATIVE EFFORTS ISSUE

2. In support of this request, Florida-Georgia argues that its 8 years' (1957-65) experience on Channel 12 gives it a special knowledge of the needs of the community which it proposes to serve. Petitioner contends that during the time its station has been on the air, it has maintained a "continuing program to ascertain community needs." For example, it is alleged that Florida-Georgia has encouraged its officers, directors and employees to be active in community affairs and in local civic organizations;[2] that Florida-Georgia employs, full time, a Public Service Director whose duties are, among others, to continuously ascertain community needs and to participate in plans for public service programing; and that Florida-Georgia's staff keeps abreast of viewer opinion as expressed in telephone calls and correspondence. Moreover, Florida-Georgia argues, in early 1966 it conducted "several extensive additional surveys" which consisted of (1) a community leader survey;[3] (2) a personal interview survey;[4] and (3) a telephone survey.[5] The results of the surveys were allegedly distributed to Florida-Georgia's directors. (However, one of the directors, Harold S. Cohn, Sr., has indicated that he did not receive any such survey material.)[6] Florida-Georgia further notes that it has examined the application files of all the other applicants in this proceeding and observed that none of them indicate that they have made surveys or otherwise attempted to ascertain community needs. Furthermore, it is argued that the other applicants have not undertaken to specifically relate their program proposals to any demonstrated programing need in the proposed service area. Based on the foregoing, petitioner, citing Chapman Radio and Television Co., 7 FCC 2d 213, 9 RR 2d 635 (1967), maintains that it has shown a "substantial disparity" between its efforts and those of the other applicants to ascertain community needs. Finally, Florida-Georgia contends that if one or more of the other applicants indicates that it has made no effort to ascertain the needs of the service area, the specification of a Surburban issue[7] by the Review Board would be appropriate citing Henry v. FCC, 302 F. 2d 191, 23 RR 2016 (D.C. Cir.), cert. denied 371 U.S. 821 (1962).

3. Pleadings in response to Florida-Georgia's petition were filed by Community, Gateway, and the Broadcast Bureau. The New Horizons Telecasting Co., Inc. (New Horizons), filed no response at all. Community and Gateway, in separate pleadings, oppose Florida-Georgia's request on the following grounds: (1) The Commission cannot consider any ascertainment efforts made by Florida-Georgia during its operation of Channel 12 between the years 1957 and 1965; and (2) Community and Gateway, respectively, have made sufficient efforts to ascertain the needs and interests of the community so that the addition of a comparative efforts issue is not warranted. First, the opponents object to consideration of any knowledge or experience which Florida-Georgia might have acquired while operating Channel 12 in Jacksonville. They

[1] Also before the Board are the following related pleadings: (a) Opposition, filed Sept. 6, 1967, by Community First Corp. (Community); (b) opposition, filed Sept. 6, 1967, by Florida Gateway Television Co. (Gateway); (c) comments, filed Sept. 6, 1967, by the Broadcast Bureau; and (d) reply, filed Sept. 25, 1967, by Florida-Georgia.

[2] The petition lists the organizations to which Florida-Georgia's directors and employees belonged during the one year prior to November 1965.

[3] Florida-Georgia sent letters to 236 civic and community leaders in the proposed service area. A copy of the form letter is attached to the petition. The 97 replies received were allegedly utilized in preparing Florida-Georgia's proposed program schedule. Twelve additional replies were received after the program schedule was prepared.

[4] Florida-Georgia's staff personally interviewed 102 persons, who allegedly represent a cross-section of the service area. Detailed interview forms were filled out. A list of the persons interviewed and the organizations they represent is attached to the petition.

[5] 975 telephone interviews were completed by the American Research Bureau for Florida-Georgia. A tabulation of the survey results was supposedly distributed to all Florida-Georgia directors prior to the meeting wherein the proposed program schedule was adopted. The questionnaire utilized by the ARB interviewers is attached to the petition.

[6] On Oct. 2, 1967, Gateway filed with the Review Board a request to order Florida-Georgia to produce all correspondence written by Cohn to Florida-Georgia in order to enable Gateway to better oppose the requested comparative issues. Oppositions to the request were filed by the Broadcast Bureau and Florida-Georgia on Oct. 16, and 17, 1967 respectively. Since we are denying the request for the comparative efforts issue (see par. 6, infra), however, a grant of Gateway's request could serve no useful purpose and it therefore will be dismissed.

[7] A disqualifying issue to determine the efforts made by an applicant to ascertain needs and interests, and the manner in which it proposes to meet those needs and interests.

argue that under the Court's decision in Jacksonville Broadcasting Corp. v. FCC, 348 F.2d 75, 5 RR 2d 2004 (D.C. Cir.), cert. denied, 328 U.S. 893 (1965), no credit whatsoever should accrue to Florida-Georgia from that operation. The opponents rely in particular on the Court's determination that the original grant to Florida-Georgia (see City of Jacksonville, 12 RR 113 (1956)) was void ab initio and that in the reopened proceedings Florida-Georgia could "compete, but on a completely equal and in no sense a preferred basis, with any other applicant who might apply." 348 F. 2d at 81, 5 RR 2d at 2010–11. Second, it is argued that each of the opponents has made a significant effort to ascertain the needs and interests of the community to be served. More specifically, Community alleges that in early 1966, before filing its application, it conducted a program survey consisting of: (1) Telephone interviews;[8] (2) a community leader survey; and (3) the monitoring of local television stations for 2 weeks. Furthermore, Community argues, its knowledge of Jacksonville's needs and interests is enhanced "by its stockholders' residence in Jacksonville and their active participation in the civic groups of the community."[9] Like Florida-Georgia, Community would also have the Board add a Suburban issue in the event that one or more of the applicants fails to show that it has taken adequate steps to acquaint itself with the interests and needs of the community to be served. Gateway also alleges "substantial and meaningful efforts" on its part to ascertain community needs and interests. For example, Gateway maintains that it has conducted "extensive and exhaustive" interviews with prominent local residents "in an effort to formulate a significant program proposal." Attached to Gateway's opposition is the affidavit of its President, Judson Freeman, which outlines some of the "formal contacts" with community leaders which were made to ascertain community needs and interests. It is alleged that these interviews were used by Gateway in formulating its program proposal. Finally, Gateway states that its principals are all actively involved in community affairs and have initiated numerous informal contacts to ascertain community needs and interests.

4. The Broadcast Bureau opposes the addition of a comparative efforts issue, arguing that neither Florida-Georgia's past experience on Channel 12, nor its 1966 surveys, warrants the addition of the requested issue. First, the Bureau contends that evidence relating to Florida-Georgia's past broadcast experience on Channel 12 would be more appropriately "tendered" at the hearing under other comparative criteria, such as, integration of ownership and management and past broadcast record, citing the Commission's Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965).[10] Second, it is argued that Florida-Georgia's 1966 surveys while "fairly extensive", do not, standing alone, demonstrate a "substantial disparity of efforts which should be examined in hearing," citing Chapman Radio and Television Co., supra. The Bureau also contends that if one or more of the applicants has made no effort to ascertain the needs and interests of Jacksonville, a request for a Suburban issue would be warranted.

5. In reply, Florida-Georgia disagrees with its opponents' interpretation of the Court's decision in Jacksonville Broadcasting Corp. v. FCC, supra, alleging that their interpretation is "unreasonable and extremely unfair." According to petitioner, what the Court meant when it stated that Florida-Georgia could not compete for Channel 12 on a "preferred basis" was that Florida-Georgia was not entitled to any "special equities" merely because it had been licensed by the Commission; the Court did not intend to preclude, at the hearing, the introduction of otherwise admissible evidence pertaining to Florida-Georgia's past operation and experience on Channel 12. Florida-Georgia then contends that the showings made on behalf of the opponents to demonstrate their efforts to ascertain community needs are inadequate and that there remains a "substantial disparity" between the efforts of the opponents and of Florida-Georgia, even without reference to petitioner's past operation on Channel 12. Florida-Georgia argues that neither Community nor Gateway made any attempt to relate their ascertainment efforts to specific program proposals. Moreover, it is submitted that Community did not name any of the persons it claims to have interviewed; that Community did not explain what new ascertainment efforts led to the amendment of its proposed programing on April 20, 1966; that Gateway did not name the principals who allegedly belong to "unnamed" local civic organizations; and that the Gateway representatives who conducted personal interviews are not named.

6. In Chapman Radio and Television Co., supra, the Commission held that a comparative efforts issue is warranted where there appears to be a significant disparity among applicants in efforts to ascertain community needs. Florida-Georgia's efforts to ascertain the needs and interests of the proposed service area are documented in detail in the subject petition, and appear to be extensive.[11] However, Community and Gateway, in their respective oppositions, have persuasively shown that they, too, have made impressive efforts to ascertain the programing needs and interests of Jacksonville.[12] Florida-Georgia's allegation, in its reply, that its opponents have not made sufficient showings is without merit. Surveys of community needs and interests were made by Community and Gateway.[13] The information supplied by each of these applicants is sufficiently detailed as to the methods employed, the number of contacts made, and the results obtained to offset Florida-Georgia's contention that a significant difference in effort exists. See Elim Bible Institute, Inc., FCC 67R–449, released October 24, 1967. Compare Salter Broadcasting Co., 8 FCC 2d 591, 10 RR 2d 407 (1967). Therefore, an issue inquiring into comparative efforts will not be added.[14]

7. While the requested comparative efforts issue is not being added, the Board believes that the addition of a Suburban issue against New Horizons is warranted. An applicant has the responsibility for a reasonable knowledge of the needs and interests of the community and area it proposes to serve in order to formulate its program proposals in response thereto. See Henry v. FCC, supra. A Suburban issue has been added in the past where it was not clear from the pleadings whether the applicant was familiar with, or investigated, community needs. See Dean and Golden, FCC 61–1160, 22 RR 140. Cf. Don L. Huber, FCC 62–142, 22 RR 954. Here, New Horizons has failed to establish with even a minimal showing that an investigation of community programing needs was made. Compare Tri-Cities Broadcasting Corp., FCC 67R–459, released October 30, 1967; Pinellas Radio Co., FCC 62R–57, 24 RR 300. While it is significant that many of New Horizons' stockholders are local residents (see Rice Capital Broadcasting Co., FCC 66–667, 8 RR 2d 443), the applicant's failure to respond to Florida-Georgia's petition raises a serious question as to whether it has made any attempt to ascertain the

[8] The results of the telephone survey, in which 1390 calls were completed, are attached to Community's opposition.

[9] In this regard, Community lists a number of groups to which its stockholders belong.

[10] Florida-Georgia, alleges the Bureau, should not be allowed to seek a "double advantage" by offering the same or similar evidence (i.e., its experience on Channel 12) on separate comparative criteria.

[11] The Board notes, however, that in making this determination, it is not relying on the allegations in the petition which have been challenged by Mr. Harold S. Cohn, Sr., a former Florida-Georgia director. See note 6, supra.

[12] In brief, the opponents have utilized various methods for ascertaining community needs, e.g., local residence, civic participation, personal interviews, telephone surveys, and the monitoring of local television stations.

[13] It is true, as alleged by petitioner, that neither Community nor Gateway specifically related the results of their ascertainment efforts to their proposed program schedules. However, the manner in which the results are reflected in the program proposals relates more directly to the comparative programing issue. See Chapman Radio and Television Co., 7 FCC 2d at 215, 9 RR 2d at 638: "[A] proponent of the programing issue should be required to make a prima facie showing that there are significant differences in the programing proposed and should relate his claimed substantial superiority in program planning to his ascertainment of community needs." Also see the Commission's discussion of the comparative efforts issue, 7 FCC 2d at 215–16, 9 RR 2d at 638.

[14] Since we have determined that the addition of a comparative efforts issue is not warranted, we need not reach the question of whether Florida-Georgia may, in view of Jacksonville Broadcasting Corp. v. FCC, supra, rely on its past experience on Channel 12 in support of its request.

needs and interests of Jacksonville. Cf. Rice Capital Broadcasting Co., supra; Adirondack Television Corp., 5 FCC 2d 376, 8 RR 2d 886 (1966). Accordingly, a Suburban issue will be added. However, the Board is of the view that the addition of the Suburban issue should not automatically compel the addition of a comparative efforts issue at this time. Rather, where, as here, one applicant in a multiparty proceeding makes no showing concerning efforts to ascertain programing needs, the Board believes a more expeditious procedure is to await the showing of that applicant under the Suburban issue.

COMPARATIVE PROGRAMING ISSUE

8. In support of its request for a comparative programing issue, Florida-Georgia, citing the Commission's Policy Statement on Comparative Broadcast Hearings, supra,[14] argues that the programing proposals of the other applicants cannot be effectuated to a "significant degree" and are, therefore, deficient. It is contended that the other applicants cannot produce their claimed amount of local, live programing on the basis of their projected annual operating costs and/or their annual estimated program and production expenses. Florida-Georgia first submits that its programing on Channel 12 from 1957 to 1965 has been "outstanding" mainly because of its coverage of local news and public affairs. Petitioner acknowledges that the other applicants "also propose a substantial, indeed an extraordinary, amount of news, public affairs, and local live programing."[15] However, petitioner asserts, these proposals cannot "be accepted at face value" because the other applicants have not allocated sufficient funds to effectuate their program proposals. Florida-Georgia submits a table showing the program proposals and program expenditures of all the applicants,[17] noting that Florida-Georgia's "are actual programs then and now in existence, not paper proposals." Petitioner alleges that "Community is the only one of the three new applicants * * * which has provided any breakdown of its total proposed annual operating expenses."[18] Community's proposed expenses are then compared with Florida-Georgia's actual expenses for 1966.[19]

9. Florida-Georgia contends that, according to its general manager (whose attached affidavit supports petitioner's allegations with regard to the requested programing issue), the total programing budgets of Gateway and New Horizons will not be much larger than that of Community, and that even if Gateway and New Horizons spent twice as much as Community on programing (i.e., $464,000), they would still be spending less than half than Florida-Georgia spent in 1966 for its programs. Next, Florida-Georgia sets forth some of the actual program costs incurred by it in the operation of Channel 12 in Jacksonville, and contrasts these actual costs with Community's projected costs. For example, Florida-Georgia cites the following expense items: (1) Salaries paid to program personnel; (2) news budget; and (3) documentary program costs. Florida-Georgia states that it paid approximately $390,000 in salaries to programing personnel in 1966; that approximately one-third of its regular staff members are union members; that the average annual salary paid to full-time program and production employees exceeds $7,500; that the three new applicants propose total programing staffs of from 39 to 44 full-time employees, that if Community, which proposes a program staff of 44 persons, were to pay salaries equal to Florida-Georgia's present average annual salary, it would exceed its projected annual budget for all programing and production by approximately $100,000; and that if Community paid its program and production employees only $5,000 a year, it would have only $13,000 left in its programing budget, which, according to Florida-Georgia, is insufficient to cover such program costs as film rental, outside news sources, and music license fees. Florida-Georgia further notes that Community proposes to devote more time to news programs than does Florida-Georgia (12 percent for Community versus 10.9 percent for Florida-Georgia); that Florida-Georgia's news staff includes 21 full-time employees and 11 "stringers"; and that Florida-Georgia's annual news budget, which is almost $300,000 per year, is about $70,000 more than the entire programing and production budget of Community. Furthermore, argues Florida-Georgia, while Community substantially amended its program proposal on April 20, 1966,[20] it "made no change in its staffing proposal and no change at all in its proposed budget for programing and production." Finally, Florida-Georgia observes that only it proposes to editorialize daily, that one other applicant, Gateway, would editorialize on Saturday and Sunday only, and the remaining two applicants have not proposed to editorialize at all. Accordingly, Florida-Georgia asserts, there are significant differences in the proposals of the applicants for editorialization which warrant a comparative programing examination at the hearing.

10. In opposition, Community argues that petitioner's request for a comparative programing issue must be denied because its allegations do not support the requested issue. However, asserts Community, even if the merits of petitioner's argument were considered, the request would have to be denied, because Florida-Georgia's costs of operation on Channel 12 have not been "independently established" as the "norm" for the purpose of comparing the operating costs of all the applicants.

11. Gateway, in opposition to Florida-Georgia's request, contends, first, that petitioner's references to its past operation on Channel 12 must be disregarded in view of the Court's decision in Jacksonville Broadcasting Corp. v. FCC, supra. Second, Gateway contests petitioner's allegation that it (Gateway) cannot effectuate its program proposal. In support of its opposition, Gateway submits an affidavit of Horace W. Gross, a professional television consultant, which seeks to establish: (1) That Gateway's program proposals can be effectuated; and (2) that Florida-Georgia's program proposals cannot be effectuated. Gross analyzes the five television markets ranked just above Jacksonville and the five markets ranked just below Jacksonville, finding that the average total 1966 revenues for the markets other than Jacksonville were $4,348,000. On the basis of his analysis, Gross concludes that

---

[14] Petitioner relies particularly on the following language in the Policy Statement:

No independent factor of likelihood of effectuation of proposals will be utilized. The Commission expects every licensee to carry out its proposals, subject to judgment that the public's needs and interests require a departure from original plans. If there is a substantial indication that any party will not be able to carry out its proposals to a significant degree, the proposals themselves will be considered deficient. (Footnote omitted.)

*Policy statement*, 1 FCC 2d at 398, 5 RR 2d at 1912. (Emphasis added by petitioner.)

[15] In this regard, Florida-Georgia submits the following: (1) The national average of local, live programing by network affiliated television stations is 8.9 percent of total broadcast time, citing Veterans Broadcasting Co., FCC 65-44, 4 RR 2d 375, 394; (2) each new applicant will be on the air approximately 132 hours per week; (3) Community proposes to devote 25.1 percent of its broadcast week (almost 5 hours per day) to local, live programing; New Horizons proposes 24.2 percent of local, live programing; and Gateway proposes 16.6 percent local, live programing, including 17.2 percent local, live programing during "prime time," i.e., between 6 p.m. and 11 p.m.; and (4) during 1966, 15.3 percent of Florida-Georgia's programs were live.

[17] The figures are taken from the pending applications of the other applicants and from Florida-Georgia's records.

[18] Florida-Georgia notes that although Gateway and New Horizons have not itemized their expenses, their total anticipated annual expenses (Gateway: $1,225,000; New Horizons: $1,339,000) are approximately the same as those of Community ($1,260,000).

[19] The expense breakdown presented by Florida-Georgia is as follows:

| | Florida-Georgia | Community |
|---|---|---|
| General and administrative | $599,800 | $225,000 |
| Sales | 243,600 | 134,500 |
| Technical and engineering | 334,000 | 638,500 |
| Program and production | 1,031,000 | 232,000 |

[20] For example, the percentage of live programing was raised from 13.3 percent to 25.1 percent and the percentage of news was raised from 8.7 percent to 12 percent. See Table III, petition to enlarge, p. 27.

Florida-Georgia, which proposes annual operating expenses of $2,209,000, will need over 50 percent of total Jacksonville television revenues in order to effectuate its program proposals. Gross also analyzes 1966 broadcast expense figures for average stations in the ten markets above and below Jacksonville, finding that the average per station expense figure is approximately $1,187,000, which is almost the same as the amount Gateway proposes to spend during its first year of operation (i.e., $1,225,000). Gross then states that the average operating expenses of stations with revenues ranging from $1 million to $1,500,000 are less than the operating expenses which Gateway proposes. Gross concludes "that in line with the experience of other stations in comparable markets," Gateway's program, staff and expense proposals are adequate to effectuate Gateway's proposals. On the other hand, Gross asserts that Florida-Georgia's annual operating expenses are too high to permit a profitable operation, especially when the new ABC-affiliated UHF station in Jacksonville (Channel 17) is fully competitive. According to Gross, the operation of the new UHF stations in Jacksonville (Channels 17, 30, and 47 [21]) will significantly reduce Florida-Georgia's revenues. Gross believes that "in the light of increased television competition in the market and the overall size of the Jacksonville television market, Florida-Georgia will not be able to maintain a profitable station with its proposed high cost of operation."

12. The Broadcast Bureau opposes Florida-Georgia's request for a comparative programing issue, arguing that petitioner is really requesting an "Evansville" issue (citing Ultravision Broadcasting Co., FCC 64R-192, 2 RR 2d 271; Chicagoland TV Co., FCC 65R-21, 4 RR 2d 261) and that such a request should be appropriately pleaded. Accordingly, the Bureau suggests that the Board dismiss the request.

13. In reply, Florida-Georgia again calls the Board's attention to the Commission's Policy Statement (see note 15, supra) and contends that the Commission will no longer consider inability to effectuate program proposals as a separate question, but will treat it as a deficiency in the program proposals themselves. New Horizons, by failing to respond, is argued to have virtually admitted that its program proposals are deficient. Community's position is alleged to have no support and the Bureau's argument is said to be based upon outdated pre-Policy Statement cases. Next, the affidavit of Gateway's television consultant is critically analyzed. In essence, Florida-Georgia contends that the affidavit "only succeeds in raising many additional questions of fact, thus corroborating the need for a hearing on this issue." For example, Florida-Georgia argues that Jacksonville is not an "average" television market, as Gross (Gateway's consultant) alleges, but that, in fact, 1966 television revenues in Jacksonville were approximately 35 percent higher than the "average" revenues presented in Gross's analysis.[22] Florida-Georgia concludes therefrom that it will not need "more than 50 percent" of Jacksonville's television revenues to meet its cost requirements, but only 37 percent, which, contends petitioner, is not unreasonable for an NBC affiliate in a two-VHF station market. Furthermore, in attacking Gross's expense figures for "average" television stations, Florida-Georgia submits that the local, live programing proposed by all of the applicants in this proceeding is not "average". See note 16, supra. It is noted that Gross has not disclosed the percentage of local, live programing broadcast by the "average" station whose expenses Gross has presented in his affidavit. Similarly, Gross is faulted for failing to provide any information concerning the number of people employed, or the average salary scale, at the "average" station. Finally, Florida-Georgia contests Gross's conclusion that it (Florida-Georgia) will not be able to effectuate its program proposals, arguing that affiant has not shown the correlation, if any, between a reduction in a station's average quarter hour audience caused by the entry of a new station or stations into its market, and a reduction in station revenues.

14. The Review Board agrees with the Broadcast Bureau that Florida-Georgia's allegations support a request for an "Evansville" issue (sufficiency of funds to effectuate program proposals),[23] rather than a comparative programming issue. The Board interprets the Policy Statement, supra Note 15, to mean that this factor (i.e., effectuation of program proposals) will no longer be considered as a comparative factor since all applicants are expected to carry out their proposals; but if this does not appear to be the case, the deficiency relates to the applicant's basic qualifications. Cf. Theodore Granik, 2 FCC 2d 515, 6 RR 2d 930 (1966). In this connection, the Board is of the view that this matter is encompassed within one aspect of an applicant's financial qualifications—the basis of its estimated operating expenses. Moreover, the fact that petitioner proposes more editorialization than the other applicants, does not, standing alone, warrant the addition of a comparative programing issue, especially where, as here, the program proposals of the applicants are substantially similar. However, the Board does not believe, as does the Bureau, that it would be appropriate, under the circumstances, to deny petitioner's request on procedural grounds.[24] The questions raised by petitioner's allegations are clear and appear to have been recognized by the parties; and all of the parties had an opportunity to respond to the allegations. Therefore, we will deal with the request for an effectuation issue on the merits.

15. In view of Florida-Georgia's extensive showing, the Board finds that a substantial question has been raised as to the basis and reasonableness of the other applicants' program costs. See Theodore Granik, supra. See also Chapman Radio and Television Co., 5 FCC 2d 392, 8 RR 2d 912 (1966). The detailed showing made by Florida-Georgia, which is supported by the affidavit of its general manager, emanates from an applicant with intimate knowledge of the operations of the station being applied for, and must be accorded significant weight by the Board in evaluating a need for an issue.[25] The Board rejects Community's argument that Florida-Georgia's operating costs cannot be utilized "for the purpose of comparing the costs of operations of all the applicants." Florida-Georgia's operating costs on Channel 12, while not the "norm" for television stations generally, are relevant in this proceeding, especially when the feasibility of the other applicants' program proposals is challenged. Florida-Georgia has, in our view, raised a substantial question in this regard and none of the other applicants, except Gateway, used their opportunity to oppose the petition to amplify their showing concerning the basis for their estimated program costs. For example, Florida-Georgia raised the question of salaries, and showed that if Community (and by implication, the other applicants) paid the average salary which Florida-Georgia pays to its programing personnel (i.e., $7,500 per year), it would, by this expense item alone, exceed its programing budget! Yet, neither Community nor the other applicants answered this question. Likewise, none of the other applicants showed what their news budgets would be or what they proposed to spend on documentary programs. Gateway's showing relies on the expenses and revenues of "average" television stations in "average" markets. However, Florida-Georgia contends that Jacksonville is not "average" and that the other applicants do not propose an "average" amount of local, live programing. See Note 16, supra. Under the circumstances, then, the Board concludes that the conflict between Florida-Georgia's showing and Gateway's opposition, and the absence of any showing by

[21] Channel 17 began operating in February 1966; Channel 30 has been granted; and Channel 47 is currently vacant, but available for commercial operation.

[22] The total broadcast revenues for Jacksonville in 1966 were $5,877,000, whereas Gross's "average" was $4,348,000. See Attachment A (letter to petitioner's counsel from FCC Secretary), reply to oppositions and comments.

[23] See South Central Broadcasting Corp., 9 RR 1035 (1953).

[24] In Chicagoland TV Co., supra, upon which the Bureau relies, the Board stated that the Evansville request should be addressed to the Hearing Examiner and not to the Review Board. However, that procedure is no longer followed. See Keith L. Reising, 1 FCC 2d 1082, 6 RR 2d 431 (1965); and Theodore Granik, supra.

[25] Florida-Georgia's reliance on information derived from its past operation of Channel 12 is for the purpose of testing the basic qualifications of the other applicants and petitioner derives no comparative advantage therefrom. See Note 14, supra.

the other applicants, require that the financial issues be expanded to determine whether Community, Gateway and New Horizons can effectuate their program proposals.

*Accordingly, it is ordered*, That the petition for enlargement of issues, filed August 10, 1967, by Florida-Georgia Television Co., Inc., is granted to the extent indicated herein, and is denied in all other respects; that the request for order, filed October 2, 1967, by Florida Gateway Television Co., is denied; and

*It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issue: To determine the efforts, if any, made by The New Horizons Telecasting Co., Inc. to ascertain the programing needs and interests of the area to be served, and the manner in which it proposes to meet such needs and interests.

*It is further ordered*, That the issues in this proceeding relating to the financial qualifications of Community First Corp. (Issue 1), The New Horizons Telecasting Co., Inc. (Issue 3), and Florida-Gateway Television Co. (Issue 2), respectively, are enlarged by the addition of the following subissue: To determine the basis of the applicant's estimated programing costs and the reasonableness of that estimate.

Adopted: November 22, 1967.

Released: November 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[20]
BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 67-14437; Filed, Dec. 11, 1967; 8:50 a.m.]

---

[Docket No. 17882; FCC 67-1281]

## BUCKEYE CABLEVISION, INC.

### Memorandum Opinion and Order Designating Proceeding for Hearing

In re Buckeye Cablevision, Inc., Toledo, Ohio, request for special relief pursuant to § 74.1109.

1. The Commission has before it for consideration a "Petition to Impose Special Requirements with Respect to the Operation of the CATV System Operated by Buckeye Cablevision, Inc., in Toledo, Ohio," and a Supplement thereto, filed on April 29, and August 25, 1966, respectively, by D. H. Overmyer Telecasting Co., Inc., permittee of UHF Station WDHO-TV, Toledo. Buckeye began CATV operations in March 1966, and currently provides 5,000 subscribers with the following Grade B or better signals: WTOL-TV, WSPD-TV, WGTE-TV,[1] and WDHO-TV, Toledo, Ohio; WJBK-TV, WWJ-TV, WXYZ-TV, and WKBD-TV, Detroit, Mich.; and CKLW-TV, Windsor, Ontario.[2] Overmyer seeks to prevent Buckeye's continued carriage of the Detroit-Windsor stations pending an evidentiary hearing to determine whether such carriage is consistent with the public interest.[3] Buckeye has opposed the petition and supplement. It also filed a motion to dismiss the petition on September 8, 1967; Overmyer opposed the motion and Buckeye replied.

2. In support of its request for hearing, Overmyer alleges that public interest considerations, referred to in paragraph 151 and footnote 69 of the Second Report and Order, 2 FCC 725, 786, are raised by the Grade B contour overlap of the Detroit and Toledo markets[4] and should be resolved in an evidentiary hearing; and that Buckeye should be precluded from continued carriage of the Detroit-Windsor stations pending Commission determination whether such carriage is consistent with the public interest.

3. Buckeye replies that the Overmyer petition lacks factual support; that its economic analysis is based on assumptions and comparisons with unrelated situations in other television markets, and thus fails to show in precise terms the actual impact of CATV in Toledo, or any exceptional circumstances there to justify the extraordinary relief requested; that Overmyer was aware of the existing off-the-air competition between Detroit-Windsor and Toledo stations prior to applying for Channel 24; that CATV benefits WDHO-TV by making it available on nonconverted televison sets; that Buckeye will suffer discrimination if it is precluded from carrying Detroit-Windsor signals, because Toledo antenna dealers advertise and sell special equipment capable of bringing in signals from 125 miles distant; that compliance with Overmyer's request would rearrange the whole concept of television markets and normally served areas, render CATV subscribers "captives" of the Toledo market, and insulate Toledo stations from natural competition from Detroit signals; and that in any event, no Commission action should be taken pending the outcome of current copyright legislation.

4. In the motion to dismiss, Buckeye further alleges that despite Overmyer's original classification of WDHO-TV as an independent station carrying a "modest" number of network shows on a per program basis, the station's prime time schedule for Fall 1967 includes 40 quarter-hours of NBC and 39 quarter-hours of CBS programing; that as a result, a full schedule of all three networks is now available on the Toledo stations and Toledo's network fare is no longer "inferior," as implied by Overmyer's economic analysis. It also contends that Overmyer has failed to supplement its analysis with any specific facts on viewing habit shifts during more than 1 year of operation by Buckeye and WDHO-TV; that Overmyer has likewise failed to bring its showing up to date with specific facts on WDHO-TV's current financial condition, Toledo market date, or evidence of any actual impact of private injury to WDHO-TV. Overmyer opposes the motion to dismiss and Toledo Telecasting Corp., permittee of a new television station to be operated on Channel 54, Toledo (BPCT-3887) has adopted Overmyer's allegations in a statement which also opposes the motion to dismiss.

5. Overmyer's petition to impose special requirements on Buckeye will be granted to the extent that an evidentiary hearing will be ordered in order to determine whether carriage of Detroit-Windsor signals on the CATV system is consistent with the public interest and healthy maintenance of television broadcast service in Toledo.[5] The petition raises questions which, under the policies expressed in the Second Report and Order, require factual examination. The lack of information concerning the impact of CATV upon UHF activity in Toledo compels that a meaningful record be established before we render a decision. Because of the passage of time and duration of the Buckeye and WDHO-TV operations, both parties should now be able

---

[20] Board Member Kessler not participating.

[1] In Buckeye Cablevision, Inc. (CATV 100-102), FCC 66-817, released Sept. 22, 1966, the Commission's rules were waived to permit Buckeye to carry any other educational signal when WGTE-TV is not on the air.

[2] On Sept. 18, 1967, pursuant to request of applicant, Buckeye's microwave application (BPCAR-31), to relay Detroit and Windsor signals, was dismissed.

[3] Overmyer's petition was filed at the time the Commission was considering issuance of a cease and desist order against Buckeye for alleged violations of § 74.1107. Overmyer sought to broaden that proceeding (Docket No. 16551) to include the question of continued carriage of the Detroit-Windsor stations. The relief was denied, Buckeye Cablevision, Inc., FCC 66-449, 3 FCC 2d 798, but the Commission stated that the issues raised by Overmyer's petition would be considered in a separate action. In the interim, Buckeye had filed a petition for declaratory ruling concerning those operations which were the subject of the cease and desist proceeding. In Buckeye Cablevision, Inc., FCC 66-455, 3 FCC 2d 808, the petition was treated as a request for waiver of the evidentiary hearing requirement of section 74.1107; was denied by the Commission; and the matter was assigned Case No. CATV 100-5. The Commission's memorandum opinion and order also specified that Overmyer's petition would be ruled on at the time CATV 100-5 was designated for hearing. However, CATV 100-5 was dismissed by request of counsel before designation (Public Notice-B, Dec. 7, 1966, FCC Mimeo No. 93033, Report No. 43); hence Overmyer's petition is now before us on the merits.

[4] Six channels have been assigned to Toledo: 11 (WTOL-TV, CBS); 13 (WSPD-TV, ABC); 24 (WDHO-TV, Inc.); *30 (WGTE-TV, Educ.); 54 (construction permit held by Toledo Telecasting Corp.); and 60 (idle).

[5] In Buckeye Cablevision, Inc., FCC 66-449, 3 FCC 2d 798, we held that a Detroit station whose Grade B contour penetrates Toledo's city limits was entitled to carriage on CATV throughout the community, under sec. 74.-1103 of the rules. The sole issue in that case, however, was Buckeye's compliance with the rules; the Commission specifically reserved judgment on the overall Toledo-Detroit question raised by Overmyer, including any public interest questions presented by such carriage. Thus, our determination that a paragraph 69 situation exists in Toledo and that the broad public interest questions inherent therein must be explored in evidentiary hearing does not conflict with our earlier decision on the single issue of compliance.

to substantiate their allegations with appropriate factual information. Commission action based on such a record should thus have some valid relationship to the facts of CATV effect in the market.

6. Finally, Overmyer requests that Buckeye be precluded from carrying any Detroit-Windsor stations pending the outcome of the evidentiary hearing. The Second Report and Order makes clear the impracticability of withdrawing service, once established, because of its disruptive effect. Second Report and Order, supra, 784–786. However, we will grant temporary relief, pending final disposition of this proceeding, in the form of an order requiring Buckeye to confine deliver of the Detroit-Windsor stations carried on its system to areas where feeder cable is located as of the date of this order. Buckeye may continue to expand its system beyond the above limits within its franchised area, so long as the expansion is confined to carriage of the Toledo signals. See Midwest Television, Inc., FCC 66–683, 4 FCC 2d 612, vacated in part, sub nom. Southwestern Cable Co. et al. v. United States of America and Federal Communications Commission, 378 F. 2d 118 (9th Cir. 1967), cert. granted Oct. 23, 1967 (Nos. 363, 428); Ultravision Broadcasting Company, FCC 66–907, 5 FCC 2d 217.

7. Accordingly, in view of the above, and pursuant to § 74.1109 of the Commission's rules, *It is ordered*, That this proceeding is hereby designated for hearing, at a time and place to be specified in a further order, upon the following issues:

1. To determine the present and proposed penetration and extent of CATV service, including television signals carried, in the market area.

2. To determine the effects of current and proposed CATV service in the Toledo area upon existing, proposed and potential television broadcast stations in the market.

3. To determine the present policy and proposed future plans of Buckeye Cablevision, Inc., with respect to the initiation of pay-TV operations based upon or in connection with its CATV operations.

4. To determine whether expansion of Buckeye Cablevision, Inc., CATV system should be limited and, if so, the appropriate conditions thereof.

*It is further ordered*, That Buckeye Cablevision, Inc., and D. H. Overmyer Telecasting Co., Inc., are made parties to this proceeding, and to participate must comply with the applicable provisions of § 1.221 of the Commission's rules.

*It is further ordered*, That petitioner D. H. Overmyer Telecasting Co., Inc., has the burden of proceeding and the burden of proof with respect to Issues 2 and 3, except that with respect to Issue 3 Buckeye has the burden of proceeding. Issue 4 is conclusory.

*It is further ordered*, That pending the outcome of this proceeding, respondent Buckeye Cablevision, Inc. is directed to limit the operation of its CATV system at Toledo as set forth in paragraph 6, supra.

*It is further ordered*, That the motion to dismiss filed by Buckeye Cablevision, Inc., is denied.

*It is further ordered*, That the petition to impose special requirements filed by D. H. Overmyer Telecasting Co., Inc., and the supplement thereto, to the extent indicated above, is granted, and, in all other respects, is denied.

*It is further ordered*, That the ruling as to temporary relief shall be effective on the 3d day, not counting Saturdays, Sundays, and holidays, after the day of release of this opinion, provided that the ruling on temporary relief shall not be effective until judicial determination of the motion for a stay if respondent notifies the Commission within 2 days that it intends to seek judicial review and seeks judicial review and a judicial stay within 14 days of release of this opinion.

Adopted: November 22, 1967.

Released: December 7, 1967.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 67-14434; Filed, Dec. 11, 1967; 8:50 a.m.]

* Commissioner Bradley dissenting and issuing a statement filed as part of the original statement. Commissioner Loevinger dissenting. Commissioner Wadsworth concurring in the result.

# FEDERAL MARITIME COMMISSION

## PORT OF BOSTON MARINE TERMINAL ASSOCIATION

### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW, Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as set forth below), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. J. Connolly, Chairman, Commonwealth Pier No. 5, Room No. 66, Boston, Mass. 02210.

Agreement No. 8785–3 between the members of the Port of Boston Marine Terminal Association modifies the basic agreement which provides for a cooperative working arrangement relative to wharfage, dockage, free time, wharf demurrage, usage charges, passenger charges, water, and electricity at the marine terminal facilities of the parties in Boston, Mass. The purpose of the modification is to include the storage of damaged or empty containers within the scope of the agreement.

Dated: December 6, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 67-14421; Filed, Dec. 11, 1967; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. RI68-253]

## SUPERIOR OIL CO.

### Order Providihg for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 1, 1967.

On November 3, 1967, The Superior Oil Co. (Superior) [1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change in rate is designated as follows:

[1] Address is: Post Office Box 1521, Houston, Tex. 77001.

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual decrease | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf | | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Rate in effect | Proposed decreased rate | |
| RI68-253 | The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001. | 117 | [5] 3 | Arkansas Louisiana Gas Co. (Arkoma Area Units, Sequoyah County, Okla.) (Oklahoma "Other" Area). | $370 | 11-3-67 | [2] 12-4-67 | [3] 12-5-67 | [7] 15.01556 | [4] [8] 14.51556 | RI68-83. |

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] Renegotiated rate decrease.
[5] Pressure base is 14.65 p.s.i.a.
[6] Includes base rate of 14.5 cents plus excise tax reimbursement of 0.015 cent and production tax reimbursement of 0.00056 cent.
[7] Includes base rate of 15 cents plus excise tax reimbursement of 0.015 cent and production tax reimbursement of 0.00056 cent.
[8] Includes letter dated Oct. 4, 1967, providing for 0.5 cent reduction in contractual rates and that seller will install and operate compression equipment to deliver gas at maximum 1000 p.s.i.a. at no cost to buyer.

Superior requests waiver of the statutory notice to permit its proposed rate change to become effective "immediately", or, in no event later than 30 days from date of filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Superior's rate filing and such request is denied.

Superior has filed a proposed decrease in rate to 14.51556 cents from its currently effective rate of 15.01556 cents per Mcf which is in effect subject to refund in Docket No. RI68-83. The proposed decrease covers two of the four units [9] under Superior's FPC Gas Rate Schedule No. 117 covering sales to Arkansas Louisiana Gas Co. in the Oklahoma "Other" Area. Superior is not proposing to decrease the current rate with respect to the other two units.[10] Superior was issued a certificate covering all four units at a rate of 15 cents in Docket No. CI66-481. Both the currently effective rate of 15.01556 cents and the now proposed rate of 14.51556 cents include 0.015 cent for partial reimbursement (75 percent) of the Oklahoma excise tax which was increased by the state from 0.02 cent to 0.04 cent effective July 1, 1967. In addition, both of these rates reflect 0.00056 cent for partial reimbursement of increased taxes based on the application of the existing 5 percent Oklahoma production tax to the increase in the excise tax.[11] The buyer, Arkansas Louisiana Gas Co., has protested the inclusion of the 0.00056 cent tax reimbursement in the proposed decreased rate filed by Superior contending there is no contractual authorization for such tax reimbursement. Even though Superior's proposed rate of 14.51556 cents is below the 15 cents certificated rate it should be suspended for 1 day from December 4, 1967, the date of expiration of statutory notice, because of the contractual question raised by the buyer. This proceeding will pertain only to the contract question and will not involve any question as to the justness and reasonableness of the proposed rate.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 3 to Superior's FPC Gas Rate Schedule No. 117 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate change contained in Supplement No. 3 to Superior's FPC Gas Rate Schedule No. 117.

(B) Pending a hearing and decision thereon, the above-designated rate supplement is suspended and its use deferred until December 5, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Superior, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, Superior shall execute and file under the above docket number, with the Secretary of the Commission, its agreement and undertaking to comply with the refund and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser, Arkansas Louisiana Gas Co., under the rate schedule involved. Unless Superior is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before January 17, 1968.

By the commission.

[SEAL] KENNETH F. PLUMB,
*Acting Secretary.*

[F. R. Doc. 67-14339; Filed, Dec. 11, 1967; 8:45 a.m.]

[9] Galloway and Crowe Units, Sequoyah County, Okla.
[10] Dickins and Malthan Units, Sequoyah and Le Flore Counties, Okla., respectively.
[11] The present 5 percent production tax is computed on the total price, including tax reimbursement, received from buyer.

## MOBIL OIL CORP. ET AL.

[Docket Nos. G-3973 etc.]

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

DECEMBER 1, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more full described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 26, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Acting Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G-3973 E 11-13-67 | Mobil Oil Corp. (successor to La Gloria Oil & Gas Co.), Post Office Box 2444, Houston, Tex. 77001. | Texas Eastern Transmission Corp., South Cottonwood Creek, De Witt County, Tex. | 9.65376 | 14.65 |
| | | Texas Eastern Transmission Corp., Waskom Field, Harrison County, Tex. | [1] 14.0 | 14.65 |
| | | Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex. | 14.0 | 14.65 |
| | | Arkansas Louisiana Gas Co., Waskom (Minnie Down) Field, Harrison County, Tex. | [2] 12.1880 | 14.65 |
| | | Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells County, Tex. | 14.0 | 14.65 |
| G-7670 C 11-15-67 | Southern Union Gathering Co., Fidelity Union Tower, Dallas, Tex. 75201. | El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex. | 13.0 | 15.025 |
| G-10836 E 11-13-67 | Mobil Oil Corp. (successor to La Gloria Oil & Gas Co.). | Trunkline Gas Co., Ramsey and Columbus Fields, Colorado County, Tex. | 9.110195 | 14.65 |
| G-12162 D 6-17-66 | Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052. | Cities Service Gas Co., Eureka and Medford Fields, Grant County, Okla. | [3] | |
| G-14996 E 11-13-67 | Mobil Oil Corp (successor to La Gloria Oil & Gas Co.). | Texas Eastern Transmission Corp., Bird Island Field, Kleberg County, Tex. | 14.40 | 14.65 |
| G-15238 E 11-13-67 | Mobil Oil Corp. (successor to Texas Eastern Transmission Corp.). | United Gas Pipe Line Co., Blocker (Pettit) Field, Harrison County, Tex. | 9.6216 | 14.65 |
| C161-635 E 11-13-67 | Mobil Oil Corp. (successor to La Gloria Oil & Gas Co.). | United Gas Pipe Line Co., South El Toro Field, Jackson County, Tex. | 15.192 | 14.65 |
| C163-218 C 10-9-67 | Global Oils, Inc. (Operator) et al., 2010 Republic National Bank Bldg., Dallas, Texas, 75201. | El Paso Natural Gas Co., acreage in San Juan County, N. Mex. | 13.0 | 14.65 |
| C163-464 (G-3973) C 11-13-67 [4] | Mobil Oil Corp. (successor to La Gloria Oil & Gas Co.). | Transcontinental Gas Pipe Line Corp., La Gloria Field, Jim Wells and Brooks Counties, Tex. | [5] 11.0 | 14.65 |
| C163-1205 E 11-13-67 | do | El Paso Natural Gas Co., Fulcher Kutz Field, San Juan County, N. Mex. | 13.0 | 15.025 |
| C163-1388 E 11-13-67 | do | United Fuel Gas Co., Valentine Field, Lafourche Parish, La. | 19.5 | 15.025 |
| C163-1468 E 11-13-67 | do | Arkansas Louisiana Gas Co., Waukomis Area, Garfield County, Okla. | 15.0 | 14.65 |
| C165-767 C 11-20-67 | Southern Union Production Co., Fidelity Union Tower, Dallas, Tex. 75201. | El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex. | 13.0 | 15.025 |
| C166-53 E 11-13-67 | Mobile Oil Corp. (successor to La Gloria Oil & Gas Co.). | Northern Natural Gas Co., East Clark Area, Harper County, Okla. | 17.0 | 14.65 |
| C166-718 E 11-1-67 | R. L. Dunbar, d.b.a. Greenbrier Oil Co. (successor to James V. Joyce), Post Office Box 1844, Parkersburg, W. Va. 26101. | Consolidated Gas Supply Corp., Spring Creek District, Wirt County, W. Va. | 25.0 | 15.325 |
| C166-1162 C 7-31-67 [4] | Henry H. Howard et al. Box 503, Mount Jewett, Pa. 16740. | Pennsylvania Gas Co., Lafayette Township, McKean County, Pa. | 27.0 | 15.025 |
| C166-1343 C 10-6-67 | Development Services Corp. (Operator) et al., 645 Petroleum Club Bldg., Denver, Colo. 80202. | Mountain Fuel Supply Co., Pole Gulch Unit, Moffat County, Colo. | 15.0 | 15.025 |
| C167-676 C 11-20-67 | Apache Corp. (Operator) et al., 823 South Detroit, Tulsa, Okla. 74120. | Northern Natural Gas Co., Sharon West Field, Woodward County, Okla. | [7] 17.0 | 14.65 |
| C167-795 C 11-14-67 | do | Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla. | [7] 17.0 | 14.65 |
| C168-649 (G-5004) F 11-13-67 | Highland Oil Co. (successor to Shell Oil Co.), c/o J. L. Bianchi, attorney, 1201 San Jacinto Bldg., Houston, Tex. 77002. | Texas Eastern Transmission Corp., Brushy Creek Field, De Witt and Lavaca Counties, Tex. | [8] 16.4 | 14.65 |
| C168-656 A 11-13-67 | Sun Oil Co. (Southwest division), 1608 Walnut St., Philadelphia, Pa. 19103. | Panhandle Eastern Pipe Line Co., Northwest Dombey and West Lorena Fields, Texas County, Okla. | [9] 17.0 | 14.65 |
| C168-660 (G-10926) F 11-15-67 | Harry W. Brennan, Jr. (successor to John C. Whitaker et al.), 508 Petroleum Bldg., Longview, Tex. 75601. | United Gas Pipe Line Co., Bethany Field, Harrison County, Tex. | 10.8876 | 14.65 |
| C168-661 (G-12972) (G-16878) (G-12908) (G-16753) (G-16979) (G-11174) F 11-9-67 | Morgan Petroleum Co., Operator,[10] 1600 Liberty National Bank Bldg., Oklahoma City, Okla. 73102 (successor to Sun Oil Co., Superior Oil Co., Union Oil Co. of California, Yingling Oil, Inc., Radcliffe Killam, and Gulf Oil Corp.). | Michigan Wisconsin Pipe Line Co., and Colorado Interstate Gas Co., Laverne Field, Harper County, Okla. | [7] 17.0 | 14.65 |
| C168-662 A 11-13-67 | Carpenter-Yeager, c/o Hays and Co., agent, Box 500, Spencer, W. Va. 25276. | Equitable Gas Co., Birch District, Braxton County, W. Va. | 25.0 | 15.325 |
| C168-663 A 11-13-67 | Oilco, Inc., Post Office Box 271, San Angelo, Tex. 76901. | Cumberland & Allegheny Gas Co., Washington District, Upshur County, W. Va. | 25.0 | 15.325 |
| C168-664 A 11-13-67 | do | do | 25.0 | 15.325 |
| C168-665 A 11-13-67 | George Mitchell & Associates, Inc., 12th Floor, Houston Club Bldg., Houston, Tex. 77002. | Arkansas Louisiana Gas Co., acreage in Sequoyah County, Okla. | 14.5 | 14.65 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI68-666 A 11-14-67 | General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206. | Transcontinental Gas Pipe Line Corp., Southeast Gueydan Field, Vermilion Parish, La. | 21.25 | 15.025 |
| CI68-667 A 11-14-67 | Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102. | Texas Eastern Transmission Corp., Cotean Frene Field, Assumption Parish, La. | 20.0 | 15.025 |
| CI68-668 A 11-15-67 | Penn-Wayne Gas Co., Box 118, Dayton, Pa. 16222. | Consolidated Gas Supply Corp., North Mahoning Township, Indiana County, Pa. | 25.0 | 15.325 |
| CI68-669 A 11-15-67 | Boyd & Shriver et al., Rooms 6-8 Rend Bldg., South Seventh St., Indiana, Pa. 15701. | do | 25.0 | 15.325 |
| CI68-670 B 11-15-67 | Pauley Petroleum, Inc. (Operator) et al., 10,000 Santa Monica Blvd., Los Angeles, Calif. 90067. | United Gas Pipe Line Co., Glendale Dome Area, Trinity County, Tex. | Depleted | ---------- |
| CI68-671 A 11-15-67 | Benco Drilling Co., Inc., Post Office Box 569, Charleston, W. Va. 25322. | Equitable Gas Co., Birch District, Braxton County, W. Va. | 25.0 | 15.325 |
| CI68-672 A 11-15-67 | Sinclair Oil & Gas Co. | El Paso Natural Gas Co., Piceance Creek Field, Rio Blanco County, Colo. | 15.0 | 15.025 |
| CI68-673 A 11-16-67 | An-Son Corp., 3814 North Santa Fe, Oklahoma City, Okla. 73118. | Arkansas Louisiana Gas Co., Kinta Field, Le Flore County, Okla. | [11] 15.0 | 14.65 |
| CI68-674 (CP62-142) E 11-13-67 | Mobil Oil Corp. (successor to Texas Eastern Transmission Corp.). | Texas Gas Transmission Corp., Calhoun Field, Ouachita Parish, La. | 18.25 | 15.025 |
| CI68-675 (CP62-158) E 11-13-67 | do | United Gas Pipe Line Co., Calhoun Field, Ouachita Parish, La. | 18.75 | 15.025 |
| CI68-676 (CP61-169) E 11-13-67 | do | El Paso Natural Gas Co., Flora Vista Field, San Juan County, N. Mex. | 13.0 | 15.025 |
| CI68-677 A 11-17-67 | Mobil Oil Corp. | Arkansas Louisiana Gas Co., Chismville Field, Logan County, Ark. | 15.0 | 14.65 |
| CI68-679 A 11-20-67 | Southern Union Production Co. | El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex. | 12.0 | 15.025 |
| CI68-680 A 11-20-67 | Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102. | Panhandle Eastern Pipe Line Co., L. P. Humphreys Unit, Hemphill County, Tex. | [7] 17.0 | 14.65 |
| CI68-681 A 11-16-67 | J & J Enterprises, Inc., 518 Allegheny Ave., Avonmore, Pa. 15618. | Cumberland & Allegheny Gas Co., Union District, Upshur County, W. Va. | 25.0 | 15.325 |
| CI68-682 B 11-17-67 | Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102. | Cities Service Gas Co., Laketon Field, Gray County, Tex. | Depleted | ---------- |
| CI68-683 A 11-17-67 | A.L.K., Ltd., No. 2, Operator, 706 Bank of the Southwest Bldg., Amarillo, Tex. 79109. | Panhandle Eastern Pipe Line Co., West Chester Field, Woodward County, Okla. | [7] 17.0 | 14.65 |
| CI68-684 A 11-20-67 | Apache Corp. (Operator) et al. | Arkansas Louisiana Gas Co., Northeast Carlton Field, Blaine County, Okla. | 17.0 | 14.65 |
| CI68-685 B 11-20-67 | Hugh K. Spencer et al., West Union, W. Va. 26456. | Consolidated Gas Supply Corp., West Union District, Doddridge County, W. Va. | Uneconomical | ---------- |
| CI68-686 A 11-20-67 | Mobil Oil Corp. | Texas Eastern Transmission Corp., Shiloh Field, Union Parish, La. | 18.75 | 15.025 |
| CI68-688 A 11-21-67 | Houston Royalty Co., 3057 Humble Bldg., Houston, Tex. 77002. | United Gas Pipe Line Co., Southwest Weeastche Area, Goliad County, Tex. | 15.0 | 14.65 |
| CI68-689 A 11-20-67 | Lone Star Producing Co. (Operator) et al., 301 South Harwood St., Dallas, Tex. 75201. | Texas Eastern Transmission Corp., Whelan Field, Harrison County, Tex. | 15.0 | 14.65 |

[1] Rate in effect subject to refund in Docket No. RI67-358.
[2] Subject to deduction for compression should Buyer compress gas.
[3] Deletes certain leases that have expired and other leases that have been assigned to Worldwide Petroleum Co. and Calvert Drilling, Inc. (now Continental Oil Co.).
[4] Adds acreage acquired from La Gloria Oil & Gas Co., from which service was being rendered pursuant to La Gloria's FPC GRS No. 3.
[5] Price varies (up to 13 cents per Mcf) according to compression.
[6] Provides for the sale of additional gas which was previously sold in intrastate commerce.
[7] Subject to upward and downward B.t.u. adjustment.
[8] Concurrently with application Applicant filed a notice of change in rate to 16.4 cents per Mcf. Applicant's predecessor, Shell Oil Co., is currently collecting a rate of 15.6 cents per Mcf, subject to refund in Docket No. RI65-478.
[9] Subject to upward and downward B.t.u. adjustment; also subject to deduction for cost of desulfurizing (up to 2 cents per Mcf), should Buyer install desulfurizing equipment to process gas to meet contract standards.
[10] Applicant states its willingness to accept permanent certificate at 17 cents per Mcf, plus B.t.u. adjustment.
[11] Includes 0.75 cent per Mcf compression charge.

[F.R. Doc. 67-14340; Filed, Dec. 11, 1967; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[812-2213]

## BURLINGTON INTERNATIONAL, INC.

### Notice of Filing of Application for Order Exempting Company

DECEMBER 6, 1967.

Notice is hereby given that Burlington International, Inc. ("Applicant"), 301 North Eugene Street, Greensboro, N.C., a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant from all provisions of the act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized by Burlington Industries, Inc. ("Burlington"), under the laws of the State of Delaware on August 9, 1966. All of the outstanding stock of the Applicant consisting of 1,000 shares of common stock, $1 par value, has been issued to Burlington for $100,000 in cash and 2,000 shares of capital stock of Stoffel AG, a Swiss textile concern, and a fully owned subsidiary of Burlington. The fair market value of such shares is estimated by Applicant's Board of Directors to be at least $3,262,932. Any additional securities which Applicant may issue, other than debt securities, will be issued only to Burlington. Burlington will continue to retain its present holdings of Applicant's common stock and any additional securities of Applicant which Burlington may acquire and Burlington will not dispose of any of Applicant's securities (other than debt securities) except to Applicant or to a fully owned subsidiary of Burlington (which term as used herein means a corporation all of the outstanding securities of which, other than short-term paper as defined in section 2(a)(36) of the Act, are owned directly or indirectly, by Burlington); and Burlington will cause each fully owned subsidiary not to dispose of Applicant's securities except to Burlington, Applicant or to one or more fully owned subsidiaries of Burlington.

Burlington is principally engaged in the production and marketing of textiles and related products. Its common stock is listed on the New York Stock Exchange and registered under the Securities Act of 1933.

A principal purpose for the organization of Applicant was to raise funds abroad for financing the expansion and development of Burlington's foreign operations while at the same time providing assistance in improving the balance of payments position of the United States in compliance with the voluntary cooperation program instituted by the President in February 1965.

Applicant intends to issue and sell Swiss Franc Bonds ("Bonds") in the aggregate amount of 50 million Swiss francs (approximately $11,600,000) to a group of underwriters for offering and sale only outside the United States. Burlington will guarantee the payment of principal, interest, and premium, if any, on the Bonds. Any additional debt securities of Applicant which may be issued to or held by the public will be guaranteed by Burlington in a manner substantially similar to the guarantee of the Bonds.

Applicant also intends to offer its 4½ percent Convertible Debentures ("Debentures") in an aggregate principal amount of 55,500,000 Swiss francs (approximately $12,876,000), guaranteed as to principal and interest by Burlington, to the stockholders of a textile company organized under the laws of Switzerland in exchange for stock of that company. Applicant represents that none of the stock of the textile company is held in the United States or by U.S. nationals. The Debentures of the Applicant will be convertible into common stock of Burlington at any time after 3 years from the date of issuance.

It is intended that upon completion of the long-term investment of Applicant's assets, substantially all of the assets of Applicant (exclusive of U.S. Government

securities and cash items) will be invested in securities of or loaned to companies all or substantially all of whose business is carried on abroad either directly or indirectly through foreign companies which are, or upon the making of such investments will be (1) majority-owned subsidiaries of Burlington within the meaning of section 2(a)(23) of the Act, (2) companies under Burlington's control within the meaning of section 2(a)(9) of the Act, or (3) companies in which Burlington or Applicant own directly or indirectly, an equity interest of 15 percent or more. Applicant will not invest, directly or indirectly, in companies primarily engaged in the business of investing, reinvesting, owning, holding or trading in securities provided that this restriction shall not preclude investments by Applicant in fully owned subsidiaries of Burlington primarily engaged in the business of owning or holding securities of companies in which Applicant may invest as stated herein. Applicant will proceed as expeditiously as practicable with the long-term investment of its assets in the manner described above. Pending such investment, and from time to time thereafter in connection with changes in long-term investments, Applicant will invest temporarily in debt obligations (including time deposits) of foreign governments, foreign financial institutions (including foreign branches of U.S. financial institutions) and foreign subsidiaries of Burlington, payable in U.S. dollars or other currencies and in each case maturing in 1 year or less from the date of acquisition. Applicant will not acquire the securities representing its investments or loans for the purpose of resale and will not trade in securities.

The Bonds are to be offered and sold under conditions which are intended to assure that they will not be offered or sold in the United States, its territories or possessions or to nationals, citizens or residents of the United States, its territories or possessions. The contracts relating to such offer and sale will contain various provisions intended to assure that the Bonds will not be purchased by nationals, citizens or residents of the United States, its territories or possessions. Any additional debt securities of Applicant which may be sold to the public in the future will be sold under substantially similar conditions.

Counsel has advised Applicant that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the debt securities, except where a specific statutory exemption is available. By financing its foreign operations through Applicant rather than through the sale of its own obligations, Burlington will utilize an instrumentality the acquisition of whose debt obligations by U.S. persons would generally subject such persons to the interest equalization tax, thus discouraging them from purchasing such debt obligations.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) A significant purpose of the Applicant is to assist in improving the balance of payments program of the United States by obtaining funds for foreign operations in foreign countries; (2) the payment of the debt securities to be issued by Applicant, which is guaranteed by Burlington, does not depend solely on the operation or investment policy of Applicant, for the security holders may ultimately look to the business enterprise of Burlington; (3) none of the securities of Applicant (other than debt securities) will be held by any person other than Burlington or a fully owned subsidiary of Burlington; (4) Applicant will not deal or trade in securities; (5) the debt securities to be issued by Applicant will be sold only to foreign nationals and the burden of the Interest Equalization Tax will discourage resale to any U.S. national, citizen, or resident.

Notice is further given that any interested person may, not later than December 21, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-14386; Filed, Dec. 11, 1967; 8:45 a.m.]

---

[812-2223]

## MASSACHUSETTS INVESTORS GROWTH STOCK FUND, INC.

### Notice of Filing of Application for Order Exempting Company

DECEMBER 6, 1967.

Notice is hereby given that Massachusetts Investors Growth Stock Fund, Inc. ("Applicant"), 200 Berkeley Street, Boston, Mass., a Massachusetts corporation registered as a diversified open-end investment company under the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1 et seq. ("Act"), has filed an application pursuant to section 10(e) of the Act for an order of the Commission extending until February 20, 1968, the period during which a vacancy on the board of directors may be filled in order to bring the members of the board into compliance with section 10(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Section 10(a) of the Act provides, among other things, that no registered investment company shall have a board of directors more than 60 per centum of the members of which are persons who are officers or employees of, such registered company. Section 10(e) of the Act provides, in pertinent part, that if by reason of the death of any director, the requirements of section 10(a) shall not be met, the operation of the provisions of said section shall be suspended for a period of 30 days if the vacancy may be filled by action of the board of directors of such registered investment company or for such longer period as the Commission may prescribe by order upon application, as not inconsistent with the protection of investors.

Prior to November 8, 1967, Applicant's board of directors consisted of 12 persons, of whom five were unaffiliated within the meaning of section 10(a) of the Act. On that date, one of the unaffiliated directors met accidental death, which reduced the membership of the board of directors to eleven, thereby increasing the percentage represented by the seven affiliated directors from 58.3 percent to 63.6 percent.

Applicant represents that it requires more than 30 days to fill the vacancy, that February 20, 1968 is the date of its annual meeting of shareholders, at which meeting shareholders will be voting for directors, and that in any event the board of directors will either fill the vacancy or select a candidate for election by shareholders by the date of mailing its proxy material (approximately the middle of January). Applicant further points out

that there continues to be a substantial percentage of unaffiliated directors.

Notice is further given that any interested person may, not later than December 26, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–14387; Filed, Dec. 11, 1967; 8:45 a.m.]

## NORTH AMERICAN RESEARCH & DEVELOPMENT CORP.

### Order Suspending Trading

DECEMBER 6, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of North American Research & Development Corp., 1935 South Main Street, Salt Lake City, Utah, and all other securities of North American Research & Development Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 7, 1967, through December 16, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–14388; Filed, Dec. 11, 1967; 8:46 a.m.]

[812–2219]

## NORTHEAST INVESTORS TRUST

### Notice of Filing of Application and 6(c) for Order Exempting Proposed Transaction From Provisions of Sections 17(a) and 22(d) of the Investment Company Act of 1940 ("Act")

DECEMBER 6, 1967.

Notice is hereby given that Northeast Investors Trust ("Applicant"), 50 Congress Street, Boston, Mass. 02109, a "Massachusetts trust" organized and existing under an agreement and declaration of trust executed under the laws of Massachusetts, registered under the Act as an open-end, diversified, management investment company, has filed an application pursuant to sections 17(b) and 6(c) of the Act for an order exempting from the provisions of 17(a) and 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for substantially all of the assets of The Alsace Corp. ("Alsace"). All persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Alsace, a Massachusetts corporation, was reincorporated in Massachusetts to succeed to a Rhode Island corporation of the same name. The principal business of Alsace and its predecessor since 1955 has been the management of its portfolio securities. Pursuant to an agreement between Applicant and Alsace, substantially all of the cash and securities of Alsace, with a market value of $2,605,339 as of September 30, 1967, will be transferred to Applicant in exchange for shares of its capital stock.

The number of shares of Applicant to be issued to Alsace is to be determined by dividing the aggregate market value (subject to certain adjustments set forth in the agreement and plan of reorganization) of the assets of Alsace to be transferred to Applicant by the net asset value per share of Applicant as defined in the agreement. If the valuation under the agreement had taken place on September 30, 1967, Alsace would have received approximately 144,667 shares of Applicant.

When received by Alsace, the shares of Applicant are to be distributed to the Alsace shareholders on the liquidation of Alsace. Applicant has been advised by the management of Alsace that the stockholders of Alsace will take these shares of Applicant for investment and will execute letters to that effect to be delivered at the closing.

The following affiliations exist between Applicant and Alsace: Mr. Hollis P. Nichols is chairman of the trustees of Applicant and president and a director of Alsace. He owns beneficially 3.48 percent of the shares of Applicant and 16.69 percent of record as trustee of various trusts in which neither he nor his family has any beneficial interest. He and his family own beneficially approximately 67 percent of the stock of Alsace. Mr. Ernest C. Monrad, a trustee of Applicant, owns of record but not beneficially, as a trustee of several of the trusts for Mr. Nichols or members of his family, 27 percent of the stock of Alsace. In addition, Mr. Monrad is a vice-president, director and the clerk of Alsace.

Section 17(a) of the Act, as here pertinent, makes it unlawful for any affiliated person of a registered investment company (as defined in section 2(a)(3) of the Act), or any affiliated person of such a person, to sell to or to buy from such registered company any security or other property unless the Commission upon application grants an exemption from such prohibitions pursuant to section 17(b) of the Act after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

Section 22(d) of the Act provides that a registered open-end investment company may sell its shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than sections 17(a) and 22(d), and submits that the terms of the proposed acquisition by Applicant of substantially all of the assets of Alsace in exchange solely for shares of Applicant are reasonable and fair and do not involve overreaching on the part of any person and that the proposed transaction is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 21, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations

promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-14389; Filed, Dec. 11, 1967; 8:46 a.m.]

## SILVER SHIELD CORP.

### Order Suspending Trading

DECEMBER 6, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Silver Shield Corp. (formerly Silver Shield Mining & Milling Co.) Spokane, Wash., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 7, 1967, through December 16, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-14390; Filed, Dec. 11, 1967; 8:46 a.m.]

[812-2191]

## TRAVELERS INSURANCE CO. AND TRAVELERS FUND FOR VARIABLE ANNUITIES

### Notice of Application for Exemptions

DECEMBER 6, 1967.

Notice is hereby given that The Travelers Insurance Co. ("Insurance Company") and The Travelers Fund For Variable Annuities ("Separate Account"), One Tower Square, Hartford, Connecticut (herein collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1, et seq. ("Act") for an order exempting Applicants from the provisions of sections 14(a), 15(a), 16(a), 17(f), 22(d), 22(e), 27(a)(4), 27(c)(1), 27(c)(2), and 32(a) of the Act. Separate Account is an open-end diversified management investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Insurance Company established Separate Account in order (1) to offer contracts designed for annuity purchase plans adopted by public school systems and certain tax exempt organizations which contracts qualify as tax deferred annuities under section 403(b) of the Internal Revenue Code of 1954 ("Code") and (2) to offer contracts which are to be issued with respect to plans established by persons entitled to the benefits of the Self-Employed Individuals Tax Retirement Act of 1962, as amended ("H.R. 10").

Section 14(a)(1) provides, in pertinent part, that no registered investment company shall make a public offering of a security of which such company is the issuer, unless such company has a net worth of at least $100,000.

Applicants state that the only contracts which will be offered initially are tax sheltered variable annuity contracts which initially meet the requirements of section 403(b) of the Code or which are issued with respect to plans established by persons entitled to the benefits of H.R. 10. Applicants declare that since Separate Account will only hold assets of tax sheltered contracts, it is not feasible to raise the minimum capital requirement through a nonpublic offering because the limitations under the Code on tax deferred contributions on behalf of a single participant make it unlikely that $100,000 could be raised under circumstances not constituting a public offering.

Applicants further state, among other things, that it is not feasible to raise the minimum capital requirement through the sale of nontax sheltered contracts since to combine in a single separate account assets pertaining to tax sheltered contracts and assets pertaining to nontax sheltered contracts could result in the imposition of tax liabilities which might not otherwise be incurred or in the misallocation of tax benefits.

Finally, Applicants state that under the Connecticut Insurance Code, the Fund is a segregated investment account which is an integral part of Insurance Company. Under Connecticut law the contract obligations of Insurance Company under the variable annuity contracts cannot be abandoned until such obligations have been discharged. The Insurance Company's capital and surplus at the end of 1966 of $429 million provides ample evidence of its financial qualifications. Insurance Company admitted assets at the same date amounted to $3.9 billion.

Sections 15(a), 16(a), and 32(a), in substance, require shareholder approval of the investment advisory agreement, the election of directors by shareholders, and shareholder ratification of the selection of an independent public accountant, respectively. Applicants state that since there will be no contract owners, hence no holders of voting securities, until after the registration statement under the Securities Act of 1933 becomes effective, the requirements of the aforesaid sections cannot be complied with. Applicants represent, however, that the first meeting of contract owners will take place no later than 9 months and 2 weeks from the effective date of the registration statement. Applicants state that by that time it is expected that some variable annuity contracts will have been sold so that the participants therein can then vote on such matters. The Applicants request a temporary exemption from the requirements of sections 15(a), 16(a), and 32(a) to allow Separate Account to operate until the first annual meeting of contract owners, at which time the requirements of those sections can be met.

Section 17(f)(3) provides, in pertinent part, that a registered management investment company may maintain its securities and investments in its own custody in accordance with such rules, regulations and orders as may be adopted by the Commission in the interests of investors. Rule 17f-2 under the Act requires, among other things, that such assets be placed in a bank subject to the other requirements of the rule. One of such other requirements limits the persons who shall have access to such assets to only certain specified individuals. Applicants request an exemption from the provisions of section 17(f)(3) and Rule 17f-2 to the extent necessary to permit not more than five officers or responsible employees of Insurance Company as well as duly authorized representatives of the Connecticut Commissioner of Insurance to have access to the assets of Separate Account. Such assets will be deposited by Insurance Company with The Connecticut Bank and Trust Co., Hartford, Conn. Insurance Company is subject to supervision and inspection by the Connecticut Commissioner of Insurance.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security of which it is the issuer except at a current public offering price described in the prospectus. The contracts which will be issued by Applicants provided for a combined 5.25 percent charge for sales and administrative services. The combined charge is appropriate because of the impossibility of determining in advance of the sale of the contract the proportions of such combined charge which will be incurred by the Insurance Company for each type of expense. Such proportions will vary from case to case depending on the amount of assistance provided by the employer-purchaser of the contract in connection with the sale and administration of such contract. Since on the basis of actual experience the proportions of sales charges and accordingly the current public offering price will vary from contract to contract for the reasons referred to above, Applicants request an exemption from the requirements of section 22(d).

Applicants request a further exemption to permit the allocation of an experience rating provision for the H.R. 10 plans and tax sheltered contracts initially meeting the requirements of section 403(b) of the Code. The combined

sales and administrative expenses applicable to each contract will be determined annually. If the actual expenses exceed the amount previously deducted for such expenses, no additional deduction will be made. On the other hand, if the actual expenses are less than the amount deducted, Insurance Company, in its discretion, may allocate all, a portion, or none of such excess as an experience rating credit to the participants in the Separate Account. Any excess so allocated will be applied in one of two ways: (a) By a reduction in the amount deducted from subsequent contributions for sales and administrative expenses or (b) by the crediting to participants under the group policy of a number of additional accumulation units or annuity units as applicable, equal in value to the amount of credits due less applicable premium taxes.

Sections 22(e) and 27(c)(1) provide, in pertinent part, that (1) a registered investment company may not suspend the right of redemption or postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security for redemption, and (2) a registered investment company issuing periodic payment plan certificates may not sell such certificates unless such certificates are redeemable securities. Applicants represent that prior to their maturity dates the contracts are redeemable and satisfy the redemption provisions of the Act. However, on their respective maturity dates, the then value of the contracts is determined and applied to provide for lifetime annuity payments of variable amounts. Applicants state that because the amount of annuity payments under the variable option are calculated actuarially, based upon the life expectancies of the annuitants, if an annuitant were to be permitted to redeem his contract after the maturity date, it would upset the actuarial computations made with respect to the remaining annuitants. Applicants request exemption from sections 22(e) and 27(c)(1) to the extent that once an annuitant begins to receive annuity payments he cannot redeem the value credited to his account. Such prohibitions shall only apply after annuity payments to the annuitant commence.

Section 27(a)(4) provides, in pertinent part, that the first payment on a periodic payment plan certificate be not less than $20. In order to minimize the administrative and accounting burdens involved for employers in making payroll deductions, Applicants request an exemption to permit the first payment to be in an amount of not less than $10. This exemption is requested with respect to those contracts which are group variable annuity contracts meeting the requirements of section 403(b) of the Internal Revenue Code.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other then the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing in substance, the provisions required by sections (26(a)(2) and (3)) for a unit investment trust. Section (26(a)(2)) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign and is designed to prevent "orphanage" of the trust.

Applicants state that Insurance Company functions as a regulated insurance company and is subject to extensive and detailed supervision and inspection by the Connecticut Commissioner of Insurance in all of its dealings with the contract purchasers. Insurance Company states that such control provides ample assurance against misfeasance and adequately protects the interests of the purchasers and annuitants. Accordingly, Applicants state that such authority and jurisdiction affords the essential protection which the trusteeship or custodianship under section 26(a)(2) is designed to provide. Moreover, in addition to the supervision and inspection by the Commissioner of Insurance, Insurance Company states that it will undertake binding commitments to contract owners which it may not leagily abrogate. Such supervision, inspection, and undertakings will provide substantial protection against the hazards which section 27(c)(2) is designed to protect against.

Applicants have consented to the requested exemptions being subject to the condition that the charges under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 27, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 67-14391; Filed, Dec. 11, 1967; 8:46 a.m.]

# DEPARTMENT OF LABOR

## Bureau of Labor Standards

## RADIATION STANDARDS FOR MINING

### Standard Forms for Recording Radiation Exposure

Standard forms have been adopted which, when properly maintained, will satisfy the requirements of 41 CFR 50-204.321(e) (32 F.R. 15641) concerning records of exposure to environmental concentrations of radiation in various parts of mines. These are as follows: "Weekly Record of Mine Air Concentrations of Radon Daughters", Form No. LSB-CA-17, August 1967 and "Weekly Record of Employee Time-Occupancy in Work Areas of Mines", Form No. LSB-CA-18, August 1967. The standard forms do not have to be used when the information required by the regulation is kept in another form.

Forms are available from: District Supervisor, Office of Occupational Safety, Bureau of Labor Standards, U.S. Department of Labor, Denver Federal Center, Room 21-S, Building 53, Kipling and 6th Avenue, Denver, Colo. 80225.

Signed at Washington, D.C., this 4th day of December 1967.

NELSON M. BORTZ,
*Director,*
*Bureau of Labor Standards.*

[F.R. Doc. 67-14409; Filed, Dec. 11, 1967; 8:48 a.m.]

## Wage and Hour Division

### CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize ten percent of the total number of factory production workers except as otherwise indicated.

Apparel Manufacturing Corp., Mebane, N.C.; 11-6-67 to 11-5-68; 10 learners (children's dressee and blouses).

Archibald Sewing Co., Archibald, Pa.; 11-1-67 to 10-31-68 (children's dresses).

The Arrow Co., Division of Cluett, Peabody & Co., Inc., Shamokin, Pa.; 11-4-67 to 11-3-68 (men's sport shirts).

Baby Bliss, Inc., Nashville, Mich.; 11-27-67 to 11-26-68; 10 learners (infants' wear).

Blanchard Shirt Corp., Mountain View, Ark.; 11-26-67 to 11-25-68 (men's dress and sport shirts).

Blue Bell, Inc., Shenandoah, Va.; 11-29-67 to 11-28-68; 10 learners (men's and boys' dungarees).

Bonsacci Sportswear Co., Scranton, Pa.; 11-18-67 to 11-17-68; 5 learners (boys' benchwarmers and peacoats).

Collinwood Manufacturing Co., Collinwood, Tenn.; 11-14-67 to 11-13-68 (women's washable service uniforms).

Colshire of California, Inc., Watsonville, Calif.; 11-27-67 to 11-26-68 (men's, boys', and ladies' pajamas).

Cowden-Lancaster Co., Lancaster, Ky.; 11-28-67 to 11-27-68 (cotton denim overalls).

Dixie Manufacturing Co., Columbia, Tenn.; 11-12-67 to 11-11-68 (ladies' and girls' sportswear).

Dunmore Sewing Co., Dunmore, Pa.; 11-1-67 to 10-31-68; 5 learners (children's dresses).

E & W of Canton, Inc., Canton, Miss.; 11-20-67 to 11-19-68 (men's sport shirts).

The Eastern Isles Manufacturing Corp., Richlands, Va.; 11-10-67 to 11-9-68 (ladies' pajamas and nightgowns).

Edison Textiles, Inc., Edison, Ga.; 11-17-67 to 11-16-68 (infants' and girls' panties, toddlers', and girls' sportswear).

The Enro Shirt Co., Inc., Louisville, Ky.; 11-10-67 to 11-9-68 (men's dress shirts).

The Farmville Corp., Farmville, N.C.; 11-4-67 to 11-3-68 (ladies' jeans, slacks, and shorts).

Florence Manufacturing Co., Inc., Florence, S.C.; 11-29-67 to 11-28-68 (ladies' dresses).

Four's Co., Inc., Blairsville, Pa.; 11-16-67 to 11-15-68 (children's dresses).

Guntown Slacks, Inc., Guntown, Miss.; 11-12-67 to 11-11-68 (men's and boys' dress and play slacks).

Hartsville Manufacturing Co., Inc., Hartsville, S.C.; 11-26-67 to 11-25-68 (ladies' dresses).

The Hercules Trouser Co., Manchester, Ohio; 12-1-67 to 11-30-68 (men's and boys' pants).

The Hercules Trouser Co., Hillsboro, Ohio; 12-1-67 to 11-30-68 (men's and boys' pants).

Hicks-Ponder Co., Yuma, Ariz.; 11-21-67 to 11-20-68 (men's slacks).

Honea Path Shirt Makers, Inc., Honea Path S.C.; 10-31-67 to 10-30-68 (men's sport shirts).

The H. W. Gossard Co., Bicknell, Ind.; 11-16-67 to 11-15-68 (foundation garments).

Imperial Reading Corp., Marshall, Tex.; 11-14-67 to 11-13-68 (denim and twill jeans).

Jacket King, Inc., Fort Smith, Ark.; 12-1-67 to 11-30-68; 10 learners (children's outerwear jackets).

Lamar Manufacturing Co., Millport, Ala.; 11-23-67 to 11-22-68 (men's and boys' pants).

The H. D. Lee Co., Inc., Boaz, Ala.; 11-5-67 to 11-4-68 (men's work clothing).

Linden Apparel Corp., Linden, Tenn.; 11-13-67 to 11-12-68 (men's and boys' dungarees and pants).

Lismore Manufacturing Corp., Fall River, Mass.; 12-1-67 to 11-30-68 (women's and children's woven underwear and sleepwear).

Loris Manufacturing Co., No. 1, Loris, S.C.; 11-30-67 to 11-29-68 (ladies' dresses).

Masterson, Inc., Booneville, Miss.; 11-3-68 to 11-2-68 (outerwear jackets and parkas).

McNair Clothing Manufacturing Co., Brownsville, Tex.; 11-3-67 to 11-2-68 (men's and boys' work pants, work shirts and casual pants).

McPenn Manufacturing Co., Nanticoke, Pa.; 11-3-67 to 11-2-68 (men's sport shirts).

Charles Meyers & Co., Belleville, Ill.; 11-28-67 to 11-27-68 (men's trousers).

Meyers & Son Manufacturing Co., Inc., Madison, Ind.; 11-1-67 to 10-31-68; 10 learners (men's work clothes).

Panola Inc. of Batesville, Batesville, Miss.; 11-21-67 to 11-20-68 (women's foundation garments).

Reltoc Manufacturing Co., Inc., Winfield, Ala.; 11-28-67 to 11-27-68 (men's slacks).

Salant & Salant, Inc., Paris, Tenn.; 11-9-67 to 11-8-68 (men's and boys' sport shirts).

Seminole Manufacturing Co., Aberdeen, Miss.; 11-23-67 to 11-22-68 (men's and boys' pants).

Seminole Manufacturing Co., Columbus, Miss.; 11-23-67 to 11-22-68 (men's and boys' pants).

The Shirtmaker Guild, Ltd.; Easley, S.C.; 11-7-67 to 11-6-68 (men's and boys' shirts and pajamas).

Spring City Manufacturing Co., Spring City, Tenn.; 11-20-67 to 11-19-68 (men's and boys' pants).

Steele Apparel Co., Inc., Steele, Mo.; 11-5-67 to 11-4-68; 10 learners (ladies' dresses).

Levi Strauss & Co., Roswell, N. Mex.; 11-19-67 to 11-18-68 (men's and boys' jeans).

Levi Strauss & Co., Knoxville, Tenn.; 11-9-67 to 11-8-68 (men's, ladies' and children's overalls).

Tri-County Shirt Corp., Salem, Ark.; 11-26-67 to 11-25-68 (men's dress shirts).

Walhalla Garment Co., Walhalla, S.C.; 11-6-67 to 11-5-68 (women's dresses).

Warner Slimwear-Lingerie, Barbourville, Ky.; 11-21-67 to 11-20-68 (corsets and brassieres).

Warsaw Manufacturing Co., Kingstree, S.C.; 11-29-67 to 11-28-68 (ladies' capris, shorts, and jamaicas).

Wentworth Manufacturing Co., Lake City, S.C.; 11-9-67 to 11-8-68 (ladies' wash frocks).

Wilgree Manufacturing Co., Inc., Camilla, Ga.; 12-1-67 to 11-30-68 (men's sport and dress shirts).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Blanchard Shirt Corp., Mountain View, Ark.; 11-26-67 to 5-25-68; 50 learners (men's dress and sport shirts).

Sommerville Manufacturing Co., Inc., Vivian, La.; 7-29-67 to 1-28-68; 200 learners (men's slacks) (replacement certificate).

Stitchcraft, Inc., Athens, Ga.; 11-27-67 to 5-26-68; 10 learners (dresses).

Levi Strauss & Co., Roswell, N. Mex.; 11-26-67 to 5-25-68; 30 learners (men's and boys' jeans).

Tri-County Shirt Corp., Salem, Ark.; 11-26-67 to 5-25-68; 70 learners (men's dress shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Lambert Manufacturing Co., Inc., Kirksville, Mo.; 11-7-67 to 11-6-68; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Charles H. Bacon Co., Inc., Loudon, Tenn.; 11-3-67 to 11-2-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Athens Lingerie Corp., Athens, Ala.; 11-7-67 to 11-6-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie and sleepwear).

Ilena Mills, Inc., Chattanooga, Tenn.; 11-14-67 to 11-13-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' tee shirts and children's sleepwear).

Kain-Murphy Corp., Chattanooga, Tenn.; 11-14-67 to 11-13-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' briefs).

Lismore Manufacturing Corp., Fall River, Mass.; 12-1-67 to 11-30-68; 5 percent of the total number of factory production workers engaged in the production of women's and children's knitted underwear and sleepwear for normal labor turnover purposes (women's and children's underwear and sleepwear).

Signal Knitting Mills, Inc., Chattanooga, Tenn.; 11-14-67 to 11-13-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knitted sleeping garments).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Caguas Tobacco and Processing Corp., Caguas, P.R.; 10-23-67 to 10-22-68; 15 learners for normal labor turnover purposes in the occupations of: (1) Machine stripping, for a learning period of 160 hours at the rate of $1.05 an hour; and (2) selecting of half leaves, for a learning period of 240 hours at the rate of 90 cents an hour (machine stripping and selecting of half leaves).

Consolidated Cigar Corp. of Cayey, Plant No. 22 Cayey, P.R.; 10-30-67 to 10-29-68; 113 learners for normal labor turnover purposes in the occupations of: (1) Machine stripping, for a learning period of 160 hours at the rate of $1.05 an hour; and (2) selecting of half leaves, for a learning period of 240 hours at the rate of 90 cents an hour (machine stripping and selecting of half leaves).

Meyers & Son Manufacturing Co. of P.R., Inc., Cidra, P.R.; 10-18-67 to 4-17-68; 50 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 89 cents an hour (overalls).

Puritana Manufacturing Corp., Aguas Buenas, P.R.; 10-20-67 to 10-9-68; 26 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of 98 cents an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours; and (2) machine stitching, pressing; each for a learning period of 320 hours at the rates of 98 cents an hour for the first 160 hours and $1.15 an hour for the remaining 160 hours (full-fashioned sweaters and shirts).

R. B. Tobacco Corp., Caguas, P.R.; 10-27-67 to 10-26-68; 22 learners for normal labor turnover purposes in the occupations of: (1) Machine stripping, for a learning period of 160 hours at the rate of $1.05 an hour; and (2) selecting of half leaves, for a learning period of 240 hours at the rate of 90 cents an hour (machine stripping and selecting of half leaves).

R. J. & D. Corp., Aguirre, P.R.; 11-6-67 to 5-5-68; 25 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of 90 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours (men's and ladies' gloves).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 1st day of December 1967.

ROBERT G. GRONEWALD,
*Authorized Representative of the Administrator.*

[F.R. Doc. 67-14410; Filed, Dec. 11, 1967; 8:48 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 507]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 7, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67, (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

### MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 348 TA), filed November 27, 1967. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, in initial truckaway service, from Holland, Mich., to military installations and Ports of Embarkation in the States of California, Georgia, Illinois, Maryland, New Jersey, New York, Pennsylvania, Texas, and Utah, for 180 days. Supporting shipper: Mr. Leonard Hynes, Military Traffic Management Terminal Service, Washington, D.C. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 103993 (Sub-No. 311 TA), filed November 30, 1967. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Lincoln County, Ky., to points in Tennessee, Virginia, West Virginia, Ohio, Indiana, Illinois, Missouri, and Mississippi, for 180 days. Supporting shipper: Stanford Mobile Homes, Inc., North U.S. 27, Stanford, Ky. 40484. Send protests to: District Supervisor, J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 113024 (Sub-No. 65 TA), filed November 30, 1967. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delevery No. 2, Smyrna, Del. 19977, South Du Pont Highway. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, toilet articles, drugs, and materials and supplies* used in the manufacture, sale and distribution thereof (except commodities in bulk, in bulk vehicles), between Edison, N.J., and Phoenix, Ariz., for account of Revlon, Inc., for 180 days. Supporting Shipper: Revlon, Inc., Route 27 and Talmadge Road, Edison, N.J., H. J. Newman, Corporate Distribution Advisor. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, Salisbury, Md. 21801.

No. MC 119443 (Sub-No. 19 TA), filed November 30, 1967. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, N.J. 08343. Applicant's representative: Gerald A. Kramme (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate*, in bulk, in tank vehicles, from Scotch Plains, N.J., to Philadelphia, Pa., for 150 days. Supporting shipper: Abbotts Dairies, 3175 John F. Kennedy Boulevard, Philadelphia, Pa. 19104. Send protests to: Raymond T. Jones, District Supervisor, 410 Post Office Building, 402 East State Street, Trenton, N.J. 08608.

No. MC 125646 (Sub-No. 3 TA), filed November 27, 1967. Applicant: SAMUEL R. FOX, 12 Second Street, Bridgeport, Ohio 43912. Applicant's representative: D. L. Bennett, 213 First National Bank Building, 2207 National Road, Wheeling, W. Va. 26003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy store equipment and supplies* (except such commodities in bulk) from Worthington, Ohio, to points in Delaware; Maryland; Pennsylvania (except Aliquippa, Altoona, Appollo, Beaver Falls, Blairsville, Brownsville, Butler, Canonsburg, Kittanning, Greensburg, Jeannette, Johntown, Latrobe, Charlerio, Connellsville, Indiana, Irwin, Mount Pleasant, Somerset, Uniontown, Washington, and points in Allegheny County); all points in Kentucky on, east, or north of a line beginning at Louisville, on the Ohio River, thence over U.S. Highway 60 to Mount Sterling, Ky., thence over U.S. Highway 460 to the Kentucky-Virginia State line; and points in New York on and west of a line beginning at Oswego, N.Y., on Lake Ontario, thence over U.S. Highway 104 to its junction with U.S. Highway 11 at or near Mexico, N.Y., thence over U.S. Highway 11 to Syracuse, N.Y., thence over New York Highway 5 to Utica, N.Y.,

thence over New York Highway 8 to its junction with New York Highway 17 to its junction with U.S. Highway 11 near Binghampton, N.Y., thence over U.S. Highway 11 to the New York-Pennsylvania State line; *Paper cups, soda straws,* and *plastic dishes,* from Baltimore, Md., to Worthington, Ohio; *flavor syrups* from Rochester, N.Y., to Worthington, Ohio; *flavor syrups* from Victor, N.Y., to Worthington, Ohio; *meat patties, frozen* from Scranton, Pa., to Worthington, Ohio, for 180 days. Supporting shipper: International Dairy Queen, Inc., Post Office Box 271, Worthington, Ohio 43085, Frank T. Cannon, General Manager. Send protests to: J. A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 531 Hawley Building, Wheeling, W. Va. 26003.

No. MC 126427 (Sub-No. 6 TA), filed November 30, 1967. Applicant: PALMER TRANSPORTATION, INC., Chester, N.Y. 10918. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Corn syrup and blends thereof,* in bulk, in tank vehicles, from Cortland, N.Y., to Scranton, Pa., for 150 days. Supporting shipper: Anheuser-Busch, Inc., St. Louis, Mo. 63118. Send protests to: Charles F. Jacobs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215–217 Post Office Building, Binghamton, N.Y. 13902.

No. MC 128814 (Sub-No. 7 TA), filed November 30, 1967. Applicant: TRI-STATE MOTOR TRANSIT CO., as operator of H. Messick, Inc., East on Interstate Business Route 44, Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Explosives,* from facilities of Hercules, Inc., Kenvil, N.J., to Merriam, Kans., and points within 5 miles, for 180 days. Supporting shipper: Hercules, Inc., Wilmington, Del. 19899. Send protests to: H. J. Simmons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128940 (Sub-No. 2 TA), filed November 30, 1967. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, Adelphi, Md. 20873. Applicant's representative: Charles E. Creager, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meats, poultry, fish, bakery products, fruit, frozen foods, candy and confectionery products, food products and preparations, advertising materials and equipment and supplies* used in the preparation and serving of foods in restaurants or commissaries, from Washington, D.C., to points in Cook, De Kalb, DuPage Grundy, Henry, Iroquois, Kane, Kankakee, Kendall, Lake, La Salle, Livingston, and Will Counties, Ill.; Jasper, Lake, La Porte, Newton, and Porter Counties, Ind.; Ashtabula, Ashland, Columbiana, Cuyahoga, Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, Summit, Trumbull, and Wayne Counties, Ohio, restricted to transportation performed under a continuing contract with Fairfield Farm Kitchens of Washington, D.C., for 150 days. Supporting shipper: Fairfield Farm Kitchens, 5200 Addison Road NE., Washington, D.C. 20027. Send protests to: Robert D. Caldwell, District Supervisor, 1220 Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenues NW., Washington, D.C. 20423.

No. MC 129557 TA, filed November 30, 1967. Applicant: FRANK A. PAONE, doing business as PAONE TRUCKING CO., 88 Briggs Street, Cranston, R.I. 02909. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sodium chloride,* with or without anticaking agents, in bulk, in dump-type vehicles, from Providence, R.I., to points in New London and Windham Counties, Conn., to points in Barnstable, Bristol, Norfolk, and Plymouth Counties, Mass., to points in Rhode Island, for 180 days. Supporting shipper: The Chemical Corp., 54 Waltham Avenue, Springfield, Mass. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

MOTOR CARRIER OF PASSENGERS

No. MC 129038 (Sub-No. 3 TA), filed November 30, 1967. Applicant: TRI-STATE COACH LINES, INC., 10008 West Pacific Avenue, Franklin Park, Ill. 60131. Applicant's representative: John T. Porter, 710–14 Gay Building, 16 North Carroll Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage, mail, newspapers, and express* in the same vehicle with passengers in vehicles transporting not more than 13 passengers plus driver, between Milwaukee, Wis., on the one hand, and, on the other, the O'Hare Field (Chicago International Airport), Cook County, Ill., and Midway Airport, Chicago, Ill., from Milwaukee, over U.S. Interstate Highway's 94 and 294 to Chicago, Ill., and the above-named airports and return over the same route with pickups and delivery restricted to the city of Milwaukee, Mitchell Field (Milwaukee) Airport, O'Hare and Midway airports and the junction of Wisconsin Highway 50 with U.S. Highway I–94. NOTE: Applicant intends to tack the authority here applied for to its authority MC 129038, Sub 1 TA which permits service between the cities of Racine and Kenosha on the one hand, and Midway and O'Hare airports in Chicago on the other, for 150 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–14422; Filed, Dec. 11, 1967; 8:49 a.m.]

# CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.**

## 3 CFR

Page

PROCLAMATION:
3821 ... 17571
EXECUTIVE ORDERS:
Dec. 5, 1913 (revoked in part by PLO 4327) ... 16531
Mar. 21, 1914 (revoked in part by PLO 4327) ... 16531
June 24, 1914 (revoked in part by PLO 4327) ... 16531
11248 (amended by EO 11384) ... 17423
11383 ... 17421
11384 ... 17423

## 5 CFR

210 ... 16474
213 ... 16477, 17615
315 ... 16474
351 ... 16474
352 ... 16474
353 ... 16475
430 ... 16475
511 ... 16475
531 ... 16475
713 ... 16476
731 ... 16476
752 ... 16476
754 ... 16476
771 ... 16477
772 ... 16477
831 ... 16477
891 ... 16477
2200 ... 17573
2300 ... 17651

## 7 CFR

401 ... 16478, 17425, 17513
718 ... 17513
722 ... 17467
724 ... 16478
725 ... 16479
815 ... 16525
905 ... 16525, 17615, 17616
907 ... 16526, 17515
910 ... 16526, 17617, 17651
944 ... 17425
982 ... 16527
989 ... 17467
1062 ... 16479
1073 ... 16480
1094 ... 16527
1103 ... 16527
1106 ... 16480
1126 ... 16480
1421 ... 16528
1427 ... 16528
PROPOSED RULES:
812 ... 17669
817 ... 17669
911 ... 17431
915 ... 17431
948 ... 17671
950 ... 17433
989 ... 17625
993 ... 17434
1001 ... 17626
1008 ... 17626
1036 ... 17626
1048 ... 17626

## 8 CFR

Page

238 ... 17651
280 ... 17651
PROPOSED RULES:
242 ... 17624
243 ... 17624
244 ... 17624
299 ... 17624

## 9 CFR

97 ... 17618

## 12 CFR

1 ... 17574
12 ... 17468
206 ... 17469
224 ... 17425
335 ... 17470
561 ... 17515
605 ... 17652
PROPOSED RULES:
563 ... 17544

## 14 CFR

39 ... 16481, 17426, 17515, 17516, 17652
61 ... 16481
71 ... 16482, 16483, 17426, 17427, 17516–17518, 17574–17576, 17653
73 ... 17427, 17653
75 ... 17518
91 ... 16483, 17654
97 ... 16484, 17577
121 ... 16481
151 ... 17471
301 ... 16491
303 ... 16491
311 ... 16491
320 ... 16491
421 ... 16491
430 ... 16491
431 ... 16491
435 ... 16491
PROPOSED RULES:
1 ... 16495
21 ... 17485
25 ... 17487
39 ... 17439, 17672, 17673
71 ... 16495, 17488, 17543, 17596–17598, 17673–17675
73 ... 17488
91 ... 16495
214 ... 16535
295 ... 16535
298 ... 17598

## 15 CFR

373 ... 17471

## 16 CFR

13 ... 17427, 17618
15 ... 17582
PROPOSED RULES:
301 ... 17544
415 ... 17601

## 17 CFR

Page

240 ... 17583
270 ... 17583
274 ... 17583

## 19 CFR

5 ... 17619
12 ... 17428
19 ... 17619
23 ... 16528
24 ... 17619

## 21 CFR

29 ... 17654
120 ... 16529, 17472
121 ... 16529, 16530, 17472, 17587, 17654, 17655
130 ... 16531
146 ... 16531
146a ... 16491, 17657
166 ... 17473
PROPOSED RULES:
31 ... 16533
46 ... 17482, 17671
130 ... 17671
138 ... 16533, 17626

## 22 CFR

10 ... 17454

## 23 CFR

PROPOSED RULES:
255 ... 16534

## 24 CFR

234 ... 17587

## 25 CFR

PROPOSED RULES:
221 ... 17543

## 26 CFR

1 ... 17479, 17518, 17657

## 28 CFR

0 ... 16531

## 29 CFR

1610 ... 16491

## 31 CFR

1 ... 17519

## 32 CFR

52 ... 17661
54 ... 17619
537 ... 17519
701 ... 17588

## 33 CFR

109 ... 17726
110 ... 17726
114 ... 17726
115 ... 17726
116 ... 17726
117 ... 17726
209 ... 17522

## 36 CFR

Page

7 ... 17661

## 39 CFR

123 ... 17479
742 ... 17479

## 41 CFR

1–1 ... 16491
9–1 ... 17542
Ch. 18 ... 17002

## 42 CFR

53 ... 17662

## 43 CFR

PUBLIC LAND ORDERS:

334 (revoked in part by PLO 4333) ... 17480
1796 (revoked in part by PLO 4331) ... 17479
2764 (see PLO 4331) ... 17479

## 43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued

4327 ... 16531
4328 ... 17429
4329 ... 16532
4330 ... 17479
4331 ... 17479
4332 ... 17479
4333 ... 17480
4334 ... 17429
4335 ... 17429
4336 ... 17620
4337 ... 17662

## 45 CFR

1105 ... 17663

## 46 CFR

39 ... 17621
98 ... 17621
221 ... 17595
255 ... 17595
510 ... 17480

## 46 CFR—Continued

Page

526 ... 17667

PROPOSED RULES:

514 ... 16496

## 47 CFR

97 ... 17429

PROPOSED RULES:

2 ... 16495
87 ... 16495
91 ... 17440

## 49 CFR

890 ... 17480
1200 ... 17480

## 50 CFR

28 ... 17622
32 ... 17542
33 ... 16532, 17430, 17481, 17623, 17667, 17668
254 ... 16492

# FEDERAL REGISTER

VOLUME 32 • NUMBER 239

Tuesday, December 12, 1967 • Washington, D.C.

PART II

Department of Transportation
Coast Guard

•

## ANCHORAGES AND BRIDGES

Assumption of Certain Functions, Powers, and Duties from Corps of Engineers and Transfer of Certain Regulations



# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of Transportation

[CGFR 67-46]

## ANCHORAGES AND BRIDGES

### Assumption of Certain Functions, Powers, and Duties From Corps of Engineers and Transfer of Certain Regulations

1. There were transferred to and vested in the Secretary of Transportation by subsection 6(g) of the Department of Transportation Act (Public Law 89-670, 80 Stat. 931-950, 49 U.S.C. 1651-1659), certain functions, powers, and duties, previously performed by the Secretary of the Army and other officers and offices of the Department of the Army (Corps of Engineers), which included:

a. Location and clearances of bridges and causeways over the navigable waters (see 33 U.S.C. 401, 491, et seq., and 525 et seq.).

b. Administration of the alteration of obstructive bridges (see 33 U.S.C. 511 et seq.).

c. Regulation of drawbridge operations (see 33 U.S.C. 499).

d. Establishment and administration of water vessel anchorages (see 33 U.S.C. 180, 258, 322, 471).

e. Administration of the Oil Pollution Act of 1961 (33 U.S.C. 1001 et seq.).

2. Effective April 1, 1967, the Secretary of Transportation by Department of Transportation Order 1100.1, dated March 31, 1967 (49 CFR 1.4(a)(3)), delegated to and authorized the Commandant, U.S. Coast Guard, to exercise the functions, powers, and duties vested in the Secretary by subsection 6(g) of the Department of Transportation Act except those establishing or revising tolls in 33 U.S.C. 494, 498a, 498b, 503 et seq., and 526. The Commandant, U.S. Coast Guard, by notice effective April 1, 1967, announced the adoption and continuation of applicable orders, rules, regulations, policies, procedures, privileges, waivers, and other actions, which had been issued, made, granted, or allowed to become effective prior to April 1, 1967, under the provisions of laws cited in subsection 6(g) of the Department of Transportation Act, which are also listed in paragraph 1 above (32 F.R. 5611). This notice also stated these actions shall continue in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority.

3. In order to maintain continuity of service to the public during the transfer of records and the development of the necessary personnel structure and facilities within the Coast Guard, the Chief of Engineers, W. F. Cassidy, Lieutenant General, U.S. Army, and the Commandant, U.S. Coast Guard, W. J. Smith, Admiral, U.S. Coast Guard, signed a "Memorandum of Understanding Relative to the Implementation of the Transfer of Certain Functions from the Corps of Engineers to the Coast Guard." In this Memorandum it is agreed that with respect to (1) location and clearances of bridges and causeways over the navigable waters; (2) administration of the alteration of obstructive bridges; and (3) regulation of drawbridge operations; the Corps of Engineers will perform for and under the direction of the Commandant, U.S. Coast Guard, such of those services that it previously performed until the Coast Guard's facilities and personnel can provide these services for the public. These responsibilities parallel those of other Coast Guard programs which are administered through the Office of Operations at Coast Guard Headquarters and receive technical support from the Office of Engineering. Under the general administration of the Commandant, these functions, powers, and duties have been assigned as follows:

a. *Maritime law enforcement.* This is assigned to the Chief, Law Enforcement Division, Office of Operations, at Coast Guard Headquarters, and in each Coast Guard District under the District Commander to the Chief, Operations Division. The functions, powers, and duties are:

(1) Establishment, administration, and enforcement of water vessel anchorages under 33 U.S.C. 180, 258, 332, and 471, and implementing regulations in 33 CFR Parts 109 and 110.

(2) Administration and enforcement of Oil Pollution Act of 1961 in 33 U.S.C. 1001 et seq., and implementing regulation in 33 CFR Part 151.

b. *Aids to navigation.* This is assigned to the Chief, Aids to Navigation Division, Office of Operations, at Coast Guard Headquarters, and in each Coast Guard District under the District Commander to the Chief, Operations Division. The functions, powers, and duties are:

(1) Approval or disapproval of the location and clearances of bridges and causeways over the navigable waters under 33 U.S.C. 401, 491 et seq., and 525 et seq., and implementing regulations in 33 CFR Part 115.

(2) Administration of the alteration of obstructive bridges under 33 U.S.C. 511 et seq., and implementing regulations in 33 CFR Part 116.

(3) Regulation of drawbridge operations under 33 U.S.C. 499, and implementing regulations in 33 CFR Part 117.

c. *Engineering support.* This is assigned to the Chief, Civil Engineering Division, Office of Engineering, at Coast Guard Headquarters as a support function to the Chief, Office of Operations. The duties are:

(1) Technical review of plans and specifications for alteration of obstructive bridges under 33 U.S.C. 511 et seq., and implementing regulations in 33 CFR Part 116.

4. The Corps of Engineers' rules and regulations are published in 33 CFR Chapter II. Those requirements which implement the functions, powers, and duties previously performed by the Corps of Engineers and assumed by the Coast Guard are in 33 CFR Parts 202, 203, 209, and 212 and were continued in effect by the notice effective April 1, 1967, and published in the FEDERAL REGISTER of April 5, 1967 (32 F.R. 5611), until modified, terminated, repealed, superseded, or set aside by appropriate authority. Effective April 1, 1967, the Coast Guard assumed full responsibility for establishment and administration of water vessel anchorages and the administration of the Oil Pollution Act of 1961 as a part of the maritime law enforcement described in paragraph 3.a. above. The Corps of Engineers continues to perform the various functions relating to bridges as an agent of the Commandant until the changeover in administration will be accomplished on a Coast Guard District-by-District basis which is scheduled for completion on or before June 30, 1968.

5. The regulations in this document (Subchapter I (Anchorages), containing 33 CFR Parts 109 and 110, and Subchapter J (Bridges), containing 33 CFR Parts 114 to 117, inclusive) are based on the present requirements in the Corps of Engineers' regulations, except for editorial changes to show the transfer of functions to the Coast Guard (changes in names, titles, etc., such as "Secretary of the Army" to "Commandant, U.S. Coast Guard," "Department of the Army" to "Department of Transportation," or "U.S. Coast Guard," as appropriate, "District Engineer" to "Coast Guard District Commander," etc.), and revised procedural rules and regulations to be followed by the public. This document contains all amendments published in the FEDERAL REGISTER prior to date of publication.

6. In revising and rearranging the rules and regulations previously issued by the Corps of Engineers, the requirements in the revised regulations are set forth by general subjects. The Table I lists the part number of the Corps of Engineers regulations, the new assigned part number and subchapter designation in 33 CFR Chapter I, and comments about actions taken. In assuming the Corps of Engineers' regulations the principal change concerns assignment of new part numbers and correction of cross references, names, etc. In the section numbers the primary change relates to the number preceding the decimal point which was changed to reflect the part number to which assigned. No change was made in the portion of the section number following the decimal point nor in the internal designations of paragraphs within a section in 33 CFR Parts 110 and 117.

TABLE I—SUBCHAPTER AND PART HEADINGS

| Subchapter designations | New part No. | Former designation | Title | Comments |
|---|---|---|---|---|
| I | | | Anchorages | New subchapter. |
| I | 109 | | General | Purpose and certain procedures. |
| I | 110 | 202 | Anchorage regulations | Editorial changes. |
| J | | | Bridges | New subchapter. |
| J | 114 | | General | Purpose, definitions, authority added. |
| J | 115 | 209.120 | Bridge locations and clearances; administrative procedures | Procedures for obtaining permits, etc., revised. |
| J | 116 | 209.180 | Alteration of obstructive bridges | Requirements and procedures. |
| J | 117 | 203 | Drawbridge operation regulations | Editorial changes. |

7. Because certain amendments to the bridge regulations had to be published, the transfer of 33 CFR Part 203 to Part 117 was made by FEDERAL REGISTER Document CGFR 67-52. These amendments are included in this document. The Oil Pollution Regulations in 33 CFR Part 212 did not include changes based on amendments to the Oil Pollution Act of 1961 in Public Law 89-551 (approved Sept. 1, 1966), implementing the provisions of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended in 1962, which became effective on May 18, 1967. These statutory changes included a requirement that extensions or reductions of prohibited zones effectuated in accordance with the Convention shall be "published in regulations prescribed by the Secretary." Therefore, the amendments to the Oil Pollution Regulations, which reflect the recent transfer of administrative authority from the Secretary of the Army to the Secretary of Transportation, as well as list the prohibited zones currently in effect and the requirements concerning the keeping of Oil Record Books, are in a separate Federal Register Document CGFR 67-67, and the revised Oil Pollution Regulations are designated as 33 CFR Part 151 (32 F.R. 14390-14392).

8. 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 (49 CFR 1.4(a)(3)) delegating authority to prescribe rules and regulations in the performance of certain functions, powers, and duties under laws transferred by subsection 6(g) (except those provisions of laws relating generally to the reasonableness of tolls) of the Department of Transportation Act, the following actions are ordered:

A. The rules and regulations designated 33 CFR Parts 109 and 110 (Subchapter I) and Parts 114 to 117, inclusive (Subchapter J) are prescribed and shall be followed on and after the date of publication of this document in the FEDERAL REGISTER.

B. The rules and regulations in 33 CFR Parts 202 and 203 pertaining to functions, powers, and duties previously performed by the Corps of Engineers and which were adopted and affirmed by the notice published in the FEDERAL REGISTER of April 5, 1967 (32 F.R. 5611) shall be superseded by the rules and regulations in this document: *Provided*, That all matters under administrative consideration and being processed on or before the date of publication of this document in the FEDERAL REGISTER under or pursuant to the Corps of Engineers' regulations shall be continued under such rules and regulations until completed unless the person or organization affected specifically requests a change to rules and regulations in this document. The requirements, policies, and procedures in 33 CFR Part 209 regarding anchorages and bridges which are adopted are set forth in 33 CFR Parts 109, and 114 to 116, inclusive.

C. The permits, actions, and decisions made by the officers in the Corps of Engineers prior to April 1, 1967, or as agents for the Coast Guard, and by the Coast Guard under the rules and regulations adopted and affirmed by the notice published in the FEDERAL REGISTER of April 5, 1967 (32 F.R. 5611) shall be continued in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority.

Dated: Oct. 18, 1967.

P. E. TRIMBLE,
*Vice Admiral, U.S. Coast Guard,*
*Acting Commandant.*

## SUBCHAPTER I—ANCHORAGES

## PART 109—GENERAL

Sec.
109.01 Purpose.
109.05 Anchorage grounds.
109.10 Special anchorage areas.
109.15 Enforcement proceedings.
109.20 Publication; notice of proposed rule making.

AUTHORITY: The provisions of this part issued under R.S. 4233, as amended, 28 Stat. 647, as amended, 30 Stat. 98, as amended, sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 180, 258, 322, 471, 49 U.S.C. 1655(g)(1); Department of Transportation Order 1100.1, March 31, 1967, 49 CFR 1.4(a)(3).

### § 109.01 Purpose.

(a) The purpose of the rules and regulations in this subchapter is to implement certain laws and set forth the requirements for anchorage areas.

(b) There were transferred to and vested in the Secretary of Transportation by subsection 6(g) of the Department of Transportation Act (sec. 6(g), 80 Stat. 941, 49 U.S.C. 1655) all functions, powers, and duties of the Secretary of the Army under specified laws. The Secretary of Transportation by Department of Transportation Order 1100.1 (49 CFR 1.4(a)(3)), with specified limitations, delegated to the Commandant, U.S. Coast Guard, authority to exercise the functions, powers, and duties of the Secretary with respect to anchorages, as further described in § 110.1 of this subchapter.

### § 109.05 Anchorage grounds.

(a) The provisions of Section 7 of the River and Harbor Act of March 4, 1915, as transferred to and vested in the Secretary of Transportation by Sections 6(g)(1)(A) of the Department of Transportation Act (80 Stat. 931) and delegated by the Secretary of Transportation to the Commandant of the U.S. Coast Guard, Section 1.4, Title 49, Code of Federal Regulations, authorize the Commandant to establish anchorage grounds for vessels in navigable waters of the United States whenever it is manifest that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds will have been recommended by the District Commander, and to adopt suitable rules and regulations in relation thereto. Such rules and regulations are enforced by the Coast Guard.

(b) District Commanders will, whenever matters relating to the anchorage of vessels are under consideration, ascertain the view of the District and Division Engineer, Corps of Engineers, U.S. Army, and the proper representatives of other departments likely to be interested, including the Commandant of the Naval District concerned and the medical officer in charge of the quarantine station at localities where quarantine anchorages are involved, in order that they may arrange for suitable representation at such hearings. The views of the medical officer in charge of the quarantine station relating to the proposed location and boundaries of the quarantine anchorage will be accepted insofar as practicable and consistent with the establishment of other anchorage areas. (An Act of Congress approved July 1, 1944, as amended (42 U.S.C. 267), authorizes the Surgeon General, with the approval of the Secretary of Health, Education, and Welfare, to designate the boundaries of the quarantine grounds and quarantine anchorages for vessels which are reserved for use at each United States quarantine station.) A notice of public hearing convening changes to the Anchorage Regulations will be issued by the District Commander and will be mailed to all known interested parties. The District Commander will forward recommendations concerning changes to the Anchorage Regulations to the Commandant.

(c) As soon as publication has been noted in the FEDERAL REGISTER, the District Commander will publish changes to the Anchorage Regulations in the Local Notice to Mariners.

**§ 109.10 Special anchorage areas.**

An Act of Congress of April 22, 1940, as transferred to and vested in the Secretary of Transportation by Sections 6(g)(1)(D) of the Department of Transportation Act (80 Stat. 931) and delegated to the Commandant of the U.S. Coast Guard in Title 49, Code of Federal Regulations, provides that the Commandant may, after investigation, by rule, regulation, or order, designate such areas as he may deem proper as special anchorage areas wherein vessels not more than sixty-five feet in length, when at anchor, will not be required to carry or exhibit anchorage lights. Administrative procedure in investigating and recommending special anchorage areas will be similar to that followed for anchorage grounds under Section 7 of the River and Harbor Act of March 4, 1915, as referred to in § 109.05 herein. The recommendation should show that the areas are well removed from the fairways and located where general navigation will not endanger or be endangered by unlighted vessels.

**§ 109.15 Enforcement proceedings.**

Proceedings against a vessel violating the Anchorage Regulations are to be brought in the name of the officer of the Coast Guard assigned for the time being as Captain of the Port. When the vessel is at a port where there is no Coast Guard officer, proceedings will be initiated in the name of the District Commander.

**§ 109.20 Publication; notice of proposed rule making.**

(a) Section 4 of the Administrative Procedure Act (5 U.S.C. 553), requires publication of general notice of proposed rule making in the FEDERAL REGISTER (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law), except to the extent that there is involved (1) any military, naval, or foreign affairs function of the United States or (2) any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. Except where notice or hearing is required by statute, this requirement does not apply to interpretative rules, general statements of policy, rules of agency organization, procedure, or practice, or in any situation in which the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(b) General notice of proposed rule making published in accordance with the above will include (1) a statement of the time, place, and nature of public rule making proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

## PART 110—ANCHORAGE REGULATIONS


Sec.
110.1 General.

Subpart A—Special Anchorage Areas

110.2 Sheepscott River, Wiscasset, Maine.
110.3 Kennebec River at Randolph, Maine.
110.4 Kennebec River at Augusta, Maine.
110.5 Casco Bay, Maine.
110.6 Portland Harbor, Portland, Maine (between Little Diamond Island and Great Diamond Island).
110.8 Lake Champlain, N.Y. and Vt.
110.10 Portsmouth Harbor, N.H., north of Newcastle Island.
110.15 Newburyport Harbor, Mass.
110.20 Parker River, Newbury, Mass., 1½ miles above mouth.
110.22 Plum Island Sound off Great Neck, Mass.
110.25 Beverly and Salem Harbors, Mass.
110.30 Boston Harbor, Mass., and adjacent waters.
110.35 Plymouth Harbor, Mass.
110.37 Sesuit Harbor, Dennis, Mass.
110.38 Edgartown Harbor, Mass.
110.40 Silver Beach Harbor, North Falmouth, Mass.
110.45 Onset Bay, Mass.
110.47 Little Narragansett Bay, Watch Hill, R.I.
110.48 Thompson Cove on east side of Pawcatuck River below Westerly, R.I.
110.50 Stonington Harbor, Conn.
110.50a Fishers Island Sound, Stonington, Conn.
110.50b Mystic Harbor, Groton and Stonington, Conn.
110.50c Mumford Cove, Groton, Conn.
110.51 Groton, Conn.
110.52 Thames River, New London, Conn.
110.54 Long Island Sound, on west side of entrance to Pataguanset River, Conn.
110.55 Connecticut River, Conn.
110.58 Cos Cob Harbor, Greenwich, Conn.
110.60 Port of New York and vicinity.
110.65 Indian River Bay, Del.
110.67 Delaware River, Essington, Pa.
110.70 Chesapeake and Delaware Canal, easterly of Courthouse Point, Md.
110.72 Blackhole Creek, Md.
110.73 St. Johns River, Fla.
110.75 Corpus Christi Bay, Tex.
110.80 Milwaukee Harbor, Wis.
110.80a Lake Macatawa, Mich.
110.81 Muskegon Harbor, Mich.
110.82 Charlevoix Harbor, Mich.
110.84 Black Rock Channel opposite foot of Porter Avenue, Buffalo, N.Y.
110.85 Niagara River, Youngstown, N.Y.
110.90 San Diego Harbor, Calif.
110.95 Newport Bay Harbor, Calif.
110.100 Los Angeles and Long Beach Harbors, Calif.
110.105 Avalon Bay, Santa Catalina Island, Calif.
110.110 Santa Monica Harbor, Calif.
110.111 Marina Del Rey Harbor, Calif.
110.115 Santa Barbara Harbor, Calif.
110.120 San Luis Obispo Bay, Calif.
110.125 Morro Bay Harbor, Calif.
110.126 Monterey Harbor, Calif.
110.127 Lake Mohave and Lake Mead, Nevada and Arizona.
110.127a Lake Powell, Utah-Arizona.
110.127b Flaming Gorge Lake, Wyoming-Utah.
110.128 Columbia River at Portland, Oreg.
110.129 Favorite Channel between Point Stephens and Point Louisa, Alaska.

Subpart B—Anchorage Grounds

Sec.
110.130 Rockland Harbor, Maine.
110.131 Kennebec River in vicinity of Bath, Maine.
110.132 Portland Harbor, Maine.
110.134 Boston Harbor, Mass.
110.140 Buzzards Bay, Nantucket Sound, and adjacent waters, Mass.
110.142 Nantucket Harbor, Mass.
110.145 Narragansett Bay, R.I.
110.147 New London Harbor, Conn.
110.148 Johnsons River at Bridgeport, Conn.
110.150 Huntington Harbor, Long Island, N.Y.
110.155 Port of New York.
110.156 Randall Bay, Freeport, Long Island, N.Y.
110.157 Delaware Bay and River.
110.159 Annapolis Harbor, Md.
110.166 York River, Va., naval anchorage.
110.168 Hampton Roads, Va., and adjacent waters.
110.173 Port of Charleston, S.C.
110.178 Wilmington River, Ga.
110.179 Skidaway River, Isle of Hope, Ga.
110.182 Atlantic Ocean off Port George Inlet, near Mayport, Fla.
110.183 St. Johns River, Fla.
110.188 Atlantic Ocean off Miami and Miami Beach, Fla.
110.189a Key West Harbor, Key West, Fla., Naval explosives anchorage area.
110.190 Tortugas Harbor, in vicinity of Garden Key, Dry Tortugas, Fla.
110.193 Tampa Bay, Fla.
110.193a St. Joseph Bay, Fla.
110.194 Mobile Bay, Ala., at entrance.
110.194a Mobile Bay, Ala., and Mississippi Sound, Miss.
110.194b Mississippi Sound and Gulf of Mexico, near Petit Bois Island, Miss.
110.195 Mississippi River below Baton Rouge, La., including South and Southwest Passes.
110.196 Sabine Pass Channel, Sabine Pass, Tex.
110.205 Chicago Harbor, Ill.
110.207 Cleveland Harbor, Ohio.
110.208 Buffalo Harbor, N.Y.
110.210 San Diego Harbor, Calif.
110.212 Newport Bay Harbor, Calif.
110.214 Los Angeles and Long Beach Harbors, Calif.
110.215 Anaheim Bay Harbor, Calif., U.S. Naval Weapons Station, Seal Beach, Calif.; naval explosives anchorage.
110.216 Pacific Ocean at Santa Catalina Island, Calif.
110.218 Pacific Ocean at San Clemente Island, Calif.; in vicinity of Wilson Cove.
110.220 Pacific Ocean at San Nicolas Island, Calif.; restricted anchorage areas.
110.222 Pacific Ocean at Santa Barbara Island, Calif.
110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, California.
110.228 Columbia River, Oreg. and Wash.
110.230 Puget Sound Area, Wash.
110.235 Pacific Ocean (Mamala Bay), Honolulu Harbor, Hawaii; anchorage for nitrate laden vessels.
110.236 Pacific Ocean off Barbers Point, Island of Oahu, Hawaii; anchorage for tank vessels.
110.240 San Juan Harbor, P.R.
110.245 Vieques Passage and Vieques Sound, near Vieques Island, P.R.
110.250 St. Thomas Harbor, Charlotte Amalie, V.I.
110.255 Ponce Harbor, P.R.

§ 110.1 General.

(a) The areas described in Subpart A of this part are designated as special anchorage areas pursuant to the authority contained in an act amending laws for preventing collisions of vessels approved April 22, 1940 (54 Stat. 150); Article 11 of section 1 of the act of June 7, 1897, as amended (30 Stat. 98; 33 U.S.C. 180), Rule 9 of section 1 of the act of February 8, 1895, as amended (28 Stat. 647; 33 U.S.C. 258), and Rule Numbered 13 of section 4233 of the Revised Statutes as amended (33 U.S.C. 322). Vessels not more than 65 feet in length, when at anchor in any special anchorage area shall not be required to carry or exhibit the white anchor lights required by the Navigation Rules.

(b) The anchorage grounds for vessels described in Subpart B of this part are established, and the rules and regulations in relation thereto adopted, pursuant to the authority contained in section 7 of the act of March 4, 1915, as amended (38 Stat. 1053; 33 U.S.C. 471).

(c) All bearings in the part are referred to true meridian.

(R.S. 4233, as amended, 28 Stat. 647, as amended, 30 Stat. 98, as amended, sec. 7, 38 Stat. 1053, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 180, 258, 322, 471, 49 U.S.C. 1655(g)(1); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(3))

## Subpart A—Special Anchorage Areas

AUTHORITY: The provisions of this Subpart A issued under R.S. 4233, as amended, 28 Stat. 647, as amended, 30 Stat. 98, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 180, 258, 322, 49 U.S.C. 1655(g)(1); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(3).

§ 110.2 Sheepscot River, Wiscasset, Maine.

The area comprises that portion of the waterway beginning at a point, about 1,100 feet southerly from the westerly end of the highway bridge between Wiscasset and Davis Island, at latitude 43°59'56", longitude 69°39'52"; thence 205° to latitude 43°59'42", longitude 69°40'00"; thence 338° to latitude 43°59'52", longitude 69°40'05"; and thence 64° to the point of beginning.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

§ 110.3 Kennebec River at Randolph, Maine.

The area comprises that portion of the waterway beginning at a point on the shoreline 450 feet upstream from the east end of the Gardiner-Randolph Highway bridge at latitude 44°13'54", longitude 69°46'06", thence extending 213° to the upstream end of the east bridge pier at latitude 44°13'49", longitude 69°46'11", thence extending along the shoreward side of the pier to its downstream end at latitude 44°13'47", longitude 69°46'10", thence 113° to a point on the shoreline 350 feet downstream from the east end of the bridge at latitude 44°13'46", longitude 69°46'05", thence along the shore to the point of beginning.

NOTE: The area is principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area. All anchoring in the area shall be under the supervision of the local harbor master or such authority as may be designated by authorities of the Town of Randolph, Maine.

§ 110.4 Kennebec River at Augusta, Maine.

The area comprises that portion of the waterway on the east side of the river beginning at a point on the east shore at the east end of the north side of the highway bridge at mile 43.8, thence southwesterly along the north side of the bridge, to a point within 30 feet of the east limit of the project channel, thence northerly along a line 30 feet easterly of and parallel to the east limit of the channel to Kennebec Bridge at mile 44.1, thence easterly along the south side of the bridge to the shore, thence along the shore to the point of beginning.

NOTE: The area is reserved for yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed in the area. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend into the channel. All anchoring in the area shall be under the supervision of the local harbor master or such other authority as may be designated by the authorities of the City of Augusta, Maine.

§ 110.5 Casco Bay, Maine.

(a) *Beal's Cove, west side of Orr Island, Harpswell.* The entire cove as defined by the shoreline and a line across the entrance bearing 215° and tangent to the shore on the north side.

(a–1) *Merriconeag Sound, Harpswell.* The area comprises that portion of the Sound beginning at a point on the shoreline about 1,000 feet northeasterly from the southwesterly extremity of Orr's Island at latitude 43°45'09", longitude 69°59'14", thence extending 290° to a point at latitude 43°45'10", longitude 69°59'20", thence extending 20° to a point at latitude 43°45'34", longitude 69°59'05", thence extending 110° to a point on the shoreline at latitude 43°-45'33", longitude 69°58'58", thence along the shoreline to the point of beginning.

NOTE: The area is principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area. Fixed mooring piles or stakes are prohibited. All anchoring in the area shall be under the supervision of the local harbor master or such authority as may be designated by authorities of the Town of Harpswell, Maine.

(b) *Harpswell Harbor, east side of Harpswell Neck, Harpswell.* The entire area lying westerly of a line bearing 8° from the eastern extremity of Stover's Point to the point of land at the northerly end of the harbor, said point of land bearing approximately 275° from the observatory on Orr Island.

(c) *Basin Cove, west side of Harpswell Neck, Harpswell.* All of the area lying northeasterly of a line bearing 350° from the northwest corner of the entrance to the cove.

(d) *Mussel Cove and adjacent waters at Falmouth Foreside, Falmouth.* All the waters lying westerly of a line bearing 123° from Dock House (F. S.) 200 yards, thence 212° to Prince Point.

(e) *Harraseeket River.* That portion of the Harraseeket River within the mean low water lines, between Stockbridge Point and Weston Point, excluding therefrom a thoroughfare, 100 feet wide, the center line of which follows the natural channel.

NOTE: This area is reserved for yachts and other small recreational craft. Fore and aft moorings will be allowed in this area. Temporary floats or buoys for marking anchors or moorings in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel when anchored shall at any time extend into the thoroughfare. All anchoring in the area shall be under the supervision of the local harbor master or such other authority as may be designated by the authorities of the Town of Freeport, Maine.

§ 110.6 Portland Harbor, Portland, Maine (between Little Diamond Island and Great Diamond Island).

Beginning at the southeasterly corner of the wharf, at the most southerly point of Great Diamond Island at latitude 43°40'13", longitude 70°12'00"; thence extending southwesterly to the northeasterly corner of the wharf on the easterly side of Little Diamond Island at latitude 43°40'03", longitude 70°12'15"; thence extending along the northerly side of the wharf to its shoreward end at latitude 43°40'03", longitude 70°12'17"; thence extending along the shoreline of Little Diamond Island to latitude 43°-40'11", longitude 70°12'20"; thence extending northeasterly to the shoreline of the southerly side of Great Diamond Island at latitude 43°40'21", longitude 70°12'06"; thence extending along the shoreline of Great Diamond Island to the shoreward end of a wharf at latitude 43°40'15", longitude 70°12'02"; thence extending along the southwesterly side of the wharf to the point of beginning.

NOTE. The area is principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master. All moorings shall be so placed that no moored vessels will extend beyond the limit of the area.

§ 110.3 Lake Champlain, N.Y., and Vt.

(a) *Ticonderoga, N.Y.* An area shoreward of a line bearing 312° from Ticonderoga Light to the southeast corner of the New York State Boat Launching Ramp.

(b) *Essex, N.Y.* A small cove at the westerly side of Lake Champlain, shoreward of a line connecting the offshore ends of two promontories located at Essex.

(c) *Shelburne, Vt.* An area shoreward of a line bearing 142° from the eastern point of Collymer Pt. to Allen Hill.

(d) *Mallets Bay, Vt.* The southwesterly portion of Mallets Bay, south of Coates Island and west of a line bearing 170° from the most easterly point of Coates Island to the mainland.

(e) *Mallets Bay, Vt.* An area in the northwesterly portion of Mallets Bay, south of a line extending from the northeasterly end of Mallets Head to the northeasterly end of Marble Island, and west of a line extending from the northeasterly end of Marble Island to the northeasterly side of Cave Island, and southerly to the point on the lower east side of Mallets Head.

(f) *St. Albans Bay, Vt.* An area in the northerly portion of St. Albans Bay westward of the State Pier at St. Albans Bay State Park, northeasterly of a line bearing 296°30′ from the southwesterly corner of the State Pier, and southeasterly of a line parallel to and 500 feet west of the west side of the State Pier.

§ 110.10 Portsmouth Harbor, N.H., north of Newcastle Island.

Southeasterly of a line bearing 74°30′ from the northeasterly extremity of Goat Island; southerly of a line bearing 89° 30′ and passing through a point 100 feet due north of the northern extremity of Salamander Point; southwesterly of a line bearing 300° from Portsmouth Harbor Light; northwesterly of a line bearing 215°30′ from the southwest corner of Frisbee Wharf; and northerly of the shore line and of the breakwater between Newcastle Island and Goat Island.

§ 110.15 Newburyport Harbor, Mass.

Eastward of a line bearing due north from the northeast corner of the American Yacht Club property to a point 237° and about 900 feet from South Pier; southward of a line bearing 70° to a point 212° and 310 feet from South Pier, thence 90° to a point 180° and about 600 feet from North Pier; westward of a line bearing 180° from North Pier to the shore line.

§ 110.20 Parker River, Newbury, Mass., 1½ miles above mouth.

That portion of the river extending 3,800 feet downstream from the highway bridge on Route 1A; excluding therefrom a clear approach to the bridge 100 feet wide following generally the deepest water.

§ 110.22 Plum Island Sound off Great Neck, Mass.

The waters of Plum Island Sound within the quadrant of a circle bounded by radii 2,600 feet long, bearing due north and 90°, respectively, from latitude 42°42′18″, longitude 70°48′12″, and the included arc.

§ 110.25 Beverly and Salem Harbors, Mass.

(a) *Beverly Harbor, north of Salem Neck.* Southwest of a line bearing 315° from a point due north of and 60 yards from the northerly corner of the Salem Willows Municipal Pier, south of a line bearing 90° from Monument Bar Beacon; east of a line bearing 180° from Monument Bar Beacon; north of a line bearing 278° from the northerly end of the Salem Willows Yacht Club house; and northwest of a line extending from the northerly end of the Salem Willows Yacht Club house to the starting point due north of and 60 yards from the northerly corner of the Salem Willows Municipal Pier.

(b) *Bass River.* All of the area upstream of the highway bridge (Popes Bridge) outside of the dredged channel.

(c) *Salem Harbor.* That part of the harbor lying southwesterly of a line bearing 116° from the eastern extremity of Long Point to a point 20° from the beacon southeast of Pickering Point; thence bearing 160° to a point 47° from the aforesaid beacon; thence bearing 99° to the shore; excluding therefrom the dredged channel and basin to the Dion Boat Yard.

§ 110.30 Boston Harbor, Mass., and adjacent waters.

(a) *Lynn Harbor.* North of a line bearing 244° from the tower of the Metropolitan District Building, extending from the shore to a point 100 feet from the east limit of the channel; east of a line bearing 358°, extending thence to a point 100 feet east of the northeast corner of the turning basin; south of a line bearing 88°, extending thence to the shore; and south and west of the shore line to its intersection with the south boundary.

(b) *Vicinity of Pleasant Park Yacht Club, Winthrop.* Southerly of a line bearing 276° from a point on the west side of Pleasant Street, Winthrop, 360 feet from the southwest corner of its intersection with Main Street; westerly of a line bearing 186° from a point on the south side of Main Street 140 feet from the southwest corner of its intersection with Pleasant Street; northerly of a line bearing 256° from a point on the west side of Pleasant Street 550 feet from the southwest corner of its intersection with Main Street; and easterly of a line bearing 182° from a point on the south side of Main Street 640 feet from the southwest corner of its intersection with Pleasant Street.

(c) *Mystic River, east side of Chelsea Bridge North.* Northerly of the northerly fender pier of Chelsea Bridge North; easterly of Chelsea Bridge North; southerly of the shore line; and westerly of a line bearing 7° from the easterly end of the aforesaid fender pier.

(d) *Mystic River, west side of Chelsea Bridge North.* Northerly of the northerly fender pier of Chelsea Bridge North and a line extending from the westerly end of the shoreward face of the aforesaid fender pier to the southeasterly corner of the wharf projecting from the Naval Hospital grounds; easterly of the aforesaid wharf; southerly of the shore of the Naval Hospital grounds; and westerly of Chelsea Bridge North.

(e) *Vicinity of South Boston Yacht Club, South Boston.* Northerly of a line bearing 96° from the stack of the heating plant of the Boston Housing Authority in South Boston; easterly of a line bearing 5° from the west shaft of the tunnel of the Boston Main Drainage Pumping Station; southerly of the shore line; and westerly of a line bearing 158° from the northeast corner of the iron fence marking the east boundary of the South Boston Yacht Club property.

(f) *Dorchester Bay, in vicinity of Savin Hill Yacht Club.* Northerly of a line bearing 64° from the stack of the old power plant of the Boston Elevated Railway on Freeport Street in Dorchester; westerly of a line bearing 163° from the stack of the Boston Main Drainage Pumping Station on the Cow Pasture in Dorchester; and southerly and easterly of the shore line.

(g) *Dorchester Bay, in vicinity of Dorchested Yacht Club.* Eastward of a line bearing 21° from the stack located a short distance northwestward of the Dorchester Yacht Club; southward of a line bearing 294° from the southerly channel pier of the highway bridge; westward of the highway bridge and the shore line; and northward of the shore line.

(h) *Quincy Bay, in vicinity of Wollaston and Squantum Yacht Clubs.* Northwesterly of a line bearing 36°30′ from a point on the shore 2,600 feet easterly of the east side of the Wollaston Yacht Club landing; southwesterly of a line bearing 129°15′ from the water tank in Squantum; and southeasterly and northeasterly of the shore line.

(i) *Quincy Bay, in vicinity of Merrymount Yacht Club.* South of a line starting from a point bearing 246°, 3,510 yards, from the stack of the pumping station on Nut Island, and extending thence 306° to the shore; west of a line bearing 190° from the aforesaid point to the shore; and north and east of the shore line.

(j) *Weymouth Fore River, in vicinity of Quincy Yacht Club.* Southwesterly of a line bearing 119° from the outer end of the wharf at Nut Island; northwesterly of a line bearing 199°30′ from Pig Rock Light to the eastern end of Raccoon Island; northerly of Raccoon Island and of a line from its western extremity bearing 245° from Beacon 2A; and easterly of the shore of Houghs Neck.

(k) *Weymouth Fore River, in vicinity of Wessagussett Yacht Club.* Southwesterly of a line bearing 117° from channel light "4"; southeasterly of a line 150 feet from and parallel to the meandering easterly limit of the dredged channel; easterly of a line bearing 188° from the eastern extremity of Rock Island Head; and northwesterly of the shore line.

(l) *Weymouth Back River, in vicinity of Eastern Neck.* The cove on the north side of the river lying northerly of a line

bearing 264°30' from the southwesterly corner of the American Agricultural Chemical Company's wharf (Bradley's Wharf) to the shore of Eastern Neck, about 2,200 feet distant.

§ 110.35 Plymouth Harbor, Mass.

Southeasterly of a line bearing 39° from Splitting Knife front range light; southwesterly of a line bearing 123° from a point on the southeast face of the State Pier, 40 feet from the northeast corner (intersection of the northeast and southeast faces produced) of said pier; westerly of a line bearing 356° from the northeast corner of the Pilgrim Yacht Club wharf; and northeasterly of the shore line.

§ 110.37 Sesuit Harbor, Dennis, Mass.

All the waters of Sesuit Harbor southerly of a line extending between the outer end of the jetties on each side of the entrance to the Harbor.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes will be prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

§ 110.38 Edgartown Harbor, Mass.

An area in the inner harbor easterly of the project channel and south of Chappaquiddick Point bounded as follows: Beginning at latitude 41°23'19", Longitude 70°30'32"; thence southeasterly along the shore to latitude 41°22'52", longitude 70°30'12"; thence 287°30' 1,600 feet; thence 327° 30', 700 feet; thence 359° true, 800 feet; thence 24°15' approximately 900 feet to the point of beginning.

NOTE: The area is reserved for yachts and other small recreational craft. Fore and aft moorings and temporary floats or buoys for marking anchors in place will be allowed. All moorings shall be so placed that no vessel when anchored shall extend into waters beyond the limits of the area. Fixed mooring piles or stakes are prohibited.

§ 110.40 Silver Beach Harbor, North Falmouth, Mass.

All the waters of the harbor northward of the inner end of the entrance channel.

§ 110.45 Onset Bay, Mass.

Northerly of a line extending from the northernmost point of Onset Island to the easternmost point of Wickets Island; easterly of a line extending from the easternmost point of Wickets Island to the southwest extremity of Point Independence; southerly of the shore line; and westerly of the shore line and of a line bearing due north from the northernmost point of Onset Island.

§ 110.47 Little Narragansett Bay, Watch Hill, R.I.

All of the navigable waters of Watch Hill Cove southeasterly of a line beginning at the shore end of the United States project groin on the southerly shore of the cove and running 41°30' true, to the northerly shore of the cove at a point about 200 feet west of the west side of the shore end of Meadow Lane, with the exception of a 100-foot wide channel running from the westerly end of the cove in a southeasterly direction to the Watch Hill Yacht Club pier, thence along in front of the piers on the easterly side of the cove northerly to the shore at the north end of the cove.

§ 110.48 Thompson Cove on east side of Pawcatuck River below Westerly, R.I.

Eastward of a line extending from the channelward end of Thompson Dock at the northern end of Thompson Cove 184° to the shore at the southern end of Thompson Cove.

§ 110.50 Stonington Harbor, Conn.

Northerly of a line 150 feet north of and parallel to the main steamboat pier formerly owned by the New York, New Haven and Hartford Railroad Company; and easterly of a line extending from the northwest corner of said pier to the east abutment of the railroad bridge at the head of the harbor.

§ 110.50a Fishers Island Sound, Stonington, Conn.

An area on the east side of Mason Island bounded as follows:

Beginning at the shore line on the easterly side of Mason Island at latitude 41°20'06"; thence due east about 600 feet to latitude 41°20'06", longitude 71°-57'37"; thence due south about 2,400 feet to latitude 41°19'42", longitude 71°-57'37"; thence due west about 1,000 feet to the shore line on the easterly side of Mason Island at latitude 41°19'42"; thence along the shore line to the point of beginning.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes will be prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and the discretion of the local Harbor Master.

§ 110.50b Mystic Harbor, Groton and Stonington, Conn.

(a) *Area No. 1.* Beginning at Ram Point on the westerly side of Mason Island at latitude 41°19'44", longitude 71°58'42"; thence to latitude 41°19'30", longitude 71°58'43"; thence to latitude 41°19'36", longitude 71°58'58"; thence to latitude 41°19'45", longitude 71°58'-56"; thence to the point of beginning.

(b) *Area No. 2.* Beginning at a point about 250 feet southerly of Area 1 and on line with the easterly limit of Area 1 at latitude 41°19'27" longitude 71°58'44"; thence to latitude 41°19'19", longitude 71°58'45"; thence to latitude 41°19'25", longitude 71°58'59"; thence to latitude 41°19'33", longitude 71°58'58"; thence to the point of beginning.

NOTE: The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the areas. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

§ 110.50c Mumford Cove, Groton, Conn.

(a) *Area No. 1.* Beginning at a point on the easterly shore of Mumford Cove at latitude 41°19'36", longitude 72°01'06"; thence to latitude 41°19'30", longitude 72°01'04"; thence to the shoreline at latitude 41°19'31", longitude 72°01'00"; and thence along the shoreline to the point of beginning.

(b) *Area No. 2.* Beginning at a point on the easterly shore of Mumford Cove at latitude 41°19'15", longitude 72°00'54"; thence to latitude 41°19'14.5", longitude 72°00'59"; thence to latitude 41°19'11", longitude 72°00'58"; thence to latitude 41°19'10", longitude 72°00'54"; thence to latitude 41°19'12.5", longitude 72°-00'52"; thence to latitude 41°19'14", longitude 72°00'55"; and thence to the point of beginning.

NOTE: The areas are principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes will be prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion, of the local Harbor Master.

§ 110.51 Groton, Conn.

The waters within an unnamed cove inclosed by a line between the most easterly land on Avery point at latitude 41°18'59", longitude 72°03'42", and the most southerly point of land on the west side of Baker Cove at latitude 41°19'03", longitude 72°03'22".

NOTE: The area is reserved for yachts and other small recreational craft. Fore and aft moorings and temporary floats or buoys for marking anchors in place will be allowed. All moorings shall be so placed that no vessel when anchored shall, at any time, extend into the channel adjacent to the southern limit of the area. Fixed mooring piles or stakes are prohibited.

§ 110.52 Thames River, New London, Conn.

(a) *Area No. 1.* An area in the westerly part of Greens Harbor bounded as follows: Beginning at a point on the shore 100 yards southeasterly of the southerly side of Thames Street extended; thence 84°, 420 yards; thence 156°, 425 yards; thence 240°, 210 yards, to the shore; and thence northwesterly along the shore to the point of beginning.

(b) *Area No. 2.* An area in the westerly part of Greens Harbor bounded as follows: Beginning at a point on the shore 15 yards southeasterly of the southerly side of Converse Place extended; thence 54°, 170 yards; thence 114°30', 550 yards; thence 266°30', 250 yards; thence 234°, 230 yards, to the shore; and thence northwesterly along the shore to the point of beginning.

§ 110.54 Long Island Sound, on west side of entrance to Pataguanset River, Conn.

An area east of Giants Neck (formerly known as Grant Neck) described as follows: Beginning at a point bearing 114°, 75 feet, from the outer end of the breakwater at the south end of Giants Neck; thence 90°, 1,050 feet; thence 22°17'30", 2,140 feet; thence

283°27'15.5", 240 feet; thence 220°-36'39", 1,252.6 feet; thence 295°23'16.5", 326.5 feet; thence 269°02'42.6", 240 feet; thence 261°46'50.9", 181.9 feet; thence 226°28'07.7", 275.9 feet; thence 147°43'27.7", 449.4 feet; thence 238°01'-35.8", 379.6 feet; and thence approximately 156°31'05.8", 462.11 feet, to the point of beginning.

§ 110.55 Connecticut River, Conn.

(a) *West of Calves Island at Old Saybrook.* Beginning at a point bearing 254°09'16", 153 yards, from Calves Island 20 Light; thence 157°, 1,037 yards; thence 175°, 150 yards; thence 265°, 250 yards; thence 350°, 660 yards; thence 337°, 460 yards; and thence approximately 67°, 135 yards, to the point of beginning.

(a-1) *Area No. 1, at Essex.* Beginning at a point on the shore on the west side of Haydens Point bearing approximately 211°, 270 yards, from Haydens Point Light; thence 270°, 160 yards; thence due north, 140 yards; thence 300°, 190 yards; thence 330°, 400 yards; thence 90°, 60 yards; thence 150°, 350 yards; thence 120°, about 434 yards to a point on the shore; thence along the shore southwesterly to the point of beginning.

(b) *Area No. 2, at Essex.* Beginning at a point latitude 41°21'22", longitude 72°22'53"; thence 205°30', 375 yards; thence 194°31', 100 yards; thence 185°-00', 440 yards; thence 153°30', 80 yards; thence 121°00', 220 yards; thence due north approximately 1060 yards to the point of beginning.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

(c) [Reserved]

(d) *Area No. 1, at Eddy Rock Light.* Beginning at latitude 41°26'38", longitude 72°27'37"; thence extending southeasterly to latitude 41°26'12", longitude 72°27'18"; thence extending westerly to latitude 41°26'11", longitude 72°27'22"; thence extending northwesterly to latitude 41°26'23", longitude 72°27'42"; thence extending northerly to latitude 41°26'36", longitude 72°27'43"; thence extending easterly to the point of beginning.

(e) *Area No. 2, at Lord Island.* Beginning at latitude 41°26'11", longitude 72°27'16"; thence extending south southeasterly to latitude 41°26'03", longitude 72°27'02"; thence extending southeasterly to latitude 41°25'59", longitude 72°26'51"; thence extending southwesterly to latitude 41°25'58", longitude 72°26'52"; thence extending northwesterly to latitude 41°26'05", longitude 72°27'11"; thence extending north northwesterly to latitude 41°26'10", longitude 72°27'20"; thence extending easterly to the point of beginning.

NOTE: The areas designated by paragraphs (d) and (e) of this section are principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the areas. The anchoring of vessels and placing of mooring floats or buoys will be under the jurisdiction, and at the discretion of the local Harbor Master. Area 2 will not be used during the shad fishing season.

(e-1) *Area at Chester.* Beginning at point about 600 feet southeasterly of the entrance of Chester Creek, at latitude 41°24'23", longitude 70°25'41"; thence due south about 1,800 feet to a point at latitude 41°24'05", longitude 72°25'41"; thence due east about 600 feet to a point at latitude 41°24'05", longitude 72°25'32"; thence due north about 1,800 feet to a point at latitude 41°24'23", longitude 72°25'32"; thence due west about 600 feet to the point of beginning.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master.

(f) *Vicinity of Mouse Island Bar below Portland.* On the north side of the river shoreward of lines described as follows: (1) Beginning at a point bearing 02°, 175 yards, from Mouse Island 73 Light; thence 270°, 480 yards; and thence due north, approximately 230 yards, to the shore. (2) Beginning at the said point bearing 02°, 175 yards, from Mouse Island 73 Light; thence 70°, 400 yards; and thence 350°, approximately 250 yards, to the shore.

(g) *Area at Portland.* Beginning at a point on the shore, about 700 feet southeasterly from the easterly end of the New York, New Haven and Hartford Railroad Company bridge, at latitude 41°33'55", longitude 72°38'43"; thence 250° to latitude 41°33'54", longitude 72°38'46"; thence 160° to latitude 41°33'48", longitude 72°38'43"; thence 145° to latitude 41°33'44", longitude 72°38'39"; thence 55° to a point on the shore at latitude 41°33'47", longitude 72°38'32"; thence along the shore to the point of beginning.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limit of the area or closer than 50 feet to the Federal channel limit. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master.

§ 110.58 Cos Cob Harbor, Greenwich, Conn.

(a) *Area A.* Beginning at the mean low water line about 2,800 feet downstream from the easterly end of the New York, New Haven and Hartford Railroad Bridge at latitude 41°01'23", longitude 73°35'40", thence extending True west to latitude 41°01'23", longitude 73°35'-42"; thence extending southwesterly to a point at latitude 41°01'02", longitude 73°35'50"; thence True east to a point on the shoreline at latitude 41°01'02", longitude 73°35'48"; thence extending along the mean low water line to the point of beginning.

(b) *Area B.* Beginning at the mean low water line about 700 feet downstream from the westerly end of the New York, New Haven and Hartford Railroad Bridge at latitude 41°01'42", longitude 73°35'47"; thence True east to latitude 41°01'42", longitude 73°35'45"; thence southeasterly to latitude 41°01'23", longitude 73°35'44"; thence southwesterly to latitude 41°01'04", longitude 73°35'52", thence southwesterly to latitude 41°01'02", longitude 73°35'55"; thence True west to a point on shore on the northerly side of Goose Island at latitude 41°01'02", longitude 73°36'00"; thence True north to a point at the mean low water line at latitude 41°01'05", longitude 73°36'00"; thence along the mean low water line to the point of beginning.

NOTE: The areas are principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master. All moorings shall be so placed that no moored vessels will extend into the waters beyond the limits of the areas or closer than 50 feet to the Federal channel limits.

§ 110.60 Port of New York and vicinity.

(a) *Huntington Harbor.* All of the Huntington Harbor anchorage ground described in § 110.150.

(b) *New Rochelle Harbor, west and south of Glen Island.* That portion of Long Island Sound Anchorage No. 1 (described in § 110.155) between Hog Island, Travers Island, Neptune Island and Glen Island and the mainland, to the westward of a line extending from the cupola at the southeast extremity of Glen Island to the easternmost extremity of Hog Island, and to the northeastward of a line extending from the southwest extremity of Hog Island to the southeast corner of Travers Island; excluding therefrom all waters within 25 feet of the 50-foot channel west and south of Glen Island.

(c) *New Rochelle Harbor, east of Glen Island.* That portion of Long Island Sound Anchorage No. 1 (as described in § 110.155(a)) between Glen Island and Goose Islands breakwater, northward of a line extending from the northwest end of Goose Islands breakwater to the cupola at the north end of the bathing beach on Glen Island.

(c-1) *City Island Harbor, east of City Island.* That portion of Long Island Sound Anchorage No. 1 (described in § 110.155) between City Island and Hart Island eastward of a line ranging 339° between the steeple on City Island and the westernmost corner of the Administration Building at Orchard Beach; southward of a line ranging 50° between the northerly abutment on the westerly end of the City Island drawbridge and tangent to Chimney Sweeps; westward of a line tangent to Chimney Sweeps and ranging 163° toward the west

gable on Rat Island and westward of a line tangent to the easterly side of High Island and ranging 152°30′ from the west gable on Rat Island; and northward of a line ranging 56° between the Buryea Pier at Belden Point, City Island to Hart Island Light, except for the cable and pipe line area extending between City Island and Hart Island.

(d) *Eastchester Bay, west of City Island.* That portion of Long Island Sound Anchorage No. 1 (as described in § 110.155(a)) west of City Island and within the following limits: Northward of a line ranging 244° from the Duryea Pier at the foot of City Island Avenue to Big Tom Nun Buoy No. 2 (latitude 40°50′01″, longitude 73°47′25″); thence northeastward of a line ranging 329° from Big Tom Nun Buoy No. 2 through the Nun Buoy (latitude 40°50′46″, longitude 73°48′01″) off the southern end of Rodman Neck; southeastward of a line ranging 205° from the east abutment of the City Island Bridge through the south tower of the Bronx-Whitestone Bridge; and southward of a line ranging 90° from the Pelham War Memorial in Pelham Bay Park and the steeple of the church at the southeast corner of Elizabeth Street and City Island Avenue.

(e) *Eastchester Bay, along west shore.* That portion of Long Island Sound Anchorage No. 1 (as described in § 110.155 (a)) along the west shore of Eastchester Bay north of and including Weir Creek, shoreward of a line ranging 349° from the end of the timber pier at the foot of Pope Place, Edgewater, and through the transmission tower at the northeast side of the draw of the New York, New Haven and Hartford Railroad Bridge over Eastchester Creek, and having as its northerly limit the line ranging 79° through the row of telephone poles along the north side of Watt Avenue.

(f) *Eastchester Bay, Locust Point Harbor.* That portion of Long Island Sound Anchorage No. 2 (as described in § 110.155(a)) included within the limits of Locust Point Harbor between Wright Island and Throgs Neck and to the westward of a north and south line (longitude 73°47′58″) through the southerly corner of the concrete culvert at the southerly end of the stone wall at Locust Point on Wright Island.

(g) *Manhasset Bay, west area at Manorhaven.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) westward of a line (longitude 73°42′53″) ranging 180° from the end of the Town of North Hempstead pier at Manorhaven; northwestward of a line ranging 233° from the intersection of the shore and the northerly line of Corchang Avenue (extended) on Tom Point toward Plum Point Shoal Buoy 3 (latitude 40°49′48.5″, longitude 73°43′25″); and northeastward of a line ranging 119° from the cupola on Plum Point toward the inshore end of the northerly side of the Purdy Boat Company pier at Port Washington; excluding therefrom the seaplane restricted area described in § 110.35.

(h) *Manhasset Bay, east area at Manorhaven.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) bounded as follows: Beginning at the southerly tip of Tom Point; thence 270° to latitude 40°49′58″, longitude 73°42′41″; thence 234° to latitude 40°49′48.5″, longitude 73°42′58″; thence 90° to latitude 40°49′48.5″, longitude 73°42′22.5″; thence 20° to latitude 40°50′01.5″, longitude 73°42′16″; thence due north to the point of land at Manorhaven northeasterly of Tom Point; and thence southwesterly along the shore to the point of beginning.

(i) *Manhasset Bay, at Port Washington.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) southward of latitude 40°49′44″; eastward of a line ranging 161° from the offshore end of the Yacht Service, Inc., pier on the Copp Estate at Manorhaven toward the flagpole on the end of the Whitney Dock at Plandome; and northward of latitude 40°49′06″.

(j) *Manhasset Bay, at Plandome.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) southward of the line of the Whitney Dock at Plandome extended; eastward of a line ranging 186° from the Manhasset-Lakeville Water District tank at Thomaston toward the tank at Tom Point; and northward of Thompson's pier at Plandome extended.

(k) *Little Neck Bay.* That portion of Long Island Sound Anchorage No. 5 (as described in § 110.155(a)(7)), southeastward of a line ranging approximately 20°30′ from the flagpole at Fort Totten, Willets Point to the outermost dolphin of the U.S. Merchant Marine Academy's pier at Kings Point, Long Island.

(l) *Flushing Bay, north area.* That portion of East River Anchorage No. 10 (described in § 110.155), in the vicinity of College Point, southeastward of a line tangent to the west side of College Point ranging from College point Reef Light to the offshore end of the most northerly rack of the former College Point Ferry slip.

(l–1) *Flushing Bay, north central area.* That portion of East River Anchorage No. 10 (described in § 110.155) on the east side of Flushing Bay, southward of a line projecting due west from the tank located on the north side of the foot of 15th Avenue, College Point, eastward of a line parallel to, and 50 feet east of the east channel line in Flushing Bay, and northward of a line ranging 42° from Flushing Bay Light 8 on the north end of the dike.

(l–2) *Flushing Bay, south central area.* That portion of East River Anchorage No. 10 (described in § 110.155) on the east side of Flushing Bay, southward of a line ranging 52° from a point at latitude 40°46′29″, longitude 73°51′16″; eastward of a line parallel to, and 50 feet east of the east channel line in Flushing Bay, and northward of a line ranging 67° from a point at latitude 40°46′12″, longitude 73°51′06″ to the shore.

(m) *Flushing Bay, southeast area.* That portion of East River Anchorage No. 10 (described in § 110.155) south of a line ranging 60° from the northeasterly corner of the municipal pier at the Flushing Bay Boat Basin toward the stack (latitude 40°45′54″, longitude 73°50′29″) of the New York City Asphalt Plant.

(m–1) *Flushing Bay, southwest area.* That portion of East River Anchorage No. 10 (described in § 110.155) southwest of the breakwater, projecting offshore and southeast of La Guardia Airport; southerly of a line extending from the offshore end of the breakwater at latitude 40°45′53″, longitude 73°51′06″ to Flushing Bay Light 12 on the southerly end of the dike; westerly of a line extending from Flushing Bay Light 12 to a point at latitude 40°45′48″, longitude 73°51′00″; northwesterly of a line ranging 229° from the point at latitude 40°45′48″, longitude 73°51′00″ to the shore.

(m–2) *Flushing Bay, west area.* That portion of East River Anchorage No. 10 (described in § 110.155) adjacent to the northeasterly side of La Guardia Airport, easterly of a line ranging 39° from the control tower at La Guardia Airport to College Point Reef Light, southward of a line extending due west from the tank on the north side of the foot of 15th Avenue, College Point, westward of a line parallel to, and 100 feet west of the west channel line in Flushing Bay and northerly of a line extending due west from Flushing Bay Light 8 on the north end of the dike.

NOTE: The anchoring of vessels and placing of temporary moorings in anchorage areas described in paragraphs (m) and (m–1) of this section will be under the jurisdiction, and at the discretion of the local Harbor Master appointed by the City of New York.

(n) *Bowery Bay.* All of that portion of East River Anchorage No. 10 (described in § 110.155) on the west side of Bowery Bay.

(o) *Hudson River, at Yonkers.* Northward of a line on range with the footbridge across the New York Central Railroad Company tracks at the southerly end of Greystone Station; eastward of a line on range with the square, red brick chimney west of the New York Central Railroad Company tracks at Hastings-on-Hudson and the easterly yellow brick chimney of the Glenwood powerhouse of the Yonkers Electric Light and Power Company; and southward of a line on range with the first New York Central Railroad Company signal bridge north of the Yonkers Yacht Club.

(o–1) *Hudson River, at Glenwood, Yonkers, New York.* That portion of the waters of the easterly side of Hudson River and adjacent to the northerly limits of the City of Yonkers, New York, northward of the northerly face of an outfall sewer pipe which is 2,200 feet north of the Glenwood powerhouse; east of a line on range with the northwest corner of the powerhouse bulkhead and the westerly end of the outfall sewer pipe; and southward of a line ranging 110° true to the first New York Central Railroad Company's signal bridge, north

of the Yonkers Corinthian Yacht Club house.

(p) *Hudson River, at Hastings-on-Hudson.* That portion of the waters northerly of a line extending from a point at latitude 40°59'56.0", longitude 73°53'11.3" to the shore at latitude 40°59'55.7"; easterly of lines extending from the aforementioned point at latitude 40°59'56.0", longitude 73°53'11.3" through a point at latitude 41°00'04.6", longitude 73°53'10.9" to a point at latitude 41°00'14.6", longitude 73°53'08.2"; and southerly of a line extending from the last mentioned point to the shore at latitude 41°00'14.2".

(p-1) *Hudson River, at West Point.* That portion of the waters of the westerly side of the Hudson River, adjacent to the United States Military Academy, shoreward of a line connecting the extreme northwest corner of the south dock with a projection of land located approximately 1,575 feet north thereof.

(q) *Newark Bay, southeast area.* That portion of the waters on the southeasterly side of Newark Bay, north of a line ranging from the offshore end of the breakwater north of the former Elco Boat Works through Newark Bay Channel Buoy 6; east of a line ranging from a point 200 yards east of the east pier of the lift span of the Central Railroad Company of New Jersey bridge to a point 200 yards east of the east end of the lift span of the Pennsylvania-Lehigh Valley Railroad bridge; and south of a line ranging from the southwest corner of the bulkhead at Bayonne City Park through Newark Bay Channel Buoy 11.

NOTE: This special anchorage is within the limits of General Anchorage No. 37, described in § 110.155(h)(4).

(r) *Newark Bay, southwest area.* That portion of the waters on the southwesterly side of Newark Bay, north of a line ranging from Kill Van Kull Light 16 through Kill Van Kull Light 18 and Kill Van Kull Channel Buoy 20, northeast of a line through Kill Van Kull Channel Buoy 20 perpendicular to the Singer Manufacturing Company's bulkhead, and southeast of a line 150 feet east of and parallel to the Singer Manufacturing Company's bulkhead, and south of a line 250 feet south of and parallel to the Central Railroad Company of New Jersey bridge and west of a line perpendicular to the dike at Kill Van Kull Light 16, excluding therefrom the "Pipe Line Area."

NOTE: The greater portion of this special anchorage is within the limits of general anchorage No. 34, described in § 110.155(h)(1).

(s) *Jamaica Bay.* That portion of the waters on the westerly side of Jamaica Bay, westerly of a line ranging from Island Channel Buoy 17 through Island Channel Buoy 21, northward of a line ranging from Island Channel Buoy 17 to the north abutment of the Shore Parkway Bridge across Paerdegat Basin, and southward of a line ranging 310° from Island Channel Buoy 21.

(s-1) *Jamaica Bay, south area.* That portion of Broad Channel westerly of a line bearing 190°30' from the northerly terminus of the New York City Transit Authority trestle across Broad Channel to latitude 40°35'50", longitude 73°49'-06", and thence northerly of a line bearing 254° to the shore.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. The Captain of the Port of New York is authorized to issue permits for maintaining mooring buoys within the anchorage. The method of anchoring these buoys shall be as prescribed by the Captain of the Port. No vessel shall anchor in the anchorage in such manner as to interfere with the use of a duly authorized mooring buoy.

(t) *Cold Spring Harbor.* That portion of the waters of Cold Spring Harbor easterly of a line ranging from the Cupola in the extreme inner harbor through Cold Spring Harbor Light; southerly of a line ranging from the southernmost point of an L-shaped pier off Wawepex Grove through the Clock Tower at Laurelton and northerly of a line ranging from the outer end of the Socony Mobil Oil Company's pier at Cold Spring Harbor through the Clock Tower at Laurelton, with the exception of an area within a 300-foot radius of the outer end of the Socony Mobil Oil Company's pier.

(u) *Oyster Bay Harbor, New York.* That portion of Oyster Bay Harbor adjacent to the easterly side of Centre Island, westerly of a line on range with Cold Spring Harbor Light and the Stone House on the end of Plum Point, Centre Island.

(u-1) *Hempstead Harbor, New York.* That portion of the waters of Hempstead Harbor southerly of the Glen Cove Breakwater, northerly of a line ranging from "Dome" at Sea Cliff through Hempstead Harbor Buoy 9, and easterly of a line ranging from Glen Cove Breakwater Light through Hempstead Harbor Anchorage Buoys "A" and "B" and Hempstead Harbor Buoy 9, except for the entrance to Glen Cove Creek as defined by Hempstead Harbor Anchorage Buoy "A" and Glen Cove Entrance Buoy 1 on the north side of the entrance, and Hempstead Harbor Anchorage Buoy "B" the Glen Cove Entrance Buoy 2 on the south side of the entrance.

(v) *Hudson River, at Coeymans, New York.* That portion of the waters of the westerly side of Hudson River, west of Coeymans Middle Dike, north of a line bearing due west from a point 700 feet south of Upper Hudson River Light No. 43, and south of a line bearing due west from Upper Hudson River Light No. 45, except for an area 125 feet wide, adjacent to and east of the bulkhead fronting the Village of Coeymans and Barren Island Dike.

(w) *Hudson River, at Cedar Hill, New York.* That portion of the westerly side of the Hudson River, adjacent to Cedar Hill Dike, 250 feet in width, bounded on the south by the northerly side of the cut in the dike at the junction of the Vloman Kill and the Hudson River, and extending northerly therefrom 1,600 feet.

§ 110.65 Indian River Bay, Del.

Beginning at a point bearing 174°, 300 feet, from a point on the southerly edge of the project channel 5,500 feet westerly from the State highway bridge across Indian River Inlet; thence 174°, 600 feet; thence 264°, 800 feet; thence 354°, 600 feet; and thence 84°, 800 feet, to the point of beginning.

§ 110.67 Delaware River, Essington, Pa.

North of Little Tinicum Island, between the mouth of Darby Creek and Jansen Avenue, Essington, bounded as follows: Beginning at a point (approximately latitude 39°51'31", longitude 75°17'43") on a line in prolongation of the westerly line of Jansen Avenue 135 yards southerly from the mean high water line; thence 184°, 300 yards; thence 274°30', 1,700 yards; thence 94°, 425 yards; thence 100°, 1,225 yards; and thence 95°, 490 yards, to the point of beginning.

§ 110.70 Chesapeake and Delaware Canal, easterly of Courthouse Point, Md.

The waters southerly of a line joining the northernmost extremity of Courthouse Point and the westernmost point of Herring Island; westerly of a line bearing 180° from a point on the aforesaid line 220 yards from the westernmost point of Herring Island; and northerly and easterly of the shore line.

§ 110.72 Blackhole Creek, Md.

The waters on the west side of Blackhole Creek, a tributary of Magothy River, southwest of a line bearing 310°30' from the most northerly tip of an unnamed island located 0.16 mile upstream from the mouth of the creek approximately 660 feet to the west shore of the creek; northwest of a line ranging from the southwesterly tip of the island toward the point of land on the west shore of the creek immediately southwest thereof; and north of a line 100 feet from and parallel to the shore of the creek to its intersection with the south property line extended of the Potapskut Sailing Association, Inc., thence northwesterly along the said property line extended to the shore.

§ 110.73 St. Johns River, Fla.

(a) *Area A.* The waters lying within an area bounded by a line beginning at a point located at the west bank of St. Johns River at latitude 30°15'11", longitude 81°41'23"; thence to latitude 30°15'13", longitude 81°41'14"; thence to latitude 30°15'03", longitude 81°41'-11"; thence to latitude 30°15'04", longitude 81°41'20"; and thence to the point of beginning.

(b) *Area B.* The waters lying within an area bounded by a line beginning at latitude 30°15'03", longitude 81°41'28"; thence to latitude 30°15'02", longitude 81°41'10"; thence to latitude 30°14'56", longitude 81°41'08"; thence to latitude 30°14'54.5", longitude 81°41'10.5"; and thence to the point of beginning.

§ 110.75 Corpus Christi Bay, Tex.

(a) *South area.* Southward of the southernmost T-head pier at the foot of

Cooper Avenue and of a line bearing 156°44', 340.6 feet, from the southerly corner of said pier to a point on the rubble breakwater; westward and northward of said breakwater; and eastward of the Corpus Christi sea wall.

§ 110.80 Milwaukee Harbor, Wis.

(a) *North area.* That part of the north end of the outer basin or Harbor of Refuge bounded as follows: Beginning at the shoreward face of the north breakwater at a point 500 feet northerly from the north end of the fair weather entrance; thence 270°, 1,100 feet; thence 215°, 1,700 feet; thence 270°, approximately 2,000 feet, to the lakeward face of the lake shore revetment at a point approximately 300 feet northerly from the landing pier for small boats in the vicinity of East Wells Street extended; thence following the lakeward face of said revetment and the shore line northeasterly to the shoreward or southwesterly face of the United States breakwater; thence southerly along the shoreward face of said breakwater to the point of beginning.

(b) *South area.* An area extending southeasterly from East Russell Avenue extended, between the lake shore line and the city rubble mound shore protection, bounded as follows: Beginning at a point on the shore line in the vicinity of East Meredith Street extended and 385 feet northwesterly from the center line of East Pennsylvania Avenue extended; thence northwesterly along said shore line and the lake shore revetments to the southerly face of the city revetment on the northwesterly side of the flushing tunnel intake slip in the vicinity of East Russell Avenue extended; thence northeasterly along the southeasterly face of the said revetment and the city pier and a line in extension thereof to the intersection of said line with a line parallel to and 150 feet shoreward from the shoreward side of the city rubble mound shore protection; thence southeasterly along the latter line to the intersection thereof with a line parallel to and 385 feet northwesterly from the centerline of East Pennsylvania Avenue extended; thence southwesterly along the latter line to the point of beginning.

§ 110.80a Lake Macatawa, Mich.

An area located on the south side of Lake Macatawa near the entrance to Lake Michigan, shoreward (south) of a line commencing offshore of Macatawa Park at a point 960 feet S 156° E from the light on the south pier at the entrance to the Lake, and extending 1,550 feet N 82° E toward the northwest corner of the Macatawa Bay Yacht Club pier.

§ 110.81 Muskegon Harbor, Mich.

The waters on the southwest side of Muskegon Lake shoreward of a line beginning at the intersection of the north line of Arlington Avenue and the east line of Edgewater Street, and bearing thence 145°, 2,110 feet, and thence 230° to the shore.

§ 110.82 Charlevoix Harbor, Mich.

The waters on the north side of Round Lake northward of a line beginning at a point approximately 200 feet south of the north shore bearing 60°, 280 feet, from the northeast corner of the Charlevoix Municipal Wharf, and bearing thence 92°, 400 feet, thence 129°, 1,160 feet, and thence 110° to the westerly end of the southwest side of Park Island.

§ 110.84 Black Rock Channel opposite foot of Porter Avenue, Buffalo, N.Y.

An area extending northwesterly between Black Rock Channel and Bird Island Pier opposite the foot of Porter Avenue, bounded as follows: Beginning at Triangulation Marker "N–5" on Bird Island Pier; thence southeasterly along the pier a distance of approximately 745 feet; thence 60°52' true, approximately 300 feet to a point 50 feet westerly of the westerly limit of Black Rock Channel; thence northwesterly along an arc of a circle parallel to and 50 feet westerly of the westerly limit of the channel to a point approximately 360 feet southerly of Bird Island Pier Light No. 17; thence 276°20' true, approximately 135 feet to Bird Island Pier; thence southwesterly and southerly along the pier a distance of approximately 1,355 feet to the point of beginning.

§ 110.85 Niagara River, Youngstown, N.Y.

Beginning at the intersection of the north line of Lockport Street extended with the east shore line of Niagara River; thence westerly along the north line of Lockport Street extended, 600 feet; thence southerly along a line perpendicular to the north line of Lockport Street extended, approximately 1,920 feet, to the south line of Elliot Street extended; thence easterly along the south line of Elliot Street extended, 400 feet; thence northerly, along a line parallel to the riverward limit of the area, to the south line of Church Street extended; thence easterly along the south line of Church Street extended, approximately 200 feet, to the east shore line of Niagara River; thence northerly along the shore line, approximately 1,350 feet, to the point of beginning; excepting therefrom a rectangular area 300 feet long and extending 150 feet riverward of the east shore line bordering on the property of the Village of Youngstown approximately midway between Church and Lockport Streets extended. This area is designated as a special anchorage area subject to the condition that such buoys as may be prescribed by the United States Coast Guard to mark the area shall be provided and maintained by and at the expense of local interests.

§ 110.90 San Diego Harbor, Calif.

(a) *Area A–1.* All of the Municipal Yacht Harbor within the following described boundaries: Beginning at station 120 on the United States pierhead line; thence along the pierhead line through stations 250A, 258A, 260, 262, 264, 266, 268, 270, and 272A; thence (from station 272A) 226°57', 2,893.65 feet; thence 191°, 1,118.20 feet; thence 269°28', 26.83 feet to the point of beginning.

NOTE: This area is reserved for yachts and other recreational craft, and for all types of small craft during storm, stress, or other emergency. Single and fore and aft moorings will be allowed in the area as permitted by the Port Director, Port of San Diego.

(b) *Area A–2.* An area in the Commercial Basin having the southwesterly side parallel to and 325 feet from the pierhead line and all other sides parallel to and 250 feet from the pierhead line.

NOTE: This area is reserved for commercial fishing boats having a length of 65 feet and under. Single and fore and aft moorings will be allowed in the area as permitted by the Port Director, Port of San Diego.

(c) *Area A–3.* An area between the United States bulkhead and pierhead lines bounded on the north by a portion of the bulkhead line between Stations 218 and 220; on the northeast by a portion of the bulkhead line between Stations 220 and 222; on the southeast by a line perpendicular to that portion of the bulkhead line between Stations 220 and 222, at a point 1,300 feet southeasterly of Station 220; on the southwest by a portion of the pierhead line between Stations 304 and 306; and on the west by the easterly side of the nonanchorage area.

NOTE: This area is reserved for commercial fishing boats having a length of 65 feet and under. Single and fore and aft moorings will be allowed in the area as permitted by the Port Director, Port of San Diego.

(d) *Area A–5.* Shoreward of a line extending from United States Bulkhead Line Station 159 to Station 171.

NOTE: This area is reserved for yachts and other small recreational craft. Fixed moorings will be allowed in the area as permitted by the Port Director, Port of San Diego.

§ 110.95 Newport Bay Harbor, Calif.

(a) *Area A–1.* In Lido Channel, northeast of a line parallel to and 195 feet from the pierhead line along the southwest shore of Lido Isle; north of the south U. S. Bulkhead line off Lido Isle extended; southwest of a line parallel to and 120 feet from the pierhead line along the southwest shore of Lido Isle; and southeast of the north side of Via Barcelona, on Lido Isle, extended.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the city of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(b) *Area A–2.* East of the east side of 15th Street extended; north of a line parallel to and 250 feet from the pierhead line between 14th and 15th Streets, this line being the north line of Newport Channel, and extending east in a straight line to an intersection with a line bearing 268° from the flashing red beacon on the southeast end of Lido Isle, this line being the northwest line of the main fairway; west of the east side of 13th Street extended; and south of a line parallel to and 220 feet from the pierhead line off the south shore of Lido Isle.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the city of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(c) *Area A–3.* A rectangular area, 40 feet wide and 885 feet long, on the west side of Upper Bay Channel, 120 feet east of and parallel to the west pierhead line, the south end being 50 feet north from U. S. Bulkhead Station 130.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to Orange County Harbor Ordinance No. 490 for recreational and small craft of such size and alignment as permitted by the harbor master.

(d) *Area A–4.* South of a line bearing 268° from the flashing green beacon off Bay Island and passing through the beacon off 13th Street, this line being the south line of the main fairway; north of a line parallel to and 200 feet from the pierhead line off 11th to 8th Streets; and west of a line bearing 203° from the flashing red beacon at the south extremity of Bay Shores, passing through the pierhead line at the east end of Lido Isle.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(e) *Area A–5 (Newport Harbor Yacht Club).* East of a line bearing 23° from the center of the north end of 8th Street, being parallel to and 150 feet distant from the east end of Area A–4; north of a line parallel to and 200 feet from the pierhead line off 7th and 8th Streets; northwest of a line parallel to and 200 feet from the northwest pierhead line off Bay Island; and south of a line bearing 268° from the flashing green beacon off Bay Island and passing through the beacon off 13th Street, this line being the southerly line of the main fairway.

NOTE: This area is reserved for recreational and other small craft. Single moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for pleasure boats and yachts of such sizes and alignments as permitted by the harbor master.

(f) *Area A–6.* Northwest of Harbor Island, beginning at a point on the Newport City line 107 feet from the angle point northwest of Harbor Island; thence 36°27', 55 feet; thence 303°18', 300 feet; thence 216°27', 72 feet; thence 165°12', 211 feet; thence 75°11'44", approximately 216 feet, to the point of beginning.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to Orange County Harbor Ordinance No. 490 for recreational and small craft of such size and alignment as permitted by the harbor master.

(g) *Area A–7.* East of a line parallel to and 150 feet from the east pierhead line off Bay Island; north of a line parallel to and 150 feet from the pierhead line off Fernando Street; northwest of the east side of Adams Street extended; and southwest of a line bearing 131° from the flashing green beacon off Bay Island, being parallel to and 100 feet southwest of the southwest line of the main channel.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(h) *Area A–8.* Northeast of a line parallel to and 270 feet from the southwest pierhead line from Collins Isle to Balboa Island; north of a line bearing 311° from the flashing red beacon off the southwest point of Balboa Island and passing through the flashing red beacon off the south point of Bay Shore, this line being the northeast line of the main channel; southwest of a line parallel to and 150 feet from the southwest pierhead line from Collins Isle to Balboa Island; and southeast of a line bearing 238° from U. S. Station 160.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(i) *Area A–9.* In Balboa Island Channel, east of a line bearing due north from U. S. Station 151, being 25 feet west of the end of Emerald Avenue; north of a line parallel to and 75 feet from the north pierhead line off Balboa Island; west of the east side of Amethyst Avenue extended; and south of a line parallel to and 150 feet from the north pierhead line of Balboa Island.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(j) *Area A–10.* Southeast of a line bearing 209° from the flashing red beacon on the southwest point of Balboa Island and passing through the east side of the end of "A" Street; north of an irregular line parallel to and 150 feet from the north pierhead line off Balboa Peninsula from "A" to "K" Streets; south of the south line of the main channel; and south and southeast of an irregular line parallel to and 375 feet from the north pierhead line off Balboa Peninsula.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(k) *Area A–11.* Northeast of a line bearing 108°30' from the flashing red beacon at the southwest point of Balboa Island, passing through the flashing red channel buoy No. 4, this line being the northeast line of the main channel; north of a line parallel to and 350 feet from the south pierhead line off Balboa Island; west of the west bulkhead line of the Grand Canal extended; and south of a line parallel to and 150 feet from the south pierhead line off Balboa Island.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(l) *Area A–12 (Balboa Yacht Club).* South of a line parallel to and 150 feet from the south pierhead line off Balboa Island; west of the east end pierhead line off Balboa Island extended and bearing 161°; north of a line parallel to and 700 feet from the south pierhead line off Balboa Island; and east of a line parallel to and 1,000 feet from the east boundary, bearing 161° from the point of intersection of the east bulkhead line of Grand Canal and the south bulkhead line off Balboa Island.

NOTE: This area is reserved for recreational and other small craft. Single moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for pleasure boats and yachts of such sizes and alignments as permitted by the harbor master.

(m) [Reserved]

(n) *Area B–1.* Southeast of a line bearing 227° from the flashing red beacon at the southwest corner of Lido Isle and being parallel to and 200 feet from the pierhead line off the southeast end of Rhine Point; northeast of the southwest bulkhead line off Rhine Point extended; north of a line parallel to and 250 feet from the pierhead line between 15th and 18th Streets, this line being the north line of Newport Channel; west of the west side of 15th Street extended; and south of a line parallel to and 220 feet from the pierhead line off the south shore of Lido Isle.

NOTE: This area is reserved for recreational and other small craft. Fore and aft moorings, conforming to the City of Newport Beach Harbor Ordinance No. 543, will be allowed in this area for recreational and small craft of such size and alignment as permitted by the harbormaster.

### § 110.100 Los Angeles and Long Beach Harbors, Calif.

(a) [Reserved]

(b) *Area A–2.* Consisting of two parts in the outer basin of Fish Harbor on the east and west sides of Fish Harbor Entrance Channel described as follows:

(1) *Part 1.* Beginning at a point at the intersection of westerly side of Fish Harbor Entrance Channel and the outer jetty; thence southwesterly along the jetty about 900 feet to the shore; thence northerly about 500 feet; thence northeasterly about 650 feet, on a line parallel to jetty; thence southeasterly about 500 feet, along the westerly side of Fish Harbor Entrance Channel to the point of beginning.

(2) *Part 2.* Beginning at a point at the intersection of the east side of Fish Harbor Entrance Channel and Fish

Harbor mole (outer Fish Harbor); thence northwesterly along channel line about 850 feet to the southerly side of the Fairway; thence northeasterly and easterly along the southerly side of the Fairway, about 478 and 565 feet respectively to its intersection with Fish Harbor mole; thence southerly and southwesterly along the mole to the point of beginning.

§ 110.105 Avalon Bay, Santa Catalina Island, Calif.

Shoreward of a line connecting the promontories known as Casino Point and Bathhouse Point; excluding therefrom the fairways as established by the harbor master, City of Avalon.

NOTE: This area is reserved for yachts and other small craft. Moorings will be allowed in this area conforming to the City of Avalon Ordinance No. 264 of such size and alignment as permitted by the harbor master.

§ 110.110 Santa Monica Harbor, Calif.

The waters inclosed by a line 1,000 feet southwest of and parallel to the axis of the Santa Monica breakwater and extending 2,000 feet northwest and 2,000 feet southeast of the ends of the breakwater, lines extending shoreward from and normal to each end of the said line, and the mean high tide line; excluding therefrom the fairways as established by the harbor master, City of Santa Monica.

NOTE: This area is reserved for small craft. Fore and aft moorings will be allowed in this area conforming to the City of Santa Monica Harbor Ordinances Nos. 541, 705, 706, and 1356 for recreational and other small craft of such size and alignment as permitted by the harbor master. Fixed mooring piles or stakes are prohibited.

§ 110.111 Marina del Rey Harbor, Calif.

An area in the main channel within the following described boundaries:

Beginning at the most northeasterly corner at latitude 33°58'58", longitude 118°26'46"; thence southerly to latitude 33°58'53", longitude 118°26'46"; thence southeasterly to latitude 33°58'52", longitude 118°26'45"; thence southerly to latitude 33°58'39", longitude 118°26'45"; thence westerly to latitude 33°58'38", longitude 118°26'55"; thence northerly to latitude 33°59'00", longitude 118°26'55"; thence easterly to the point of beginning.

NOTE: This area is reserved for yachts and other recreational craft and for all types of small craft during storm, stress, or other emergency. Single and fore-and-aft moorings will be allowed in the area as permitted by the Director of the Department of Small Craft Harbors, Los Angeles County.

§ 110.115 Santa Barbara Harbor, Calif.

North of the Santa Barbara breakwater; seaward of the line of mean high water; and southwest of a line bearing 46°30' from the north corner of Bath Street and Cabrillo Boulevard to the end of the Santa Barbara breakwater; excluding a fairway 225 feet wide, 100 feet from each side of and parallel to the Navy pier.

NOTE: Fore and aft moorings will be allowed in this area conforming to the City of Santa Barbara Harbor Ordinance No. 2106 for yachts and small craft of such size and alignment as permitted by the harbor master.

§ 110.120 San Luis Obispo Bay, Calif.

Eastward of the San Luis Obispo County wharf; northward of a line bearing 116° from the southeast corner of San Luis Obispo County wharf; and westward of a line bearing 210° from the most seaward extremity of Fossil Point.

§ 110.125 Morro Bay Harbor, Calif.

(a) *Area A–1.* Opposite the City of Morro Bay, beginning 50 feet west of the intersection of the west channel line and the prolongation of the center line of Seventh Street; thence in a generally southeasterly direction and parallel to the channel line for a distance of 450 yards; thence 166° and parallel to the revetment for a distance of 1,025 yards; thence 270° for a distance of 200 yards; thence 346° for a distance of about 1,425 yards to meet the prolongation of the center line of Seventh Street; and thence to the point of beginning.

(b) *Area A–2.* Beginning at a point 322° and 150 feet from the high water line on the most westerly part of Fairbanks Point; thence continuing on this bearing for a distance of 1,346 feet; thence 52° for a distance of 450 feet and thence generally southeasterly parallel to and 150 feet from the mean high water line to the point of beginning.

NOTE: Moorings and boating activities will be allowed in these areas conforming to applicable City of Morro Bay ordinances and regulations adopted pursuant thereto.

§ 110.126 Monterey Harbor, Calif.

The waters of Monterey Harbor south of the Monterey Breakwater; and shoreward of a line beginning at Point "A" on the south side of the Monterey Breakwater about 750 feet east of the shore and at the westerly extremity of the U.S. Coast Guard wharf along the southerly side of the breakwater; thence 200°, 175 feet, to Point "B"; thence 110°, 1,300 feet, to Point "C"; thence 120° to Point "D" on the northerly extension of the westerly line of Park Avenue, City of Monterey; and thence 168°30' along the westerly line of Park Avenue extended to the shore; excluding from this area a fairway 125 feet wide whose centerline begins at Point "C" and extends thence 205°, 610 feet, and thence 246°, 720 feet, and the waters between this fairway and the northerly end of Municipal Wharf No. 2 and between the southwesterly end of the fairway and Municipal Wharf No. 1.

§ 110.127 Lake Mohave and Lake Mead, Nevada and Arizona.

(a) *Willow Beach, Ariz.* That portion of Lake Mohave inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 35°13'33" N. | 114°34'38" W. |
| "b" 35°13'05" N. | 114°34'40" W. |

(b) *Katherine, Ariz.* That portion of Lake Mohave inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 35°13'33" N. | 114°34'38" W. |
| "b" 35°13'05" N. | 114°34'40" W. |

(c) *El Dorado Canyon, Nev.* That portion of Lake Mohave inclosed by the shore and a line connecting the following points, excluding a 50-foot-wide fairway, extending easterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 35°42'37" N. | 114°42'21" W. |
| "b" 35°42'08" N. | 114°42'10" W. |

(d) *Cottonwood Cove, Nev.* That portion of Lake Mohave inclosed by the shore and a line connecting the following points, excluding a 200-foot-wide fairway extending northeasterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 35°29'46" N. | 114°40'55" W. |
| "b" 35°29'33" N. | 114°40'45" W. |

(e) *Overton Beach, Nev.*—(1) *Area "A".* That portion of Lake Mead inclosed by the shore and lines connecting the following points, excluding two 300-foot-wide fairways, extending northwesterly and southwesterly from the launching ramps, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 36°27'05" N. | 114°21'48" W. |
| "b" 36°27'15" N. | 114°21'20" W. |
| "c" 36°26'32" N. | 114°20'45" W. |
| "d" 36°25'49" N. | 114°20'50" W. |
| "e" 36°25'00" N. | 114°21'27" W. |
| "f" 36°25'19" N. | 114°22'10" W. |

(2) *Area "B".* That portion of Lake Mead inclosed by the shore and lines connecting the following points, excluding one 300-foot-wide fairway, extending southeasterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "g" 36°23'20" N. | 114°23'45" W. |
| "h" 36°22'40" N. | 114°22'15" W. |
| "i" 36°20'30" N. | 114°24'35" W. |
| "j" 36°21'00" N. | 114°25'35" W. |

(f) *Echo Bay, Nev.* That portion of Lake Mead inclosed by the shore and lines connecting the following points, excluding a 100-foot-wide fairway, extending southwesterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| *Latitude* | *Longitude* |
|---|---|
| "a" 36°18'30" N. | 114°25'10" W. |
| "b" 36°18'20" N. | 114°24'00" W. |
| "c" 36°17'35" N. | 114°24'05" W. |
| "d" 36°17'40" N. | 114°24'27" W. |

(g) *Callville Bay, Nev.* That portion of Lake Mead inclosed by the shore and lines connecting the following points,

excluding a 200-foot-wide fairway, extending southeasterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 36°09'00" N. | 114°42'40" W. |
| "b" 36°08'10" N. | 114°42'03" W. |
| "c" 36°08'08" N. | 114°42'40" W. |

(h) *Las Vegas Wash, Nev.* That portion of Lake Mead inclosed by the shore and a line connecting the following points, excluding a 200-foot-wide fairway, extending easterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 36°07'23" N. | 114°49'45" W. |
| "b" 36°06'29" N. | 114°49'45" W. |

(i) *Hemenway Harbor, Nev.* That portion of Lake Mead inclosed by the shore and lines connecting the following points, excluding a 100-foot-wide fairway, extending easterly from the launching ramp at Boulder Beach and a 600-foot-wide fairway, extending northeasterly from the launching ramp at Hemenway Harbor, both as established by the Superintendent, Lake Mead Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 36°04'05" N. | 114°48'15" W. |
| "b" 36°03'25" N. | 114°48'10" W. |
| "c" 36°01'20" N. | 114°45'15" W. |

(j) *Kingman Wash, Ariz.* That portion of Lake Mead inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 36°02'34" N. | 114°42'50" W. |
| "b" 36°02'05" N. | 114°43'05" W. |

(k) *Temple Bar, Ariz.* That portion of Lake Mead inclosed by the shore and lines connecting the following points, excluding a 200-foot-wide fairway, extending southwesterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 36°02'21" N. | 114°19'29" W. |
| "b" 36°02'34" N. | 114°18'46" W. |
| "c" 36°02'03" N. | 114°18'13" W. |

(l) *Greggs, Ariz.* That portion of Lake Mead inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending northerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 36°00'35" N. | 114°13'49" W. |
| "b" 36°00'35" N. | 114°14'10" W. |

(m) *Pierce Ferry, Ariz.* That portion of Lake Mead inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending easterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 36°08'42" N. | 113°59'24" W. |
| "b" 36°07'18" N. | 113°58'32" W. |

NOTE: Fixed moorings, piles, or stakes are prohibited. Single and fore and aft temporary moorings will be allowed. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the Superintendent, Lake Mead Recreation Area, National Park Service.

**§ 110.127a Lake Powell, Utah-Arizona.**

(a) *Castel Butte, Utah.* That portion of Lake Powell inclosed by the shore and a line connecting the following points, excluding a 300-foot-wide fairway extending in an east-west direction perpendicular to the launching ramp, as established by the Superintendent, Glen Canyon National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 37°43'45" N. | 110°27'00" W. |
| "b" 37°42'30" N. | 110°27'57" W. |

(b) *Bullfrog Basin, Utah.* That portion of Lake Powell inclosed by the shore and a line connecting the following points, excluding a 300-foot-wide fairway, extending southeasterly from the launching ramp, as established by the Superintendent, Glen Canyon National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 37°29'17" N. | 110°42'28" W. |
| "b" 37°28'44" N. | 110°43'40" W. |

(c) *Halls Crossing, Utah.* That portion of Lake Powell inclosed by the shore and a line connecting the following points, excluding a 300-foot-wide fairway, extending northwesterly from the launching ramp, as established by the Superintendent, Glen Canyon National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 37°28'24" N. | 110°42'57" W. |
| "b" 37°28'00" N. | 110°43'21" W. |
| "c" 37°27'46" N. | 110°43'16" W. |

(d) *Forbidding Canyon, Utah.* That portion of Lake Powell inclosed by the shore and a line connecting the following points, excluding a 75-foot-wide fairway extending northerly from the boat landing, as established by the Superintendent, Glen Canyon National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 37°06'55" N. | 110°58'41" W. |
| "b" 37°06'38" N. | 110°58'50" W. |

(e) *Wahweap, Arizona-Utah.* That portion of Lake Powell inclosed by the shore and a line connecting the following points, excluding a 200-foot-wide fairway, extending northeasterly from the northerly launching ramp and a 300-foot-wide fairway extending easterly from the southerly launching ramp, as established by the Superintendent, Glen Canyon National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 37°00'21" N. | 111°30'30" W. |
| "b" 37°00'40" N. | 111°30'00" W. |
| "c" 36°59'10" N. | 111°28'48" W. |
| "d" 36°59'10" N. | 111°29'24" W. |

NOTE: Fixed moorings, piles, or stakes are prohibited. Single and fore-and-aft temporary moorings will be allowed. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the Superintendent, Glen Canyon National Recreation Area.

**§ 110.127b Flaming Gorge Lake, Wyoming-Utah.**

(a) *Buckboard Crossing, Wyo.* That portion of Flaming Gorge Lake inclosed by the shore and a line connecting the following points, excluding a 150-foot-wide fairway, extending southeasterly from the launching ramp, as established by the Superintendent, Flaming Gorge National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 41°14'50" N. | 109°35'22" W. |
| "b" 41°14'37" N. | 109°35'12" W. |

(b) *Squaw Hollow, Wyo.* That portion of Flaming Gorge Lake inclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending southeasterly from the launching ramp, as established by the Superintendent, Flaming Gorge National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 41°09'55" N. | 109°33'18" W. |
| "b" 41°09'48" N. | 109°33'20" W. |

(c) *Antelope Flat, Utah.* That portion of Flaming Gorge Lake inclosed by the shore and a line connecting the following points, excluding a 150-foot-wide fairway, extending southeasterly from the launching ramp to a point beyond the floating breakwater and then westerly, as established by the Superintendent, Flaming Gorge National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 40°57'46" N. | 109°33'30" W. |
| "b" 40°57'37" N. | 109°33'37" W. |

(d) *Lucerne Valley, Utah.* That portion of Flaming Gorge Lake inclosed by the shore and a line connecting the following points, excluding a 300-foot-wide fairway extending southeasterly from the launching ramp, as established by the Superintendent, Flaming Gorge National Recreation Area:

| Latitude | Longitude |
|---|---|
| "a" 40°59'07" N. | 109°34'54" W. |
| "b" 40°58'54" N. | 109°35'00" W. |

NOTE: Fixed moorings, piles, or stakes are prohibited. Single and fore-and-aft temporary moorings will be allowed. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the Superintendent, Flaming Gorge National Recreation Area.

**§ 110.128 Columbia River at Portland, Oreg.**

The waters of the Columbia River between Sand Island and Government Island, bounded on the west by pile dike U. S. 5.75 and a line extending true north from the northerly end of the dike to the south shore of Sand Island and bounded on the east by a line bearing 339°15' true, from a point on Government Island at latitude 45°35'10", longitude 122°32'41", to the southerly shore of Sand Island.

**§ 110.129 Favorite Channel between Point Stephens and Point Louisa, Alaska.**

(a) *North Area.* The waters of Lena Cove south and east of a line beginning at a point on shore at latitude 58°24'35", longitude 134°45'52"; thence south

21°15' west, 800 feet to a small unnamed island; and thence south 11°30' east, approximately 3,560 feet to Lena Point at latitude 58°23'48", longitude 134°-45'42", except the waters fronting the Lena Cove Recreation Area from the mean low water line channelward 300 feet.

(b) *South Area.* The waters south of Lena Point and north of a line beginning at a point on shore at latitude 58°23'04", longitude 134°45'32"; thence south 33°15' east, 1,300 feet to an unlighted buoy at latitude 58°22'56", longitude 134°45'24"; thence south 57°30' east, 6,900 feet to an unlighted buoy at latitude 58°22'18", longitude 134°43'36"; and thence due north 900 feet to the shore at Point Louisa.

NOTE: The areas are reserved for recreational and other small craft. Temporary floats and buoys will be allowed in the areas. Anchors must not be placed outside the areas, nor shall any vessel be so anchored that any portion of the hull or rigging will, at any time, extend into the cable areas to the west of the anchorage areas.

## Subpart B—Anchorage Grounds

AUTHORITY: The provisions of this Subpart B issued under sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(3).

### § 110.130 Rockland Harbor, Maine.

(a) *The anchorage grounds*—(1) *Anchorage A.* Beginning at a point bearing 158°, 1,075 yards, from Rockland Breakwater Light; thence 255°, 2,000 yards, to a point bearing 225° from Rockland Breakwater Light; thence 345°, 700 yards, to a point bearing 244° from Rockland Breakwater Light; thence 75°, 1,200 yards, to a point bearing 222° from Rockland Breakwater Light; and thence 120°, 1,000 yards, to the point of beginning.

(2) *Anchorage B.* Beginning at a point bearing 273°, 400 yards, from Rockland Breakwater Light; thence 273°, 700 yards, to a point bearing 273° from Rockland Breakwater Light; thence 349°, 850 yards, to a point bearing 305° from Rockland Breakwater Light; thence 89°, 700 yards, to a point bearing 328° from Rockland Breakwater Light; and thence 169°, 900 yards, to the point of beginning.

(3) *Anchorage C.* Beginning at a point bearing 244°, 1,715 yards, from Rockland Breakwater Light; thence 260°, 490 yards, to a point bearing 248° from Rockland Breakwater Light; thence 350°, 580 yards, to a point bearing 263° from Rockland Breakwater Light; thence 83°, 480 yards, to a point bearing 263° from Rockland Breakwater Light; and thence 169°, 550 yards, to the point of beginning.

(b) *The regulations.* (1) Anchorages A and B are general anchorages reserved for merchant vessels over 100 feet in length. Anchorage C is reserved for small commercial and pleasure craft.

(2) A distance of approximately 500 yards shall be left between Anchorages A and B for vessels entering or departing from the Port of Rockland. Any vessel not anchoring in these areas shall be ready to move on short notice when ordered to do so by the Captain of the Port.

(3) All other vessels within the Rockland Harbor area are prohibited from anchoring within 300 yards or operating within 100 feet of any navy yard, shipbuilding plant, power plant, oil terminal, marine terminal, munitions plant, military or naval arsenal or depot, warehouse, or freight pier without permission from the Captain of the Port, Rockland, Maine, or his authorized representative.

### § 110.131 Kennebec River in vicinity of Bath, Maine.

(a) *The anchorage grounds.* Vessels may anchor only within the following limits:

(1) Northward of a line bearing 54° true and extending from a point on Passmore's wharf in prolongation with the north side of Commerce Street, Bath, Maine, to a point on the shore in Woolwich, approximately 1,200 feet north of the Maine Central Railroad wharf.

(2) Southward of a line drawn from the derrick on the Bath Iron Works wharf to Sassanoa Point in Woolwich.

(b) *The regulations.* (1) Vessels in the north anchorage shall be so anchored as to leave a clear fairway of 150 feet channelward of the established harbor lines at Bath, and a clear fairway 200 feet from the east or Woolwich shore, for the passage of steamers, tows, rafts, and other watercraft.

(2) The launching of vessels into the waters between the anchorages or the bringing up of such vessels by their anchors will be permitted: *Provided*, That the vessels so aunched shall be removed therefrom within 12 hours from the time of anchorage.

### § 110.132 Portland Harbor, Maine.

(a) *The anchorage grounds*—(1) *Anchorage A (general).* Beginning at the eastern corner of Grand Trunk Railway Company pier No. 3; thence approximately 90°, 1,700 yards, to Brooklyn Ledge Buoy 16; thence 330°, 350 yards; thence 25°, 780 yards; thence 303°, 750 yards; thence 254°, 560 yards; thence 186°, 750 yards; and thence to the point of beginning.

(2) *Anchorage B (general and quarantine).* Beginning at Brooklyn Ledge Buoy 16; thence 58° to Little Diamond Island; thence along the southwestern shore to the pier on the southern end of Little Diamond Island; thence 143°, 1,200 yards; thence 270° to House Island Light; thence along the western shore of House Island to Fort Scammel Point Light; and thence 329°, 1,620 yards, to the point of beginning.

(3) *Anchorage C.* Bounded on the northwest by House Island; on the north by a line running 90° from House Island Light to Peak Island; on the east by the western shore of Peak Island, by a line running 198° from the westernmost point on Peak Island to Cushing Island, and by the shore of Cushing Island to its westernmost point; and on the southwest by a line running from the westernmost point on Cushing Island to Fort Scammel Point Light.

(4) *Anchorage D.* Southerly and westerly of a line beginning at Lighthouse Channel Buoy 1; thence 35° to Anchorage Buoy E; and thence 145° to the mainland.

(b) *The regulations.* (1) Anchorage B is intended for general purposes, but especially for use by oil tankers and other large deep-draft ships entering harbor at night and intending to proceed to the dock allotted at daylight the following morning or as soon as practicable. This area is also to be used for quarantine anchorage. Vessels must be so anchored in this area as to leave at all times an open usable channel at least 100 feet wide for passage of ferry and other boats between Portland, Peak Island, and Bay Points. Any vessels anchored in this area shall be ready to move on short notice when ordered to do so by the Captain of the Port.

(2) Anchorage C is intended for use only by small vessels and for temporary anchorage.

(3) Anchorage D is for use only by small yachts and pleasure craft and small light-draft coastwise freighters.

### § 110.134 Boston Harbor, Mass.

(a) *The anchorage grounds*—(1) *Bird Island Anchorage.* Beginning at a point bearing 93°, 1,400 yards, from the aerial beacon on top of the Boston Custom House tower; thence to a point bearing 81°, 1,600 yards, from the aerial beacon on top of the Boston Custom House tower; thence to a point bearing 102°, 3,100 yards, from the aerial beacon on top of the Boston Custom House tower; thence to a point bearing 109°, 3,050 yards, from the aerial beacon on top of the Boston Custom House tower; and thence to the point of beginning.

(2) *President Roads Anchorage*—(i) *40-foot anchorage.* Beginning at a point bearing 237°, 522 yards from Deer Island Light; thence to a point bearing 254°, 2,280 yards from Deer Island Light; thence to a point bearing 261°, 2,290 yards from Deer Island Light; thence to a point bearing 278°, 2,438 yards from Deer Island Light; thence to a point bearing 319°, 933 yards from Deer Island Light; thence to a point bearing 319°, 666 yards from Deer Island Light; and thence to point of beginning.

(ii) *35-foot anchorage.* Beginning at a point bearing 256°, 2,603 yards from Deer Island Light; thence to a point bearing 258°30', 3,315 yards from Deer Island Light; thence to a point bearing 264°, 3,967 yards from Deer Island Light; thence to a point bearing 261°, 2,290 yards from Deer Island Light; and thence to point of beginning.

(3) *Long Island Anchorage.* East of Long Island, bounded as follows: Beginning at the southwesternmost point of Gallups Island; thence 270° to Long Island; thence southerly along the eastern shore line of Long Island to Bass Point; thence to the northernmost point of Rainsford Island; thence to Georges Island Gong Buoy 6; and thence to the point of beginning.

(4) *Castle Island Anchorage.* Bounded on the north by Castle Island and adjacent land; on the east by a line

between Castle Rocks Fog Signal Light and Old Harbor Shoal Buoy 2; on the southeast by a line between Old Harbor Shoal Buoy 2 and Old Harbor Buoy 4; and on the west by a line running due north from Old Harbor Buoy 4 to the shore line at City Point.

(5) *Explosives anchorage.* In the lower harbor, bounded on the northeast by a line between the northeast end of Peddocks Island and the northeast end of Rainsford Island; on the northwest by Rainsford Island; on the southwest by a line between the western extremity of Rainsford Island and the westernmost point of Peddocks Island; and on the southeast by Peddocks Island.

(b) *The regulations.* (1) The Captain of the Port may authorize the use of the President Roads Anchorage as an explosives anchorage when he finds that the interests of commerce will be promoted and that safety will not be prejudiced thereby. Vessels anchored in this area shall move promptly upon notification by the Captain of the Port.

(2) In the Long Island Anchorage vessels shall anchor in the position designated by the Captain of the Port.

(3) Floats or buoys for marking anchors or moorings in place will be allowed in all areas. Fixed mooring piles or stakes are prohibited.

**§ 110.140 Buzzards Bay, Nantucket Sound, and adjacent waters, Mass.**

(a) *New Bedford Outer Harbor*—(1) *Anchorage A.* West of Sconticut Neck, and shoreward of a line described as follows: Beginning at a point 100 yards southwest of Fort Phoenix Point; thence 154° along a line which passes 100 yards east of New Bedford Channel Buoys 8, 6, and 4, to a point bearing approximately 130°, 225 yards, from New Bedford Channel Buoy 4; thence 87°, 340 yards; thence 156° along a line approximately one mile to its intersection with a line ranging 87° from the cupola on Clarks Point; thence 87° to Sconticut Neck.

(2) *Anchorage B.* Southeast of a line ranging 222° from the southwest corner of Fort Phoenix to the New Bedford shore; west of a line ranging 154° from Palmer Island Light to Butler Flats Light; and north of a line bearing 267° from Butler Flats Light to the shore.

(b) *Buzzards Bay near entrance to approach channel to Cape Cod Canal*—(1) *Anchorage C.* West of a line parallel to and 850 feet westward from the centerline of Cleveland Ledge Channel; north of a line bearing 129° from the tower on Bird Island; east of a line bearing 25° 30′ and passing through Bird Island Reef Bell Buoy 13; and south of a line bearing 270° from Wings Neck Light.

(2) *Anchorage D.* Beginning at a point bearing 185°, 1,200 yards, from Hog Island Channel 4 Light; thence 129° to a point bearing 209°, approximately 733 yards, from Wings Neck Light; thence 209° to Southwest Ledge Buoy 10; thence 199° along a line to its intersection with a line bearing 129° from the tower on Bird Island; thence 309° to a point 850 feet easterly, right angle distance, from the centerline of Cleveland Ledge Channel; thence northeasterly along a line parallel to and 850 feet eastward from the centerline of Cleveland Ledge Channel to its intersection with a line bearing 218° 30′ from the point of beginning; thence 38°-30′ to the point of beginning.

(c) *Vineyard and Nantucket Sounds*—(1) *Anchorage E.* South of a line beginning at a point bearing 180° about 3.25 miles from Cuttyhunk Light; thence 65° to a point bearing 180°, 0.625 mile from Nashawena Lighted Whistle Buoy; thence 57°30′ passing 600 yards northerly of Middle Ground Lighted Bell Buoy 25A, to a point bearing 145°, 1.25 miles from Nobska Point Light; southwest of a line ranging 113° through West Chop Buoy 25 to East Chop Flats Bell Buoy 23; and west of a line bearing 163° between East Chop Flats Bell Buoy 23 and Lone Rock Buoy 1; and northerly of a line bearing 269° between Lone Rock Buoy 1 and a point on the mainland at Oak Bluffs about 0.30 mile southerly of Oak Bluffs Wharf.

(2) *Anchorage F.* Southeast of the Elizabeth Islands, north of a line ranging 97° 30′ from Cuttyhunk Light toward Nashawena Lighted Whistle Buoy to a point 0.375 mile from that buoy; northwest of a line bearing 57°30′ from the last-named point to a point opposite the entrance to Woods Hole; and southwest of a line from the shore of Nonamesset Island bearing 114° and ranging through West Chop Light and East Chop Light.

(3) *Anchorage G.* South of a line beginning at a point on the mainland at Oak Bluffs about 0.30 mile southerly of Oak Bluffs Wharf bearing 89° to Lone Rock Buoy 1; thence 113° from Lone Rock Buoy 1 to Outer Flats Bell Buoy 17; thence 86° to Cross Rip Lightship; thence 118°30′ to Tuckernuck Shoal Bell Buoy 7; thence ranging 149° toward Brant Point Light to the breakwater at Brant Point.

(4) *Anchorage H.* In the vicinity of Squash Meadow shoal, east of a line ranging 163° through Squash Meadow West End Buoy 21; north of lines parallel to and 0.5 mile northerly from lines joining Lone Rock Buoy 1, Outer Flats Bell Buoy 17, and Cross Rip Lightship; and south of a line ranging 97° from East Chop Light toward Cross Rip Lightship.

(5) *Anchorage I.* Northerly of a line ranging 109° from Nobska Point Light toward Hedge Fence Lighted Horn and Gong Buoy 16, and of a line ranging 97°-30′ through Hedge Fence East End Buoy to Halfmoon Shoal Lighted Bell Buoy 12, thence 73° to Handkerchief Shoal Buoy 16, and thence to the westernmost point of Monomoy Island.

(6) *Anchorage J.* East of a line bearing 329°, parallel to and 0.875 mile northeasterly of a line running from Brant Point Light through Tuckernuck Shoal Bell Buoy 7, from Coatue Beach to a point 1.25 miles southeasterly from a line between Halfmoon Shoal Lighted Bell Buoy 12 and Handkerchief Shoal Buoy 16; thence 73°, parallel to and 1.25 miles southeasterly from a line running from Halfmoon Shoal Lighted Bell Buoy 12 through Handkerchief Shoal Buoy 16, to a point bearing 215° from Stone Horse North End Lighted Bell Buoy 9; thence 35° to Stone Horse North End Lighted Bell Buoy 9; thence 70° to a point bearing 207° from Pollock Rip Lightship; and thence 27° through, and to a point 5.0 miles northeasterly from, Pollock Rip Lightship.

(7) *Anchorage K.* North of a line tangent to the southeasterly edge of Monomoy Point and extending to Bearse Shoal North End Buoy 2A and west of a line bearing 7° from Bearse Shoal North End Buoy 2A to Chatham Bar Buoy 2.

(d) *The regulations.* (1) Floats or buoys for marking anchors or moorings in place will be allowed in all areas. Fixed mooring piles or stakes are prohibited.

(2) Except in cases of great emergency, no vessels shall be anchored in New Bedford Outer Harbor, Buzzards Bay near the entrance to the approach channel to Cape Cod Canal, or Vineyard and Nantucket Sounds, outside of the anchorage areas defined in paragraphs (a) to (c) of this section.

(3) Anchors must not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging will at any time extend outside the boundaries of the anchorage area.

(4) Any vessel anchoring under the circumstances of great emergency outside any anchorage area must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel, nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases or upon notification by an officer of the Coast Guard.

(5) A vessel upon being notified to move into the anchorage limits or to shift its position in anchorage grounds must get under way at once or signal for a tug, and must change position as directed with reasonable promptness.

(6) Whenever the maritime or commercial interests of the United States so require, any officer of the Coast Guard is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage areas, and of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel.

(7) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the law.

**§ 110.142 Nantucket Harbor, Mass.**

(a) *The anchorage grounds.* In the Nantucket Harbor, beginning at a point 210 yards, 90°, from Brant Point Light; thence easterly to latitude 41°17′23″, longitude 70°05′14.5″; thence southerly to latitude 41°17′03″, longitude 70°-05′14.5″; thence southwesterly to latitude 41°16′54″, longitude 70°05′23″;

thence northwesterly to latitude 41°16'-55", longitude 70°05'31"; thence northeasterly to latitude 41°17'07.5", longitude 70°05'27"; thence northeasterly to the point of beginning.

(b) *The regulations.* The anchorage is for the use of commercial and pleasure craft. Temporary floats or buoys for marking anchors or moorings in place will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels including the placing of anchors and moorings is subject to the supervision and approval of the local harbor master.

§ 110.145 Narragansett Bay, R.I.

(a) *East Passage*—(1) *Anchorage A.* East of Conanicut Island, west of a line bearing 9° from the easternmost of The Dumplings to latitude 41°30'30", thence ranging 12° toward Fiske Rock Buoy, a line ranging 311°30' from Bishop Rock Shoal Lighted Bell Buoy 8A, and a line ranging 351° from Rose Island Light; and south of latitude 41°32'07" which parallel passes through a point 130 yards north of Gould Island Light; excluding the approach of the Jamestown Ferry, a zone 300 yards wide to the southward of a line ranging 103° from a point 100 yards north of the existing ferry landing toward the spire of Trinity Church, Newport.

(i) That portion of the area to the northward of the approach of the Jamestown Ferry shall be restricted for the anchorage of vessels of the United States Navy. In that portion of the area to the southward of the approach of the Jamestown Ferry the requirements of the Navy shall predominate.

(ii) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(2) *Anchorage B.* Off the west shore of Aquidneck Island to north of Coggeshall Point, northerly of a line ranging 75° from the northerly end of the pier on the northwesterly end of Gould Island towards the shore of Aquidneck Island; east of a line ranging 19° from the easternmost of the Dumplings to latitude 41°36'16", longitude 71°17'48"; thence northeast to latitude 41°36'53", longitude 71°17'07.5"; thence east to latitude 41°36'53", longitude 71°16'40"; thence southwesterly to latitude 41°35'54", longitude 71°17'17.5"; thence southeasterly to the shore at the easterly end of the north boundary of the cable area in the vicinity of Coggeshall Point; excluding the cable area in the vicinity of Coggeshall Point.

(i) In this area the requirements of the Navy shall predominate.

(ii) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(2-a) *Anchorage X-1, Naval explosives and ammunition handling anchorage.* The waters of Narragansett Bay northeasterly of Gould Island within a circle having a radius of 500 yards with its center at latitude 41°33'18", longitude 71°20'03".

(i) This area will be used for anchoring naval vessels carrying or transferring ammunition or explosives under standard military restrictions as established by the Safety Manual, Armed Services Explosive Board. Explosives or dangerous materials include inflammable liquid or inflammable solids, oxidizing materials, corrosive liquids, compressed gases and poisonous substances.

(ii) No vessel shall anchor within 500 yards of the explosive anchorage area when occupied by vessels carrying explosives.

(iii) Not more than 2,000 tons Net High Explosives limit will be handled in the anchorage area.

(iv) No vessel shall be so anchored in the anchorage that it will at any time extend beyond the limits of the area.

(v) Naval vessels anchoring in the area will display the proper signals, and will be under the supervision of the Commander, U.S. Naval Base, Newport, Rhode Island.

(3) *Anchorage C.*

(i) [Reserved]

(ii) West of Coasters Harbor Island, west of a line bearing 351° from Tracey Ledge Buoy 5 through Seventeen-foot Spot Buoy northeast of Gull Rocks; south of a line bearing 292° from the cupola at the Naval War College; east of a line ranging 19° from the easternmost of The Dumplings toward Dyer Island North Point Shoal Lighted Bell Buoy 12A; and north of latitude 41°30'22" which parallel passes through a point 230 yards north of Rose Island Shoal Northeast End Buoy 8.

(iii) In this area the requirements of the Navy shall predominate.

(iv) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(4) *Anchorage D.* West of Goat Island, south of a line bearing 247° from Newport Harbor Light; east of a line bearing 176°30' from the northwesterly end of Rose Island; north of a line bearing 117° from the northerly end of the ferry slip at Jamestown to longitude 71°20' and west of a line running north and south along longitude 71°20'.

(i) In this area the requirements of the Navy shall predominate from May 1 to October 1, subject at all times to such adjustments as may be necessary to accommodate all classes of vessels which may require anchorage room.

(ii) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(5) *Anchorage E.* South of Coasters Harbor Island, east of a line bearing 341° from the outer end of Briggs Wharf to the southwestern shore of Coasters Harbor Island near the War College Building; and north of a line ranging 265° from the flagstaff at Fort Greene toward Rose Island Light.

(i) In this area the requirements of the naval service will predominate from May 1 to October 1, but will at all times be subject to such adjustment as may be necessary to accommodate all classes of vessels that may require anchorage room.

(ii) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(6) *Anchorage F.* In the central and southerly part of Newport Harbor proper, east of a line ranging 34° through a point 75 yards easterly of the end of the south wharf at Fort Adams toward Goat Island Shoal Light, a line ranging 329° through a point 35 yards east of the north end of the north wharf at Fort Adams toward the northeast corner of the Fort Adams stone wharf, and a line ranging 23° from the south corner of the north wharf at Fort Adams toward Newport Harbor Light; south of a line ranging 116° from Fort Adams Light to Ida Lewis Rock Light, and a line ranging 74° from the south end of the north wharf at Fort Adams toward the spire of the St. Spyridon Hellenic Orthodox Church; east of a line ranging 4° from the city stone pier at King Park toward the end of the Navy Section Base Fleet Wharf; south of a line ranging 95° from the south end of the wharf of the United States Naval Torpedo Station on Goat Island toward the northwest corner of Bowen's wharf; and west of a line ranging 176° from the southwest corner of the city wharf toward the southwest corner of Wellington and Houston Avenues opposite King Park, a line ranging 132° from the south end of the Torpedo Station wharf, Goat Island, toward the powerhouse chimney, Newport, and a line ranging 177° from the southeast corner of the city wharf through a point 50 yards westerly from the outer end of Commercial Wharf.

(i) Floats or buoys for marking anchors or moorings in place and fixed mooring piles or stakes are prohibited in this area:

(7) *Anchorage G.* In Newport Inner Harbor, northeast of a line ranging 108° from the southeast corner of the city wharf toward the northwest corner of the Government wharf.

(i) Floats or buoys for marking anchors or moorings in place and fixed mooring piles or stakes are prohibited in this area.

(b) *West Passage*—(1) *Anchorage H.* North of a line 1,000 yards long bearing 88° from Bonnet Point; west of a line bearing 3° from the eastern end of the last-described line; and south of a line ranging 302° through a point 200 yards south of the Kearny wharf toward the church spire at South Ferry, Boston Neck.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(2) *Anchorage I.* North of a line 1,000 yards long bearing 88° from Bonnet Point to the shore at Austin Hollow; east of a line bearing 183° from Dutch Island Light; and south of a line ranging 302° through a point 200 yards south of the Kearny wharf toward the church spire at South Ferry, Boston Neck.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(3) *Anchorage J.* At Saunderstown, south of a line ranging 110° from the south side of the ferry wharf toward the cable crossing sign on Dutch Island; west of a line ranging 192° from Plum Beach Shoal Buoy 1 PB toward the east shore of The Bonnet; and north of a line from the shore ranging 108° toward Dutch Island Light and the north end of the wharf at Beaver Head.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(4) *Anchorage K.* In the central and southern portion of Dutch Island Harbor, north of a line ranging 106° from Beaver Head Point Shoal Buoy 2 toward the Jamestown standpipe; east of a line ranging 14° from Beaver Head Point Shoal Buoy 2 toward the inshore end of the engineer wharf, Dutch Island; southeast of a line ranging 50° from Dutch Island Light toward the windmill north of Jamestown; and south of a line parallel to and 100 yards southwesterly from a line ranging 132° from the engineer wharf, Dutch Island, and the west ferry wharf, Jamestown.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(5) *Anchorage L.* North of a line ranging 101° from a point on shore 300 yards northerly of the Saunderstown ferry wharf toward the entrance to Round Swamp, Conanicut Island; west of a line bearing 15° parallel to and 1,000 feet westerly from a line joining the western point of Dutch Island and Twenty-three Foot Rock Buoy 4, and a line ranging 6° from Dutch Island Light toward Warwick Light; and south of a line ranging 290° from Sand Point, Conanicut Island, to Wickford Harbor Light, and a line bearing 226° from Wickford Harbor Light to Poplar Point tower.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(6) *Anchorage M.* East and north of Dutch Island, northeast of a line ranging 316° from the inshore end of the west ferry wharf, Jamestown, toward the north end of Dutch Island to a point bearing 88°, 200 yards, from the engineer wharf, Dutch Island, thence ranging 3° toward the shore of Conanicut Island at Slocum Ledge; north of a line 200 yards off the Dutch Island shore ranging 281° from the entrance to Round Swamp toward a point on shore 300 yards northerly from the Saunderstown ferry wharf; east of a line ranging 15° from the western point of Dutch Island to Twenty-three Foot Rock Buoy 4; and south of a line bearing 77° from Twenty-three Foot Rock Buoy 4 to the shore.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(7) *Anchorage N.* West of the north end of Conanicut Island, south of a line bearing 262° from Conanicut Island Light; east of a line bearing 8° from Twenty-three Foot Rock Buoy 4; and north of a line ranging 290° from Sand Point toward Wickford Harbor Light.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(c) *Bristol Harbor*—(1) *Anchorage O.* South of the south line of Franklin Street extended westerly; west of a line bearing 164° 30′ parallel to and 400 feet westerly from the State harbor line between Franklin and Constitution Streets, and of a line ranging 244° from a point on the north line of Constitution Street extended 400 feet beyond the State harbor line toward Usher Rock Buoy 3; and north of the north line of Union Street extended to the Popasquash Neck shore.

(i) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(d) *The regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in the entrances to Narragansett Bay, in Newport Harbor, or in Bristol Harbor, outside of the anchorage areas defined in paragraphs (a), (b) and (c) of this section.

(2) Anchors must not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(3) Any vessel anchoring under the circumstances of great emergency outside the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel, nor obstruct the approach to any pier, nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by an officer of the Coast Guard.

(4) A vessel upon being notified to move into the anchorage limits or to shift its position on anchorage grounds must get under way at once or signal for a tug, and must change position as directed with reasonable promptness.

(5) Whenever the maritime or commercial interests of the United States so require, any officer of the Coast Guard is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage areas, and of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel.

(6) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the law.

### § 110.147 New London Harbor, Conn.

(a) *The anchorage grounds*—(1) *Anchorage A (Naval).* In the Thames River east of Shaws Cove, bounded by lines connecting points which are the following bearings and distances from Monument, Groton (latitude 41°21′18″, longitude 72°04′48″): 243°, 1,400 yards; 246°, 925 yards; 217°, 1,380 yards; and 235°, 1,450 yards.

(2) *Anchorage B.* In the Thames River southward of New London, bounded by lines connecting points which are the following bearings and distances from New London Harbor Light (latitude 41°18′59″, longitude 72°05′25″): 2°, 2,460 yards; 9°, 2,480 yards; 26°, 1,175 yards; and 8°, 1,075 yards.

(3) *Anchorage C.* In the Thames River southward of New London Harbor, bounded by lines connecting a point bearing 100°, 450 yards, from New London Harbor Light, a point bearing 270°, 575 yards, from New London Ledge Light (latitude 41°18′21″, longitude 72°04′41″), and a point bearing 270°, 1,450 yards, from New London Ledge Light.

(4) *Anchorage D.* In Long Island Sound approximately two miles westsouthwest of New London Ledge Light, bounded by lines connecting points which are the following bearings and distances from New London Ledge Light; 246°, 2.6 miles; 247°, 2.1 miles; 233°, 2.1 miles; and 235°, 2.6 miles.

(b) *The regulations*—(1) Anchorage A is for barges and small vessels drawing less than 12 feet. This anchorage shall be used only by naval vessels, and by other vessels holding special permits issued by the Captain of the Port when he finds that such special permits to anchor are not inimical to the requirements of the Navy.

(2) Except in emergencies, vessels shall not anchor in New London Harbor or the approaches thereto outside the anchorages defined in paragraph (a) of this section unless authorized to do so by the Captain of the Port.

### § 110.148 Johnsons River at Bridgeport, Conn.

(a) *The anchorage grounds.* In Johnsons River, beginning at a point "A" latitude 41°10′12.3″, longitude 73°09′50.2″; thence westerly to a point "B" latitude 41°10′12.3″, longitude 73°09′52.1″; thence southwesterly to point "C" latitude 41°10′10″, longitude 73°09′54.9″; thence south southwesterly to point "D" latitude 41°10′05″, longitude 73°09′56.1″; thence southeasterly to point "E" latitude 41°10′04′, longitude 73°09′55.9″; thence northeasterly to point "F" latitude 41°10′05″, longitude 73°09′54.5″; thence northerly to point "G" latitude 41°10′05.8″, longitude 73°09′54.5″; thence northeasterly to the point of beginning.

(b) *The regulations.* The anchorage is for use by commercial and pleasure craft. Temporary floats or buoys for marking anchors or moorings will be allowed. The anchoring of vessels and placing of temporary anchors or mooring piles are under the jurisdiction of the local harbor master. Fixed mooring piles or stakes will not be allowed.

### § 110.150 Huntington Harbor, Long Island, N.Y.

(a) *The anchorage ground.* Northwestward of a line ranging from New

York Telephone Company pole No. 4J with a transformer on top along the northeast side of Mill Dam Road toward the southwest corner of a timber hopper on the Old Town Dock; westward of a line bearing 177° from the tower of Ferguson's Castle along the east side of New York Avenue; southeastward of a line bearing 234°12′ from the southeast corner of the main building of Knutson's Shipyard, north of the Town Park; eastward of a line bearing 35°55′ from the corner of the south abutment of the Mill Dam Road bridge across the Mill Pond spillway; and northeastward of a line bearing 111°33′ from the chimney at the north end of the house at the westerly end of Mill Dam Road.

NOTE: This anchorage ground is described as a special anchorage area in § 110.60.

(b) *The regulations.* (1) When applied for, a berth in this anchorage, if available, may be assigned to any vessel by the Captain of the Port of New York.

(2) The Captain of the Port is authorized to issue permits for maintaining mooring buoys within the anchorage. The method of anchoring these buoys shall be as prescribed by the Captain of the Port.

(3) No vessel shall anchor in the anchorage in such manner as to interfere with the use of a duly authorized mooring buoy.

(4) No vessel shall be navigated within the anchorage at a speed exceeding six knots.

(5) In case of emergencies, the Captain of the Port is authorized to shift the position of any unattended vessel moored in or near the anchorage.

§ 110.155 **Port of New York.**

(a) *Long Island Sound*—(1) *Anchorage No. 1.* Southwest of a line between Neptune Island and Glen Island ranging from Aunt Phebe Rock Light and tangent to the north edge of Glen Island; southwest of a line tangent to the northeast edge of Glen Island and Goose Island breakwater; southwest of a line bearing southeasterly from the southwest end of Goose Island breakwater and on range with the south gable of the Casino on the northeast end of Glen Island; west of a line ranging from the east edge of Goose Island breakwater to the west edge of the north end of Hart Island; west of Hart Island; and northwest of a line extending from Hart Island Light to Locust Point; excluding from this area, however, (i) the waters northeast of a line ranging 303° from the southwest end of Hart Island; northwest of a line ranging from the water tank at the north end of Davids Island 207°40′ to the northwest end of City Island; and south of latitude 40°52′12″; and (ii) the waters west of Hunter Island; and south of a line ranging from the most southerly end of Glen Island tangent to the most northerly end of Hunter Island.

(i) Boats shall not anchor in this area in buoyed channels.

(ii) Boats shall be so anchored as to leave at all times an open, usable channel, at least 50 feet wide, west and south of Glen Island.

NOTE: Special anchorage areas in this anchorage are described in § 110.60.

(2) *Anchorage No. 1–A.* Southwest of a line ranging from Duck Point, Echo Bay, through Bailey Rock Lighted Buoy 3 BR; northwest of a line ranging from Hicks Ledge Buoy 2H to Old Tom Head Rocks Buoy 4; and north of a line ranging from Old Tom Head Rocks Buoy 4 to the southernmost point of Davenport Neck.

(3) *Anchorage No. 1–B.* West of a line ranging from the point on the southwest side of the entrance to Horseshoe Harbor, Larchmont, to Hicks Ledge Buoy 2H; north of a line ranging from Hicks Ledge Buoy 2H to Duck Point; and in Echo Bay north and west of the channel.

(4) *Anchorage No. 2.* West of a line from Locust Point tangent to the northeasterly sea wall at Throgs Neck.

NOTE: Special anchorage areas in this anchorage are described in § 110.60.

(5) *Anchorage No. 3.* Northeast of a line from the south side of Barker Point to Gangway Rock Bell Buoy 27; southeast of a line from Gangway Rock Bell Buoy 27 to Sands Point Reef Lighted Buoy 25; and southwest of a line from Sands Point Reef Lighted Buoy 25 through Sands Point Light to Sands Point.

(6) *Anchorage No. 4.* Manhassett Bay, excluding the seaplane restricted area described in § 207.35; and that portion of Long Island Sound northeast of a line ranging from Stepping Stones Light through Elm Point Buoy 2 to Elm Point; southeast of a line ranging from Stepping Stones Light to Gangway Rock Bell Buoy 27; and southwest of Anchorage No. 3.

NOTE: Special anchorage areas in this anchorage are described in § 110.60.

(7) *Anchorage No. 5.* In Little Neck Bay; and east of a line ranging from Fort Totten flagpole to Hart Island Light; and south of Anchorage No. 4.

NOTE: Special anchorage areas in this anchorage are described in § 110.60.

(b) *East River*—(1) *Anchorage No. 6.* On Hammond Flats north of a line bearing 260° from the head of the pier on Throgs Neck at the foot of Pennyfield Avenue to the north tower of Bronx-Whitestone Bridge at Old Ferry Point.

(2) *Anchorage No. 7.* South of a line from Whitestone Point to the outer end of Willets Point Wharf.

(3) *Anchorage No. 8.* North of a line bearing 259° between the north tower of the Bronx-Whitestone Bridge at Old Ferry Point and a point at latitude 40°47′57″, longitude 73°52′16″; thence east of a line bearing 0° to latitude 40°48′06″; thence southeast of a line parallel to the bulkhead extending northeasterly to latitude 40°48′20″; thence north of a line bearing 296° to shore.

(4) *Anchorage No. 9.* East of a line from College Point Reef Light tangent to the west side of College Point; and south of a line from College Point Reef Light to Whitestone Point.

(5) *Anchorage No. 10.* An area in Flushing Bay, beginning at a point on shore at La Guardia Airport at latitude 40°46′49″, longitude 73°52′21″; thence to latitude 40°47′20″, longitude 73°51′55″; and thence to a point on shore at College Point at latitude 40°47′38″, longitude 73°51′15″; and an area on the west side of Bowery Bay, beginning at a point on shore at latitude 40°46′58″, longitude 73°53′46″; thence to latitude 40°47′03″, longitude 73°53′39″; thence to latitude 40°47′00″, longitude 73°53′31″; thence to latitude 40°46′55″, longitude 73°53′32″; and thence to a point on shore at latitude 40°46′49″, longitude 73°53′39″.

NOTE: Special anchorage areas in this anchorage are described in § 110.60.

(6) *Anchorage No. 11.* An area in East River beginning at a point on a pierhead at latitude 40°47′55″, longitude 73°53′-19.5″; thence to latitude 40°47′40″, longitude 73°51′58″; and thence to a point on shore at latitude 40°47′16″, longitude 73°52′15″.

(7) [Reserved]

(8) *Anchorage No. 14.* In Hallets Cove, east of a line from a point on shore 100 feet west of the southerly prolongation of 2d Street, Astoria, to Gibbs Point.

(c) *Hudson River*—(1) *Anchorage No. 16.* North of a line on a range with the north side of the north pier of the Union Dry Dock and Repair Company Shipyard, Edgewater, New Jersey; west of a line ranging 25° from a point 120 yards east of the east end of said pier to a point (500 yards from the shore and 915 yards from the Fort Lee flagpole) on a line ranging approximately 100° 22′ from the Fort Lee flagpole toward the square chimney on the Medical Center Building at 168th Street, Manhattan; and south of said line ranging between the Fort Lee flagpole and the square chimney on the Medical Center Building.

(i) Subject to the provisions for Anchorage No. 19 (for naval vessels), the Captain of the Port may shift the position, or clear the area, of any vessel so moored as to obstruct the use of this area for the additional anchorage of naval vessels when found necessary.

(2) *Anchorage No. 17.* North of a line bearing 66° from shore to a point at latitude 40°51′34″, longitude 73°56′54″; thence west of a line bearing 29° to latitude 40°52′27″, longitude 73°56′16″; thence 20° to latitude 40°54′17″, longitude 73°55′23″; thence 15° to latitude 40°56′20″, longitude 73°54′39″; thence south of a line bearing 284° to shore.

(i) Subject to the provisions for Anchorage No. 19 (for naval vessels), the Captain of the Port may shift the position, or clear the area, of any vessel so moored as to obstruct the use of this area for the additional anchorage of naval vessels when found necessary.

(3) *Anchorage No. 18–A.* East of lines bearing 8° from the northwest corner of the crib icebreaker north of the New York Central Railroad Company drawbridge across Spuyten Duyvil Creek (Harlem River) to a point 250 yards offshore and on line with the New York Central Railroad signal bridge at the foot of West

231st Street, extended, at Spuyten Duyvil, Bronx, New York; thence bearing 19° to the channelward face of the Mount St. Vincent Dock at the foot of West 261st Street, Riverdale, Bronx, New York.

(i) Subject to the provisions for Anchorage No. 19 (for naval vessels), the Captain of the Port may shift the position, or clear the area, of any vessel so moored as to obstruct the use of this area for the additional anchorage of naval vessels when found necessary.

(4) *Anchorage No. 18–B.* North of the south side of West 181st Street, prolonged; east of a line ranging 28° from the northwest corner of the east tower of George Washington Bridge and tangent to the east shore of the river at Inwood Hill Park; and south of the prolongation of the south side of Dyckman Street, Manhattan, New York, where it passes beneath the tracks of the New York Central Railroad.

(i) Subject to provisions for Anchorage No. 19 (for naval vessels), the Captain of the Port may shift the position, or clear the area, of any vessel so moored as to obstruct the use of this area for the additional anchorage of naval vessels when found necessary.

(5) *Anchorage No. 19 (for naval vessels).* North of a line bearing 298° and ranging from the south side of 70th Street, New York, to the south side of Pier 11–A, Weehawken; east of the east channel line of the federally improved Weehawken-Edgewater Channel, said east channel line being extended to a point opposite West 156th Street; thence east of a line bearing 17° ranging between the end of the pier at the foot of West 134th Street and a point on the George Washington Bridge 250 yards westward of the air beacon on the east bridge tower; and south of said bridge.

(i) [Reserved]

(ii) In the discretion of the Captain of the Port, small commercial or pleasure vessels may anchor in this area shoreward of a line extending from the channelward end of the New York Central Railroad pier at the foot of West 70th Street to the channelward end of the pier at the foot of West 129th Street and shoreward of the United States pierhead line between West 134th Street and a prolongation of the bridge over the New York Central Railroad tracks located 1,000 feet south of the George Washington Bridge.

(iii) The Captain of the Port may grant permission for one stake boat to occupy an area in the westerly 200-yard portion of the naval anchorage.

(iv) The Captain of the Port may permit limited temporary anchorage, not to exceed 24 hours, of commercial vessels awaiting berths in the westerly portion of the naval anchorage south of West 135th Street when use of the anchorage by naval vessels will permit.

(v) The established anchorages for naval vessels having been found inadequate at times when large numbers of such vessels are in the harbor, a numbered series of anchorages is defined and established as shown on Key Charts Nos. 1 to 4, inclusive (not published in this section) in order that when a necessity for additional anchorages arises, permission may be given naval vessels to anchor at designated points serially numbered from 2 to 40 for capital ships, from 100 to 129 for intermediate ships, from 213 to 399 for destroyers and small craft, and from 508 to 611 for the anchorage of destroyers and small craft on the east side of the river, when the space is not required for capital or intermediate ships. Berths 16 to 18, 546, 547, and 551 to 555, are for use only on occasions when the other numbered berths available are not sufficient for the accommodation of the naval ships present. The Captain of the Port, on request from the proper naval authorities, may grant permission to occupy the numbered anchorages outside or extending outside of Anchorage No. 19, provided those specified in the request can be made available, commercial conditions at the time being given proper consideration. If, in his opinion, there are reasons why the anchorage or anchorages asked for should not be assigned, he will confer with the naval officers making the request, and if other numbers can be agreed upon will authorize their use; otherwise he will communicate the request to the Secretary of the Army with a statement of the circumstances and his recommendation.

(vi) Whenever this area is required for the anchoring of naval vessels, it shall be immediately cleared of commercial vessels by the Captain of the Port upon request of the appropriate naval authority.

(d) *Upper Bay*—(1) *Anchorage No. 20.* Northeast of Ellis Island; southeast of a line ranging approximately 51° 15′ from the northwest corner of Ellis Island toward the end of Central Railroad of New Jersey Pier No. 7; south of a line ranging approximately 96° 20′ from the southeast corner of Central Railroad of New Jersey Pier No. 11, toward the outer end of the Staten Island Ferry rack on the Manhattan shore; west of a line ranging approximately 183° 30′ from the southeast corner of Lehigh Valley Railroad Pier "A" to latitude 40°41′54.3″, longitude 74°01′59″; and north of a line ranging approximately 85° 10′ from the southeast corner of the northerly half of Ellis Island toward the outer end of the Staten Island Ferry rack on the Manhattan shore.

(i) No vessel shall cast anchor within this area south of the northerly limit of the cable area shown on United States Coast and Geodetic Survey Chart No. 745, between Ellis Island and the Manhattan shore.

(2) *Anchorage No. 20–A.* South of a line bearing 102° and ranging between the southeast corner of the southerly half of Ellis Island and Governors Island Light; west of a line bearing 194°30′ from latitude 40°41′42″, longitude 74°02′02″, to Main Channel Lighted Bell Buoy 31, thence 206° to latitude 40°40′05″, longitude 74°02′55″; and north of a line extended and ranging 313° through Claremont Terminal Channel Buoy 2 and the northeast corner of Caven Point Pier.

(i) The portion of Anchorage No. 20–A which is easterly of a line ranging 204°30′ from the east end of the east landing pier on Bedloe's Island to Bayonne Terminal Lighted Bell Buoy 2 and Robbins Reef Lighted Gong Buoy 27 and the northerly prolongation of that line is set aside as a temporary anchorage for vessels arriving in and leaving port. No vessel shall occupy this anchorage for a longer period than 72 hours, unless a permit is obtained from the Captain of the Port for that purpose.

NOTE: Anchorage No. 49–B in this area is reserved for vessels carrying explosives (see paragraph (m) (1) of this section) and is excluded from use as a general anchorage.

(3) *Anchorage No. 20–B.* South of a line bearing 129° from the southeast corner of Pennsylvania Railroad pier "B", Greenville Terminal, to the center of the south pier of the Bethlehem Steel Company Drydock, Brooklyn; west of a line bearing 206° from latitude 40°39′50″, longitude 74°03′05″, to latitude 40°39′31.5″, longitude 74°03′17″; north of a line bearing 121° and ranging from New Jersey Pierhead Channel North Entrance Buoy 15 to the northwest corner of Pier 3, Brooklyn; west of a line bearing 204°30′ and ranging from Bayonne Terminal Lighted Buoy 1 through Robbins Reef Lighted Gong Buoy 27 and Coast Guard Depot North Dock Light, St. George, Staten Island; north of a line ranging 262° from Robbins Reef Lighted Gong Buoy 27; and northeast of the channel approach to the north side of Constable Point.

(i) The portion of Anchorage No. 20–B which is easterly of a line ranging 204°30′ from the east end of the east landing pier on Bedloe's Island to Bayonne Terminal Lighted Bell Buoy 2 and Robbins Reef Lighted Gong Buoy 27 is set aside as a naval anchorage. The Captain of the Port may permit commercial vessels to anchor temporarily in this area, ordinarily for not more than 24 hours, when the anchorage will not be needed for naval vessels. Commercial vessels so anchored shall be moved at their own expense whenever the anchorage is needed for naval vessels.

(4) No vessel shall anchor between Ellis Island and the piers of the Central Railroad of New Jersey, or in the dredged channel approaches to this space or the piers and wharves of the railroad, or in the dredged channel approaches to the National Docks at Black Tom Island, to Bedloe's Island, to the Greenville and Claremont Terminals, or in the New Jersey Pierhead Channel or near the entrances to said channels so as to obstruct the approaches or interfere in anyway with the free navigation thereof.

(5) *Anchorage No. 21.* North of the east-west line passing through Gowanus Flats Lighted Gong Buoy 22 and Bay Ridge Channel Lighted Bell Buoy 1; east of a line bearing 355° 45′ from Gowanus Flats Lighted Gong Buoy 22 to Gowanus Flats Lighted Bell Buoy 24, thence bearing 26° 08′ through Gowanus Flats Lighted Bell Buoy 26 and Gowanus Flats Lighted Bell Buoy 28 to Gowanus Flats Lighted Bell Buoy 30; south of a line bearing 65° 38′ from Gowanus Flats

Lighted Bell Buoy 30 to Red Hook Channel Lighted Bell Buoy 11, thence bearing 118° 46' to Red Hook Channel Lighted Bell Buoy 9; west of a line bearing 172°-50' from Red Hook Lighted Bell Buoy 9 to Bay Ridge Channel Lighted Bell Buoy 7, thence 218° 28' through Bay Ridge Channel Buoy 5 and Bay Ridge Channel Lighted Bell Buoy 3 to a point at latitude 40°38'41.5", longitude 74°02'34" and thence 197° 47' to Bay Ridge Channel Lighted Bell Buoy 1. A fairway 600 feet wide crossing the anchorage, marked by buoys at each entrance, shall be excluded therefrom. Its northerly side is on range with Claremont Terminal Lighted Buoy 1, at the entrance to Claremont Terminal Channel, and the center of the head of the north pier of the Long Island Railroad Terminal at the foot of 64th Street, Bay Ridge, Brooklyn. Anchorage No. 21 is divided into Anchorages Nos. 21-A and 21-B.

(i) *Anchorage No. 21-A (for barges).* That portion of Anchorage No. 21, northward of the fairway, northward and eastward of Anchorage No. 21-B. Deep-draft vessels are required to use the western half of the anchorage, light-draft vessels are required to use the eastern half, and barges drawing 12 feet or less are required to use that portion of the anchorage southward of a line ranging from the end of the 39th Street Ferry rack (northeast rack), Brooklyn, to Gowanus Flats Lighted Bell Buoy 28.

(ii) *Anchorage No. 21-B (for steamers).* That portion of Anchorage No. 21 southward of the fairway; and that portion of Anchorage No. 21, northward of the fairway, southward of a line ranging from the end of the 39th Street Ferry rack (northeast rack), Brooklyn, to Gowanus Flats Lighted Bell Buoy 28, and westward of a line ranging from the westerly point of Red Hook to the north corner of Pier 21 of the Pouch Terminal at Clifton, Staten Island.

(iii) *Use of Anchorages Nos. 21-A and 21-B.* Vessels of the various types required to use Anchorages Nos. 21-A and 21-B may be anchored in areas other than those set aside for them for a limited time after first obtaining a permit from the Captain of the Port, when and to the extent that they are not needed for vessels of the types assigned to them. No vessel shall occupy these anchorages for a period longer than 30 days, unless a permit is obtained from the Captain of the Port for that purpose.

(6) *Anchorage No. 23 (temporary general anchorage).* South of a line bearing 88° from the Turret Tower (Curtis High School), St. George, to its intersection at latitude 40°39'44", longitude 74°03'55", with a line bearing 146°30' from the westerly tank of Bayonne Naval Depot, west of lines bearing 146°30' from the westerly tank of Bayonne Naval Depot to latitude 40°38'25", longitude 74°03'38.5", thence 167° ranging from Robbins Reef Light to latitude 40°37'26.5", longitude 74°03'21"; and north of a line bearing 84° on a range with the latter point, the northeast corner of Pier 19, Staten Island, and the tower of the Marine Hospital, Stapleton, Staten Island.

(i) No vessel shall occupy this anchorage for a period longer than 48 hours, unless a permit is obtained from the Captain of the Port for that purpose.

(ii) The entire area is designated a "temporary general anchorage," but vessels arriving at quarantine may anchor within that portion of this anchorage south of a line bearing 262° which is in prolongation of the north side of Pier 10, Staten Island, whenever Quarantine Anchorage No. 24 is congested and fully utilized.

(7) *Anchorage No. 24 (quarantine anchorage).* South of a line bearing 84° from the tower of the Marine Hospital, Stapleton, Staten Island, through the northeast corner of Pier 19, Staten Island, to latitude 40°37'26.5", longitude 74°03'21"; west of a line bearing 167° ranging from Robbins Reef Light to latitude 40°36'32", longitude 74°03'04"; and north of a line bearing 270° on range with the latter point and the northerly corner of Fort Lafayette.

(i) Vessels arriving at quarantine and awaiting inspection shall anchor to the south of a line bearing 262° and ranging from the southeast corner of Pier 25, Staten Island, to the south chimney of the Wrigley Plant, and shall clear said area immediately after being granted pratique. Whenever the area south of Pier 25, Staten Island, is congested, vessels arriving at quarantine and awaiting inspection may anchor in the northern section of the quarantine anchorage. Such vessels must clear the anchorage within 24 hours after being granted pratique. Vessels arriving for quarantine may anchor in that portion of Anchorage No. 23 south of a line bearing 262° which is in prolongation of the north side of Pier 10, Staten Island, whenever the quarantine anchorage is congested and fully utilized. No vessel shall occupy this section of the anchorage for a period longer than 48 hours, unless a permit is obtained from the Captain of the Port for that purpose.

(ii) Whenever the quarantine anchorage and the southerly part of Anchorage No. 23 are fully utilized, vessels shall anchor as directed by the Captain of the Port.

NOTE: The establishment of quarantine anchorages and the issuance of rules and regulations governing quarantine and their enforcement are under the jurisdiction of the administrator, Federal Security Agency, and the foregoing quarantine anchorage has been established under his authority.

(e) *Gravesend Bay; Anchorage No. 25.* North of a line ranging 271°30' between Coney Island Light on Norton Point and the south point of Hoffman Island; east of a line bearing 342° from latitude 40°34'36", longitude 74°01'42", to latitude 40°35'59", longitude 74°02'17", and ranging through a point 250 yards due west of Fort Lafayette and a point 300 yards due east of Robbins Reef Light; and south of a line bearing 70° from latitude 40°35'59", longitude 74°02'17", through Fort Hamilton Southwest Buoy 20.

NOTE: Anchorage No. 49-C in this area is reserved for vessels carrying explosives (see paragraph (m) (2) of this section) and is excluded from use as a general anchorage.

(f) *Lower Bay*—(1) *Anchorage No. 26.* In Sandy Hook Bay south of a line extending from Point Comfort to Sandy Hook Point Light.

NOTE: Anchorages Nos. 49-F and 49-G in this area are reserved for vessels carrying explosives (see paragraph (m) (4) and (5) of this section) and are excluded from use as general anchorages.

(i) Pleasure or commercial craft may not navigate or moor within 750 yards of the Naval Ammunition Depot Pier at Leonardo, New Jersey, nor anchor in the approach channel or the turning basin adjacent thereto.

(ii) When immediate action is required and representatives of the Coast Guard are not present in sufficient force to exercise effective control of shipping, the Commanding Officer of the Naval Ammunition Depot at Earle, New Jersey, may control the anchorage or movement of any vessel, foreign or domestic, to the extent he deems necessary to insure the safety and security of his command.

(2) *Anchorage No. 27*—(i) *Atlantic Ocean.* South of Gedney Channel, west of a line ranging due north and south through Scotland Lightship, and north of a line ranging due east from Navesink Light: *Provided*, That no vessel shall anchor in South Channel.

(ii) *Romer Shoal.* Beginning at Gedney Channel Lighted Bell Buoy 2; thence to Ambrose Channel Entrance Lighted Whistle Buoy 1A; thence along the southwest side of Ambrose Channel to Ambrose Channel Lighted Whistle Buoy 9, and thence to Ambrose Channel Lighted Whistle Buoy 13; thence along a line ranging toward West Bank Light to its intersection with a line ranging from Ambrose Channel Lighted Buoy 15 to Chapel Hill Channel Buoy 14; thence to Swash Channel Lighted Gong Buoy 6; thence to Swash Channel Buoy 4A; thence to Romer South Edge Buoy 2S; and thence to Gedney Channel Lighted Bell Buoy 6 and along the north side of Gedney Channel to the point of beginning.

(iii) *Flynns Knoll.* Beginning at Sandy Hook Channel Lighted Bell Buoy 18; thence along the north side of Sandy Hook Channel to Sandy Hook Channel Lighted Buoy; thence along the southwest side of Swash Channel to Junction Buoy; thence along the east side of Chapel Hill Channel to Chapel Hill Channel Buoy 2; and thence to the point of beginning.

(3) *Anchorage No. 28.* West of lines bearing 154° 30' from Fort Wadsworth Light to Craven Shoal Lighted Bell Buoy 19A, thence in succession to the buoys marking the east side of West Bank and the buoys on the west side of Chapel Hill Channel to Southwest Spit Junction Lighted Gong Buoy, thence 182° to a line extending from Sandy Hook Point Light to Point Comfort; north of the latter line and the New Jersey shore; and east of a line bearing 353° from the head of the Keansburg Steamboat Pier at Point Comfort, through Great Kills Flat Buoy 4, to the Staten Island shore; excluding from this area, however, (i) the waters west

of a line ranging from the stack on Hoffman Island 344° through the northeast corner of the T-shaped pier at South Beach; northwest of a line ranging from Great Kills Light 39° and tangent to the offshore face of the T-shaped pier at Midland Beach; and northeast of a line ranging from the stack on Swinburne Island 301° to the shore end of the north jetty at New Creek; and (ii) the waters west of a line ranging from Conover Light at Leonardo, New Jersey, 340° through Old Orchard Shoal Light; northwest of a line bearing 230° from the stack on Hoffman Island; and northeast of a line ranging from Great Kills Light 332° through Marine Park Light at Crooks Point.

(g) *Kill Van Kull; Anchorage No. 29.* West of the westerly rack of the Bergen Point Ferry at Bayonne, New Jersey; north of a line ranging from the north end of Frank McWilliams, Inc., Pier 2, West New Brighton, Staten Island, to the southwest corner of the pier, foot of Humphreys Avenue, Bayonne; north of a line ranging 258° from the inshore end of the Bergen Point Ferry at Bayonne; thence north of a line ranging 90° from Bergen Point Light; thence southeast of a line running 55° to the shore at Bergen Point.

(h) *Newark Bay*—(1) *Anchorage No. 34.* South of the bridge of the Central Railroad Company of New Jersey; west of lines from a point on the bridge 100 yards west of the west pier of the west lift span to Newark Bay Channel Buoy 5, thence to the east end of the dike north of Shooters Island; north of the dike and a line ranging from the west end of the dike through Kill Van Kull Light 18 and Kill Van Kull Buoy 20; and east of a line 250 feet east of and parallel to the Singer Manufacturing Company bulkhead.

NOTE: A portion of this general anchorage is described as a special anchorage in § 110.60(r).

(2) *Anchorage No. 35.* North of Anchorage No. 29; east of lines ranging from the center of Bergen Point Light to the west pier of the west lift span of the Central Railroad of New Jersey bridge, extending to a point off the north side of the pier of the Texas Company, and thence to a point 100 yards east of the east pier of the east lift span of the railroad bridge; and south of the bridge.

(3) *Anchorage No. 36.* South of Port Newark Terminal Channel; west of a line ranging from a point 200 yards west of Newark Bay Light 3 to a point 100 yards west of the west pier of the west lift span of the Central Railroad of New Jersey Bridge; and north of said bridge.

(4) *Anchorage No. 37.* North of the Central Railroad of New Jersey bridge; east of a line ranging from a point 200 yards east of the east pier of the east lift span of the bridge to a point 200 yards east of the east end of the lift span of the Pennsylvania-Lehigh Valley Railroad bridge; and south of the latter bridge.

NOTE: A portion of this general anchorage is described as a special anchorage in § 110.60(q).

(5) *Anchorage No. 38.* North of the Pennsylvania-Lehigh Valley Railroad bridge; east of lines ranging through a point 200 yards east of the east end of the lift span of the said bridge and the red channel buoys marking the dredged channel in Newark Bay and Hackensack River; and south of the Central Railroad Company of New Jersey bridge.

(6) *Anchorage No. 39.* Between the entrance channels of the Hackensack and Passaic Rivers, northwest of lines from the abutment of the Central Railroad of New Jersey bridge on the west side of the Hackensack River to Hackensack River Light 1, and thence to Newark Bay Light 5, and east of a line from said light ranging toward the southeast corner of the Texas Company wharf, and of a line ranging from the southeast corner of Gross Wharf to the abutment and end of fill of the Central Railroad of New Jersey bridge on the east side of the Passaic River.

(i) *Arthur Kill*—(1) *Anchorage No. 41.* The passage between Pralls Island and Staten Island included between a line running 29° from the extreme northwest point of Pralls Island to a point on Staten Island and a line from the southern point of Pralls Island to the north side of the mouth of Neck Creek at Travis, Staten Island.

(2) *Anchorage No. 42.* East of lines ranging from the head of the Tottenville Shipyard Company pier at Tottenville, Staten Island, to the first pier of the Outerbridge Crossing west from the Staten Island shore, thence to Arthur Kill Light 10, thence to Arthur Kill Light 14, and thence to Arthur Kill Lighted Buoy 16; and south of a line from thence to Smoking Point.

(j) *Raritan Bay*—(1) *Anchorage No. 44.* An area in Raritan Bay located at the junction of Arthur Kill and Raritan River, beginning at a point at latitude 40°30'07", longitude 74°15'13"; thence to latitude 40°30'01", longitude 74°-15'30"; thence to latitude 40°29'27", longitude 74°15'06"; thence to latitude 40°29'24", longitude 74°15'01"; thence to latitude 40°29'15", longitude 74°-14'55"; thence to latitude 40°29'14", longitude 74°15'25"; thence to latitude 40°29'48", longitude 74°15'48"; and thence to the point of beginning.

(i) The anchorage is restricted to deep-draft vessels except that barges may moor in that portion of the anchorage southerly of latitude 40°29'22".

(ii) No vessel shall occupy the deep-draft portion of the anchorage for a longer period than 48 hours without a permit from the Captain of the Port.

(2) *Anchorage No. 45.* West of the Raritan Bay Channel leading into Arthur Kill; north of the Raritan River Channel leading into Raritan River; and east of the Cutoff Channel between Raritan River and Arthur Kill, except that part of the said area occupied by Anchorage No. 44.

(3) *Anchorage No. 45–A.* West of the Cutoff Channel between Raritan River and Arthur Kill; north of the Raritan River Channel; east of the New York and Long Branch Railroad bridge; and north of the Raritan River Channel to the prolongation of Market Street, Perth Amboy, New Jersey, in Arthur Kill.

(4) *Anchorage No. 46.* West of the west limit of Anchorage No. 28, as defined by a line bearing 353° from the head of the Keansburg Steamboat Pier at Point Comfort, through Great Kills Flat Buoy 4 to the Staten Island shore; north of Raritan Bay Channel as defined by the buoys and lights marking the north side of the channel, including Princess Bay; northeast of Raritan Bay Channel leading into Arthur Kill; and south of a line bearing 243° from the gable of a house at Ward Point, Staten Island.

(5) *Anchorage No. 47.* South of the Raritan River Channel from opposite the Sun Oil Company pier at South Amboy to Raritan River Buoy 3; thence south of a line in the direction of Boundary Daybeacon to latitude 40°28'48.5", longitude 74°14'31.6"; thence south of lines through Raritan Bay Light 7B, Raritan Bay Light 3A, and the buoys marking the south side of Raritan Bay Channel Off Seguine Point to the west limit of Anchorage No. 28 as defined by a line bearing 353° from the head of the Keansburg Steamboat Pier through Great Kills Flat Buoy 4 to the Staten Island shore; and west of the latter line.

(i) Vessels shall not anchor in the channel to Keyport Harbor west of lines ranging from Keyport Channel Buoy 1 to Keyport Channel Buoy 9, thence through Keyport Channel Buoys 11 and 13 to the northeast corner of the easterly steamboat wharf; and east of a line extending from a point 400 yards west of Keyport Channel Buoy 1 tangent to the west shore at the mouth of Matawan Creek.

NOTE: Anchorage No. 49–D in this area is reserved for vessels carrying explosives (see paragraph (m) (3) of this section) and is excluded from use as a general anchorage.

(k) *Sheepshead Bay*—(1) *Anchorage No. 48–A.* South of a line 25 feet south of and parallel to the bulkhead wall along the south side of Emmons Avenue; east of a line 200 feet east of and parallel to the prolonged west line of East 15th Street; north of a line 75 feet north of and parallel to the bulkhead wall along the north side of Shore Boulevard between Amherst Street and Dover Street and as prolonged to a point 315 feet south of the bulkhead wall along the south side of Emmons Avenue and 25 feet west of the prolonged west side of Ocean Avenue; and west of a line parallel to and 25 feet west of the prolonged west line of Ocean Avenue.

(2) *Anchorage No. 48–B.* South of the established United States Pierhead Line on the north side of the bay; west of the prolonged west line of Coyle Street; north of a line ranging from a point 90 feet south of said pierhead line in said prolonged west line of Coyle Street to the intersection of the south line of Shore Boulevard and the west line of Kensington Street; north of a line parallel to and 325 feet north of the bulkhead wall along the north side of Shore Boulevard; northeast of a line ranging from the point of intersection of the last-mentioned line with the prolonged east line of East 28th Street, toward a point.

on the prolonged east line of East 27th Street and 245 feet south of the established United States Pierhead Line on the north side of the bay; and east of the prolonged east side of East 27th Street.

(3) *Anchorage No. 48–C.* South of a line extending from a point 175 feet northerly of the bulkhead wall along the north side of Shore Boulevard (perpendicular distance) and in the prolonged west side of Hastings Street to a point on the prolonged east side of Mackenzie Street 125 feet north of the bulkhead wall on the north side of Shore Boulevard; thence south of a line parallel to and 125 feet northerly of the bulkhead wall along the north side of Shore Boulevard from the last-mentioned point to the prolonged west line of Coyle Street; west of the prolonged west line of Coyle Street; north of a line parallel to and 25 feet north of the bulkhead wall along the north side of Shore Boulevard; and east of the prolonged west side of Hastings Street.

(l) *General regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in the navigable waters of the Port of New York outside of the anchorage areas established in this section, nor cast anchor within a cable or pipe line area shown on a Government chart, nor be moored, anchored, or tied up to any pier, wharf, or vessel in such manner as to obstruct or endanger the passage of any vessel in transit by, or to or from, adjacent wharves, piers, or slips.

(2) No vessel shall occupy for a longer period than 30 days, unless a permit is obtained from the Captain of the Port for that purpose, any anchorage for which the time of occupancy is not otherwise prescribed in this section. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the Captain of the Port.

(3) Whenever, in the opinion of the Captain of the Port, such action may be necessary, that officer may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(4) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall be anchored with two anchors, with mooring swivel put on before the crew shall be reduced or released, unless the Captain of the Port shall waive the requirement of a mooring swivel.

(5) Anchors of all vessels must be placed well within the anchorage areas, so that no portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(6) Any vessel anchoring under circumstances of great emergency outside of the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

(7) When applied for, a berth in an anchorage, if available, shall be assigned to any vessel by the Captain of the Port. He may grant revocable permits for habitually maintaining and using the same mooring space in an anchorage area, but no vessel shall occupy continuously a berth in an anchorage area when a vessel in regular traffic requires the berth or when navigation would be menaced or inconvenienced thereby. The Captain of the Port is authorized to issue permits for maintaining mooring buoys. The method of anchoring these buoys shall be as prescribed by the Captain of the Port. No vessel shall moor in any anchorage in such a manner as to interfere with the use of a duly authorized mooring buoy. In case of emergencies the Captain of the Port is hereby authorized to shift the position of any unattended vessel moored in or near any anchorage. No vessel shall be navigated within the limits of an anchorage at a speed exceeding six knots when in the vicinity of a moored vessel.

(8) Barge dispensing stations and stake boats may be anchored in such places as the Captain of the Port may designate.

(9) Upon approval of the District Engineer, Corps of Engineers, the Captain of the Port may permit wrecking plant or other vessels legally engaged in recovering sunken property, or in laying or repairing pipe lines or cables legally established, or plant engaged in dredging operations, to anchor within channels of the Port of New York. Permit issued by the Captain of the Port is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer will notify the Captain of the Port in advance of all such proposed work.

(10) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage areas, of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel or obstruct or interfere with range lights and of any vessel which, lying at the exterior end of a pier or alongside an open bulkhead, obstructs or endangers the passage of vessels in transit by, or to or from, adjacent wharf property or impedes the movements of vessels entering or leaving adjacent slips.

(11) A vessel upon being notified to move into the anchorage limits or to shift its position on anchorage grounds, shall get under way at once or signal for a tug, and shall change position as directed, with reasonable promptness.

(12) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

(m) *Anchorages for vessels carrying explosives*—(1) *Anchorage No. 49–B.* On the New Jersey Flats, south of a line parallel to and 500 yards south of the National Docks (Black Tom) dredged channel; west of a line bearing 208° from the Torch, Statue of Liberty, and ranging through National Docks Channel Buoy 1 and New Jersey Pierhead Channel North Entrance Buoy 4; north of a line ranging through the latter buoy and New Jersey Pierhead Channel North Entrance Lighted Buoy 6; northeast of a line bearing 313° being parallel to and 500 yards north of Caven Point Pier; and east of a line bearing 38° from the twin chimneys on Constable Hook, New Jersey, through the brick pump house on the inshore end of the trestle to Caven Point Pier.

(i) Vessels shall not anchor within 800 yards of Bedloe's Island, within 500 yards of any pier, or within 100 yards of the New Jersey Pierhead Channel.

(ii) No vessel using this anchorage shall carry more than 20 tons of high explosives.

(iii) No vessel carrying explosives of any kind shall anchor in this anchorage within 500 feet of any other vessel carrying high explosives; except that the Captain of the Port may authorize the placing of moorings not less than 500 feet apart within this area and the making fast thereto of not to exceed three barges at each mooring, provided the combined load of the barges at a mooring is not more than 20 tons of high exposives.

(iv) Insofar as practicable, in the use of this anchorage preference shall be given to vessels storing explosives for current consumption.

(v) In cases of great emergency and when weather conditions are such that it is impossible for barges, scows, or lighters loaded with more than 20 tons of high explosives to proceed to Gravesend Bay or Raritan Bay, or lie at anchor there, such vessels may anchor temporarily in the Jersey Flats anchorage, but in each case the Captain of the Port must be immediately notified, and such vessel will not remain so anchored without his special permission.

(vi) This area shall not be used by vessels which do not carry explosives except in cases of great emergency.

(2) *Anchorage No. 49–C (naval and military anchorage).* In Gravesend Bay, north of a line bearing 260°30′ from latitude 40°34′58″, longitude 74°01′20″, to latitude 40°34′54″, longitude 74°01′49″, and ranging through the stack on Hoffman Island; east of a line bearing 342° from the last-mentioned point to latitude 40°35′59″, longitude 74°02′17″, and ranging 250 yards due west of Fort Lafayette; south of a line bearing 96° from the last-mentioned point to latitude 40°35′56″, longitude 74°01′45″; and west of a line bearing 343° from the last-mentioned point to latitude 40°34′58″, longitude 74°01′20″, and passing through Fort Hamilton Southwest Buoy 20.

(i) The Captain of the Port may permit the anchorage of commercial ves-

sels in the southerly part of the area south of a line bearing 252° from the flagpole in the vicinity of Bay Parkway, Brooklyn, when use of the anchorage by naval or military vessels will permit. Any commercial vessels so moored as to obstruct the use of the area for the anchorage of naval or military vessels may be required by the Captain of the Port to shift its position or clear the area when found necessary, at its own expense.

(ii) Fishing and navigation by pleasure and commercial craft are prohibited within the area at all times when vessels which are moored in the area for the purpose of loading or unloading explosives display a red flag by day or a red light by night, unless special permission is granted by the Captain of the Port.

(iii) Vessels carrying high explosives in this anchorage shall not anchor closer than 400 yards to one another, but the number of vessels which may anchor in the area at any one time shall be at the discretion of the Captain of the Port. This provision is not intended to prohibit barges or lighters from tying up alongside ships for the transfer of cargoes.

(iv) Vessels carrying high explosives shall not occupy this anchorage for a period of time longer than is necessary to receive or discharge such cargoes, or between sunset and sunrise except by special permit from the Captain of the Port in cases of great emergency.

(v) Barges and lighters loaded with explosives may anchor in the easterly portion of this area provided such barges and lighters are anchored so as not to approach one another closer than 300 feet. The Captain of the Port may authorize the placing of moorings in the easterly portion of the area and the making fast thereto of not to exceed three barges or lighters at each mooring, provided these moorings are so spaced that the vessels at one mooring shall at all times be not less than 300 feet from the vessels at an adjacent mooring.

(3) *Anchorage No. 49–D.* In Raritan Bay, south of a line bearing 250° from West Bank Light; west of a line ranging 137° from the tower of former Princess Bay Light to the tower of former Waackaack Light; north of a line ranging 250° from Old Orchard Shoal Light to Boundary Daybeacon; and east of a line bearing 306° from Boundary Daybeacon.

(i) This area shall not be used by vessels which do not carry explosives except in cases of great emergency.

(4) *Anchorage No. 49–F (emergency naval anchorage).* That portion of Sandy Hook Bay bounded by a line bearing 170°, 3,800 yards, from a point bearing 281°30′, 2,050 yards, from Sandy Hook Light; thence 260°, 500 yards; thence 350°, 3,800 yards; thence 80°, 500 yards, to the point of beginning.

(i) This anchorage is to be used for the anchorage of naval vessels during emergencies only.

(ii) No pleasure or commercial craft shall navigate or moor within this area at any time when naval vessels which are moored in the area display a red flag by day or a red light by night.

(5) *Anchorage No. 49–G (naval anchorage).* That portion of Sandy Hook Bay bounded by a line bearing 208°, 1,350 yards, from a point bearing 292°30′, 3,600 yards, from Sandy Hook Light; thence 298°, 620 yards; thence 2°, 1,250 yards; thence 107°, 1,150 yards, to the point of beginning.

(i) No pleasure or commercial craft shall navigate or moor within this area at any time when vessels which are moored in the area display a red flag by day or a red light by night.

(n) *Regulations for explosives anchorages.* (1) Anchorages Nos. 49–B, 49–C, 49–D, 49–F, and 49–G are reserved for vessels carrying explosives. All vessels carrying explosives shall be within these areas when anchored, except as provided in subparagraph (6) of this paragraph.

(2) A written permit shall be obtained from the Captain of the Port before vessels carrying explosives, or on which explosives are to be loaded, may proceed to the anchorages provided for them; and no vessel shall occupy a berth in such anchorage except by authority of such permit, which permit may be revoked at any time.

(3) Vessels used in connection with loading or unloading explosives on vessels in anchorage areas, including tugs and stevedore boats, shall carry a written permit from the Captain of the Port. The Captain of the Port may, in his discretion, require every person having business on board vessels which are being loaded with explosives, other than members of the crew, to have a pass from the Captain of the Port in such form as he shall prescribe. Such permit or pass shall be shown whenever required by him or by his authorized agents.

(4) Whenever any vessel not fitted with mechanical power anchors in the explosives anchorages while carrying explosives, the Captain of the Port may require the attendance of a tug upon such vessel when in his judgment such action is necessary.

(5) Vessels carrying explosives shall comply with the general regulations in paragraph (l) of this section when applicable.

(6) The District Engineer, Corps of Engineers, may authorize, in writing, a vessel carrying explosives for use on river and harbor works or on other work under federal permit issued by the District Engineer to anchor in or near the vicinity of such work without a permit from the Captain of the Port. The District Engineer will prescribe the quantities of such explosives allowed on such vessel and the conditions under which they are to be stored and handled, and will furnish the Captain of the Port with a copy of such safety instructions together with a copy of his written authorization.

(7) Every vessel loading, unloading, transporting, or containing explosives shall display by day a red flag at least 16 square feet in area at its masthead, or at least 10 feet above the upper deck if the vessel has no mast, and shall display by night a red light in the same position specified for the flag.

(8) When local regulations of any place require previous local authority for the transfer of explosives or fireworks between vessels or between a vessel and a wharf or other place ashore, the Captain of the Port will permit the removal from the anchorage of such vessel containing explosives to any place covered by such local regulations only when he is satisfied that the required local authority has been granted.

**§ 110.156 Randall Bay, Freeport, Long Island, N.Y.**

(a) *The anchorage grounds.* Southward of a line 312 feet south of and parallel to the south side of Casino Street; eastward of a line 215 feet east of and parallel to the east side of West Side Avenue, said line extending southerly to a point 233 feet north of the prolonged north side of Clinton Street; northeastward of a line from the last-mentioned point to a point 243 feet southerly of the prolonged south side of Clinton Street and 210 feet east of the east side of Prospect Street; eastward of a line 210 feet east of and parallel to the east side of Prospect Street; northward of a line 25 feet north of and parallel to the prolonged north side of Suffolk Street; westward of a line 210 feet west of and parallel to the west side of South Long Beach Avenue, said line extending northerly to a point 222 feet south of the prolonged south side of Queens Street; southwestward of a line from the last-mentioned point to a point 74 feet northerly of the prolonged north side of Queens Street and 120 feet west of the west side of Roosevelt Avenue; and westward of a line 120 feet west of and parallel to the west side of Roosevelt Avenue.

(b) *The regulations.* (1) When applied for, a berth in this anchorage, if available, may be assigned to any vessel by the Captain of the Port of New York.

(2) The Captain of the Port is authorized to issue permits for maintaining mooring buoys within the anchorage. The method of anchoring these buoys shall be as prescribed by the Captain of the Port.

(3) No vessel shall anchor in the anchorage in such manner as to interfere with the use of a duly authorized mooring buoy.

(4) No vessel shall be navigated within the anchorage at a speed exceeding six knots.

(5) In case of emergencies, the Captain of the Port is authorized to shift the position of any unattended vessel moored in or near the anchorage.

**§ 110.157 Delaware Bay and River.**

(a) *The anchorage grounds—(1) Anchorage A (tanker lightering) off the entrance to Mispillion River.* To the southwest of the channel along Brandywine Range, bounded as follows: Beginning at a point at latitude 38°57′42″ N., longitude 75°11′08″ W., bearing 246.5° true 7,400 yards from Brandywine Shoal Light; thence 330°, 5,000 yards; thence 240°, 2,000 yards; thence 150°, 5,000 yards; thence 060°, 2,000 yards, to the

point of beginning. This anchorage is intended for the specific purpose of allowing deep draft tankers to anchor and lighter their cargo before proceeding up the Delaware River. Supervision over the anchoring of vessels in the anchorage area will be exercised by the District Commander or his authorized representative. The provisions of paragraph (b) of this section shall be applicable to the anchoring of vessels in this anchorage, except for subparagraphs (1) and (2).

(2) *Anchorage 1 off Bombay Hook Point.* On the southwest side of the channel along Liston Range, bounded as follows: Beginning at a point (approximately latitude 39°17'59", longitude 75°23'07") bearing 228 from Ship John Shoal Light, 167 yards southwest of the southwest edge of the channel along Liston Range; thence 228°, 2,000 yards; thence 318°, 8,000 yards; thence 48°, 2,000 yards; and thence 138°, 8,000 yards, to the point of beginning.

(3) *Anchorage 2 (explosives) northwest of Artificial Island.* On the east side of the channel along Reedy Island Range, bounded as follows: Beginning at a point bearing 105° from the northernmost point of Reedy Island, 167 yards easterly of the east edge of the channel along Reedy Island Range; thence 105°, 800 yards; thence 195°, 4,500 yards; thence 285°, 800 yards, to a point (approximately latitude 39°28'58", longitude 75°33'37") opposite the intersection of Reedy Island and Baker Ranges; and thence 15°, 4,500 yards, to the point of beginning. This anchorage is intended for vessels engaged in the transportation and handling of explosives and other dangerous articles. No vessel not so engaged will be permitted to anchor in this anchorage except in case of emergency or by special permission of the District Commander. For special regulations relating to this anchorage, see paragraph (c) of this section.

NOTE: The term "District Commander" as used in this section means the Commander, Third Coast Guard District, or his authorized representative.

(4) *Anchorage 3 southeast of Reedy Point.* Southeast of the entrance to the Chesapeake and Delaware Canal at Reedy Point, bounded on the east by the west edge of the channel along Reedy Island and New Castle Ranges; on the west by a line beginning at a point on the west edge of the channel along Reedy Island Range at latitude 39°31'43", thence to a point bearing 168° 30', 3,150 yards, from Chesapeake and Delaware Canal 2 Light, and thence to a point bearing 131°, 1,160 yards, from Chesapeake and Delaware Canal 2 Light; and on the north by a line running from the last-described point 113° 30', approximately 813 yards, to the west edge of the channel along New Castle Range.

(5) *Anchorage 4 north of Reedy Point.* North of the entrance to the Chesapeake and Delaware Canal at Reedy Point, on the West side of the river, bounded as follows: Beginning at a point (approximately latitude 39°33'51", longitude 75°33'35") 344°58' true, 160 yards from Chesapeake and Delaware Canal Light 2; thence 306°26', 1,442 yards; thence 36°26', 377 yards; thence 126°26', 1,442 yards; thence 216°26', 377 yards to the point of beginning.

(6) *Anchorage 5 southeast of Pea Patch Island.* On the northeast side of the channel along New Castle Range, bounded as follows: Beginning at latitude 39°34'28", longitude 75°33'06"; thence 334°, 2,343 yards; thence 64°, 512 yards; thence 154°, 2,343 yards; and thence 244°, 512 yards, to the point of beginning.

(7) *Anchorage 6 off Deepwater Point.* Southeast of the entrance to Christina River, on the east side of the channel along Cherry Island Range, bounded as follows: Beginning at latitude 39°41'-31", longitude 75°30'55"; thence 17°, 2,747 yards; thence 112°, 847 yards; thence 215°, 1,340 yards; thence 204°, 893 yards; thence 186° 30', 500 yards; and thence 286°, 377 yards, to the point of beginning. Vessels must not cast anchor in the cable area at the lower end of this anchorage except in case of emergency.

(8) *Anchorage 7 off Marcus Hook.* On the southeast side of the channel along Marcus Hook Range, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°25'50"; thence northeasterly along the edge of the channel to longitude 75°23'30"; thence 207°, 933 yards; thence 237°, 2,692 yards; thence 267°, 933 yards, to the point of beginning. A preferential area in this anchorage is designated for the use of vessels awaiting quarantine inspection, this area being 333 yards wide on the downstream side of a line projected from Blueball Road in Marcus Hook. Should the remainder of the anchorage be in use, the preferential area, when available, may be used by vessels not subject to quarantine inspection.

(9) *Anchorage 8 off Thompson Point.* On the south side of the channel along Tinicum Range, between Thompson Point and the east side of Crab Point, bounded as follows: Beginning at a point on the south edge of the channel along Tinicum Range at longitude 75°18'24"; thence easterly along the edge of the channel to longitude 75°17'54"; thence 179°, 267 yards; thence 260°30', 793 yards; thence 358°, 425 yards, to the point of beginning.

(10) *Anchorage 9 near entrance to Mantua Creek.* On the southeast side of the channel along Mifflin Range, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°14'26"; thence northeasterly along the edge of the channel to longitude 75°12'01.5"; thence 203° 30', 933 yards; thence 233° 30', 3,058 yards; and thence 263° 30', 933 yards, to the point of beginning. Vessels must not cast anchor in this anchorage in such manner as to interfere unreasonably with the passage of other vessels to and from Mantua Creek.

(11) *Anchorage 10 (naval) at Naval Base, Philadelphia.* On the north side of the channel along West Horseshoe Range, bounded as follows: Beginning at the southeasterly corner of Pier 7 (approximately latitude 39°53'11", longitude 75°09'58.5"); thence 174°, 525 yards, to the north edge of the channel along West Horseshoe Range; thence 273° 30' along the edge of the channel, 880 yards; thence 354°, 433 yards, to the southeasterly corner of Pier 1; and thence 88° 30', 875 yards, to the point of beginning. This is a restricted naval anchorage.

(12) *Anchorage 11 at Gloucester.* On the east side of the channel south of the Walt Whitman Bridge at Gloucester, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°54'16"; thence 174°30', 500 yards, to latitude 39°54'02", longitude 75°07'43"; thence 202°, 1,133 yards; thence 217°30', 1,142 yards, to the east edge of channel; thence northeasterly along the edge of the channel to the point of beginning.

(13) *Anchorage 12 between Gloucester and Camden.* On the east side of the channel adjoining and on the upstream side of Anchorage 11, from Gloucester to Camden, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°54'16"; thence northerly along the edge of the channel to latitude 39°56'32.5"; thence 133°, 283 yards to a point on a line 100 feet west of the established pierhead line; thence southerly along this line to latitude 39°54'02"; thence 354°36', 500 yards to the point of beginning. The area between New York Shipbuilding Corporation Pier No. 2 and the MacAndrews and Forbes Company pier, Camden, shall be restricted to facilitate the movement of carfloats to and from Bulson Street, Camden. The area in front of the Public Service Electric and Gas Company pier shall be restricted to facilitate the movement of vessels to and from the pier. Should the anchorage become so congested that vessels are compelled to anchor in these restricted areas, they must move immediately when another berth is available.

(14) *Anchorage 13 at Camden.* On the east side of the channel adjoining and on the upstream side of Anchorage 12, to Cooper Point, Camden, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°56'32.5"; thence northerly along the edge of the channel to latitude 39°57'39.7"; thence 139°, 217 yards to a point on a line 100 feet west of the established pierhead line; thence southerly along this line to latitude 39°56'26.5"; thence 313°, 283 yards to the point of beginning.

(15) *Anchorage 14 opposite Port Richmond.* On the southeast side of the channel, north of Petty Island, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°05'43"; thence 163°, 248 yards; thence 253°, 1,978 yards, to the southeast edge of the channel; and thence northeasterly along the edge of the channel to the point of beginning. Vessels having a draft of less than 20 feet must anchor southwest of Pier No. 11, Port Richmond. The area off the Cities Service Oil Company wharves, Petty Island, shall be restricted to facilitate the movement of vessels to and from the wharves.

(16) *Anchorage 15 off northeasterly end of Petty Island.* On the southeast side of the channel, bounded as follows: Beginning at a point on the southeast edge of the channel at longitude 75°05'34.7"; thence northeasterly along the southeast edge of the channel to longitude 75°05'09.5"; thence 171°, 198 yards; thence 260°30', 667 yards; and thence 351°, 198 yards, to the point of beginning. When necessary, this anchorage will be reserved for vessels under the custody of the United States, at which time other vessels may be required by the District Commander to shift position.

(17) *Anchorage 16 between Port Richmond and Five Mile Point.* On the northwest side of the channel, bounded as follows: Beginning at a point on the northwest edge of the channel at longitude 75°05'35"; thence northeasterly along the edge of the channel to longitude 75°04'20"; thence 328°, 125 yards; thence 243°, 450 yards; thence 251°, 475 yards; thence 257°, 1,042 yards; thence 174°30', 122 yards, to the point of beginning. When necessary, this anchorage will be reserved for vessels under the custody of the United States, at which time other vessels may be required by the District Commander to shift position.

(b) *General regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in Delaware Bay and River between Ship John Light and The Pennsylvania Railroad Company bridge at Delair, New Jersey, outside of the anchorage areas established in this section, or within a cable or pipe line area shown on a Government chart, or be moored, anchored, or tied up to any pier, wharf, or other vessel in such manner as to obstruct or endanger the passage of any vessel. When an emergent condition exists due to congestion in the prescribed anchorage areas in the Delaware River, the District Commander may authorize the anchorage of vessels in locations other than the prescribed areas. Vessels so anchored must not be anchored within the channel limits. Any vessel anchored outside of the prescribed anchorage limits must move to a prescribed anchorage area when space becomes available.

(2) No vessel shall occupy any prescribed anchorage for a longer period than 48 hours without a permit from the District Commander. Vessels expecting to be at anchor for more than 48 hours shall obtain a permit from the District Commander for that purpose in either Anchorage 15 or Anchorage 16. No vessel in such condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the District Commander.

(3) Whenever, in the opinion of the District Commander such action may be necessary, he may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(4) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall, before release or reduction of the crew, be anchored with two anchors with mooring swivel unless the District Commander shall waive the requirement of a mooring swivel.

(5) Anchors shall be placed well within the anchorage areas, so that no portion of the hull or rigging will at any time extend outside of the anchorage area.

(6) Light-draft barges using the anchorages shall be anchored away from the deeper portions of the anchorages, so as not to interfere with the anchoring of deep-draft vessels. Any barges towed in tandem to an anchorage area shall be bunched together when anchoring.

(7) Upon approval of the District Engineer, Corps of Engineers, the District Commander may permit wrecking plant or other vessels legally engaged in recovering sunken property, or in laying or repairing pipe lines or cables, or plant engaged in dredging operations, to anchor in channels. Such permission is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer will notify the District Commander in advance of all such proposed work.

(8) Whenever the maritime or commercial interests of the United States so require, the District Commander is hereby empowered to shift the position of any vessel anchored or moored within or outside an anchorage area, including any vessel which is so moored or anchored as to obstruct navigation or interfere with range lights.

(9) A vessel upon being notified to shift its position shall get under way at once or signal for a tug and shall change position as directed with reasonable promptness.

(10) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the laws relating to lights and fog signals or other navigation laws and regulations.

(c) *Regulations for explosives anchorage.* (1) All vessels carrying explosives and other dangerous cargo as defined in Title 46, Code of Federal Regulations, § 146.03–8, or on which explosives and other dangerous cargoes are to be loaded, shall be within Anchorage 2 when anchored, except as provided in subparagraph (7) of this paragraph. The maximum amount of explosives, or other dangerous cargo for which a permit is required in 46 CFR Parts 146–149, which may be carried or loaded at any time by a vessel anchored within Anchorage 2 shall not exceed 800 tons, except in cases of great emergency or by special permit from the District Commander.

(2) A written permit shall be obtained from the District Commander before vessels carrying explosives and other dangerous cargoes, or on which explosives and other dangerous cargoes are to be loaded within the weight limit specified in subparagraph (1) of this paragraph, may anchor in Anchorage 2, and no vessel shall anchor therein except by authority of such permit, which may be revoked at any time. This anchorage shall not be used by vessels which do not carry explosives and other dangerous cargoes, or on which explosives and other dangerous cargoes are not to be loaded, except in cases of great emergency or by special permit from the District Commander. All other vessels used in connection with loading or unloading explosives and other dangerous cargoes in this anchorage shall carry written permits from the District Commander and shall show such permits whenever required by him.

(3) Vessels shall be anchored in Anchorage 2 so as to be at least 2,200 feet apart, but the number of vessels which may anchor in the anchorage at any one time shall be at the discretion of the District Commander. This provision is not intended to prohibit barges or lighters from tying up alongside the vessels for the transfer of cargoes.

(4) Whenever any vessel or barge not mechanically self-propelled anchors in Anchorage 2 while carrying explosives and other dangerous cargoes, or on which explosives and other dangerous cargoes are to be loaded within the weight limit specified in subparagraph (1) of this paragraph, the District Commander may require the attendance of a tug upon such vessel or barge when in his judgment such action is necessary.

(5) Every vessel transporting, stowing, storing, or handling explosives and other dangerous articles as cargo, within the weight limit specified in subparagraph (1) of this paragraph, in the vicinity of Anchorage 2 shall display by day a red flag at least 16 square feet in area at its masthead, or at least 10 feet above the upper deck if the vessel has no mast, and shall display by night a red light in the same position specified for the flag.

(6) Fishing and navigation are prohibited within Anchorage 2 at all times when vessels which are moored in the area display a red flag by day or a red light by night.

(7) The District Engineer, U.S. Army Engineer District, Philadelphia, may authorize, in writing, a vessel carrying explosives for use on river and harbor works or on other work under Department of the Army permit, to anchor in or near the vicinity of such work. The District Commander will prescribe the quantity of explosives allowed and the conditions under which explosives shall be stored and handled in such cases.

(8) Vessels carrying explosives and other dangerous cargoes, or on which explosives and other dangerous cargoes are to be loaded, within the weight limit specified in subparagraph (1) of this paragraph, shall comply with the general regulations in paragraph (b) of this section when applicable.

(9) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel, and all others concerned, of the duties and responsibilities imposed upon them

to comply with the regulations governing the handling, loading or discharging of explosives, and other dangerous articles, entitled "Subchapter N—Dangerous Cargoes." (46 CFR Parts 146 and 147.)

§ 110.159 Annapolis Harbor, Md.

(a) *The anchorage grounds*—(1) *Naval anchorage for deep draft vessels.* In Chesapeake Bay, bounded on the north by latitude 38°58′; on the east by a line bearing 203°05′ from latitude 38°58′, longitude 76°24′; on the south by latitude 38°56′30″; and on the west by a line bearing 139° from Greenbury Point Shoal Light. This anchorage is reserved for deep-draft naval vessels. Berths in the area will be assigned on application to the Commandant, Severn River Naval Command.

(2) *Middle Ground anchorage.* In Severn River, beginning at a point bearing 126°, 800 yards, from the mast at the intersection of the northeast and southeast seawalls of the Naval Academy grounds; thence 79°20′, 485 yards, to Annapolis Harbor Buoy 13; thence 144°, 220 yards; thence 153°10′, 715 yards; thence 270°, 175 yards; and thence 313°30′, 1,060 yards, to the point of beginning.

(3) *South anchorage.* In Severn River, begining at a point on the shoreline of Horn Point, Eastport, bearing 270° from Annapolis Harbor Buoy 5; thence 90° to Annapolis Harbor Buoy 5; thence 313°30′, 1,040 yards; thence 259°20′, 710 yards, to a point bearing 189°30′, 615 yards, from the mast at the intersection of the northeast and southeast seawalls of the Naval Academy grounds; and thence 160° to the shoreline at Eastport. No vessels shall anchor within 100 feet of any wharf, marine railway, or other structure without permission of the owner thereof.

(4) *Naval anchorage for small craft.* In Severn River, beginning at a point on the prolongation of the line of the northeast seawall of the Naval Academy grounds, 80 feet from the face of the southeast seawall of the Naval Academy grounds; thence 81°, 470 yards, to Annapolis Harbor Buoy 15; thence 125°45′, 580 yards; thence 259°20′, 1,035 yards; thence 310°, 230 yards; and thence 40°, parallel to the southeast seawall of the Naval Academy grounds, 400 yards, to the point of beginning. Except in case of emergency, no vessel shall be anchored in this area without permission of the Commandant, Severn River Naval Command. Anchorages will be assigned upon request to the station ship at the Naval Academy.

(5) *Anchorage A.* In Spa Creek, beginning at a point bearing 214°, 420 yards, from the mast at the intersection of the northeast and southeast seawalls of the Naval Academy grounds; thence 130°, 200 yards; thence 246°20′, 230 yards; thence 234°, 130 yards; thence 257°, 115 yards; thence 50°30′, 100 yards; thence 42°30′, 125 yards; and thence 34°, 200 yards, to the point of beginning.

(6) *Anchorage B.* In Spa Creek, beginning at a point bearing 204°, 660 yards, from the mast at the intersection of the northeast and southeast seawalls of the Naval Academy grounds; thence 144°, 22 yards; thence 204°45′, 140 yards; thence 214°, 195 yards; thence 331°, 160 yards; and thence 54°, 285 yards, to the point of beginning.

(b) *The regulations.* (1) Except in case of emergency, no vessel shall be anchored in the area to the north and east of the Annapolis Channel bounded on the east by Greenbury Point; on the south by a line bearing 270° from the southern tip of Greenbury Point; on the west by the Annapolis channel; and on the north by the southern boundary of the cable area and the shoreline of the Government reservation and Carr Creek.

(2) Except in case of emergency, no vessel shall be anchored in Annapolis Harbor to the westward of the dredged channel and northward of Annapolis Harbor Buoy 5 (off Horn Point, Eastport) outside of the established anchorage areas, except in Spa Creek and the area to the southwestward of the Naval anchorage for small craft. No vessel shall be so anchored that any part of the vessel extends at any time within this area. Any vessel anchoring, under great emergency, within this area shall be placed as close to an anchorage area as practicable, and shall move away immediately after the emergency ceases.

(3) No vessel shall be anchored in the cable and pipe-line area, lying between the Naval Academy and the Naval Engineering Experiment Station and having the following limits: Eastern limit, from mast at the landward end of Reina Mercedes Pier approximately 67° to white "Cable Crossing" sign at the Experiment Station; western limit, from "Cable Crossing" sign on the point at Fort Severn Beach 233° to America Dock, Naval Academy.

(4) Except in case of emergency, no vessel shall be anchored, without permission of the Commandant, Severn River Naval Command, in the Naval Academy Drill area described as follows: That portion of the Severn River lying to the northeastward of the Naval Academy, bounded on the north by the State Highway Bridge and on the south by the northern limit of the cable and pipe-line area, excluding that area off the eastern shoreline inclosed by a line extending approximately 131° between the eastern abutment of the State Highway Bridge and the outboard end of the pier on Ferry Point. This drill area also includes the lower part of Dorseys Creek below the Naval Academy Drawbridge. Requests to anchor in this drill area shall be made to the station ship at the Naval Academy.

(5) The restrictions in this section do not apply to the anchoring or marking by buoys of apparatus used for the purpose of taking sea food, except within the cable and pipeline area described in subparagraph (3) of this paragraph.

(6) The regulations in this section shall be enforced by the Commandant, Severn River Naval Command, and the Superintendent, United States Naval Academy, and such agencies as they may designate.

§ 110.166 York River, Va., naval anchorage.

(a) *The anchorage grounds.* Between Yorktown and the Naval Mine Depot, beginning at latitude 37°15′34″, longitude 76°31′ 25″; thence to latitude 37°-15′25″, longitude 76°31′39.5″; thence to latitude 37°16′21.5″, longitude 76°-32′46″; thence to latitude 37°17′07.5″, longitude 76°34′17″; thence to latitude 37°17′55″, longitude 76°35′14.5″; thence to latitude 37°18′05″, longitude 76°35′01″; thence to latitude 37°17′20″, longitude 76°34′07″; thence to latitude 37°16′33.5″, longitude 76°32′34″, and thence to the point of beginning.

(b) *The regulations.* This anchorage is reserved for the exclusive use of naval vessels and except in cases of emergency, no other vessel shall anchor therein without permission from the local naval authorities, obtained through the Captain of the Port, Norfolk, Virginia. Movement of vessels through the anchorage will not be restricted.

§ 110.168 Hampton Roads, Va., and adjacent waters.

(a) *Hampton Roads*—(1) *Anchorage A, Hampton Bar.* South of a line running from latitude 37°00′45″, longitude 76°20′36″, across the mouth of Hampton Creek to latitude 37°00′47″, longitude 76°19′56″; thence along the shore to a point east of Mill Creek at latitude 37°00′44″, longitude 76°19′38″; thence to latitude 37°00′15″, longitude 76°19′29″; thence to latitude 36°59′33″, longitude 76°18′57″; thence to latitude 36°59′11″, longitude 76°19′00″; thence to latitude 36°59′09″, longitude 76°19′-05″; thence to latitude 37°00′00″, longitude 76°22′08″; and thence northeast along the shoreline to the point of beginning.

(i) No vessel shall be anchored in such manner as to swing within 200 feet of the dredged channel leading to Hampton.

(ii) This anchorage is reserved for the use of vessels while undergoing examination by quarantine, customs, or immigration authorities. Upon completion of these examinations vessels shall move promptly to a regular anchorage.

(iii) The master of every mechanically propelled vessel using this anchorage shall keep the vessel in condition to move promptly under its own power upon notification by the Captain of the Port, and when any such vessel is in charge of a pilot the pilot shall remain on board until the vessel is safely anchored in a regular anchorage. No sailing vessel using this anchorage shall be left unattended by a tugboat while undergoing examination by quarantine, customs, or immigration authorities, except when its stay is likely to be of several hours' duration when it shall be anchored in the western part of the anchorage out of the way of other vessels before the tug and pilot leave.

(iv) No master of a vessel awaiting or undergoing quarantine inspection shall release any part of the crew until the vessel has been passed by the proper quarantine officials and safely anchored or moored in a regular anchorage.

(2) *Anchorage B, Hampton Flats (Naval).* Shoreward of a line described as follows: Beginning at latitude 37°00'00", longitude 76°22'08"; thence to latitude 36°59'08.5", longitude 76°-19'04.5"; thence to latitude 36°57'57.5", longitude 76°20'46.5"; and thence to latitude 36°58'56", longitude 76°23'47", including within the above-described limits an Explosives Handling Berth W covering a circular area of 1,200 yards diameter with its center at latitude 36°58'18", longitude 76°20'51".

(i) Vessels shall not be anchored within 425 yards of Anchorage F–1 when that anchorage is occupied by a vessel carrying explosives.

(ii) Vessels shall not be anchored within 300 yards of Explosives Handling Berth W when that berth is occupied by a vessel handling explosives.

(iii) Anchorage B, including Explosives Handling Berth W, is reserved for the use of Naval vessels, but in the absence of the fleet the Captain of the Port may, in his discretion, permit the anchorage and berth to be used by merchant vessels. Upon notification that need for occupancy by Naval vessels is expected, the Captain of the Port may cause a sufficient area in the anchorage to be vacated to accommodate the number of Naval vessels scheduled to arrive.

(3) *Anchorage C, Newport News Bar.* Shoreward of a line described as follows: Beginning at latitude 36°58'56", longitude 76°23'47"; thence to latitude 36°57'57.5", longitude 76°20'46.5"; thence to latitude 36°57'41", longitude 76°21'12.5"; thence to latitude 36°57'-35.5", longitude 76°21'29"; thence along the north side of Newport News Channel to latitude 36°57'20", longitude 76°24'-38"; and thence to the radio tower at approximately latitude 36°57'47.5", longitude 76°24'40.5".

(i) When Anchorage F–1, which lies within Anchorage C, is not occupied by vessels carrying explosives, it may be used as a general anchorage in the same manner as other portions of Anchorage C. It shall be vacated promptly upon notice from the Captain of the Port when a vessel carrying explosives, of a draft too great to permit it to use Anchorage F, desires to anchor therein. Vessels shall not be anchored within 425 yards of Anchorage F–1 when that anchorage is occupied by a vessel carrying explosives.

(ii) This anchorage is a general anchorage for all vessels, but when fleet operations are scheduled the Captain of the Port may, in his discretion, permit it to be used by naval vessels. Upon receiving word that any part of the fleet is expected, the Captain of the Port may cause a sufficient area in this anchorage to be vacated to accommodate the number of vessels scheduled to arrive.

(4) *Anchorage D.* Beginning at a point west of Norfolk Harbor Channel at latitude 36°57'33.5", longitude 76°20'31.7"; thence south to latitude 36°57'26", longitude 76°20'31.7"; thence to latitude 36°56'08", longitude 76°22'23"; thence to latitude 36°56'00", longitude 76°22'50"; thence to latitude 36°56'00", longitude 76°23'34"; thence to latitude 36°56'09.5", longitude 76°23'33.5"; thence to a point on the south side of Newport News Channel at latitude 36°57'27.5", longitude 76°21'41"; and thence along the south side of Newport News Channel and a line in prolongation thereof to the point of beginning.

(i) Vessels shall be anchored so as to leave a clear fairway 200 yards wide through this anchorage for the operation of shallow-draft vessels and tows.

(ii) This anchorage shall be used by deep-draft vessels, wind-bound vessels from Lambert Point and Sewall Point, and vessels awaiting turn for docking. Other vessels may use this anchorage when permitted by the Captain of the Port.

(5) *Anchorage E, Newport News Middle Ground.* Beginning at a point on the south side of Newport News Channel at latitude 36°57'27.5", longitude 76°21'-41"; thence to latitude 36°56'09.5", longitude 76°23'33.5"; thence to latitude 36°57'11", longitude 76°25'02.5"; and thence to and along the south side of Newport News Channel to the point of beginning.

(i) Vessels shall be anchored so as to leave a clear fairway 200 yards wide through this anchorage for the operation of shallow-draft vessels and tows.

(6) *Anchorage H.* Beginning at a point west of Norfolk Harbor Channel at latitude 36°57'26", longitude 76°20'-31.7"; thence southerly to latitude 36°57'07.7", longitude 76°20'31.9"; thence southeasterly to a point on the west side of Norfolk Harbor Channel at latitude 36°57'01.5", longitude 76°20'-22.3"; thence along the west side of Norfolk Harbor Channel to latitude 36°56'-00", longitude 76°20'27"; thence to latitude 36°56'00", longitude 76°22'50"; thence to latitude 36°56'08", longitude 76°22'23"; thence to the point of beginning.

(i) Vessels shall be anchored so as to leave a clear fairway 200 yards wide through this anchorage for the operation of shallow-draft vessels and tows.

(6–a) *Anchorage H–2 (Explosives).* (i) A circular area with a radius of 150 yards centered at latitude 36°55'52", longitude 76°21'21".

(ii) The net high-explosive content of any vessel anchored in the area shall not exceed 27 tons.

(iii) No vessel shall anchor within 500 yards of any vessel occupying the explosives-handling area.

(iv) The area shall not be occupied more than an average of two days per week.

(7) *Anchorages for vessels carrying explosives—(i) Anchorage F (for shallow-draft vessels).* Beginning at latitude 36°56'03", longitude 76°23'50"; thence to latitude 36°54'30", longitude 76°23'-55.5"; thence to latitude 36°54'30", longitude 76°24'59"; thence to latitude 36°56'44", longitude 76°24'50"; thence to the point of beginning.

(ii) *Anchorage F–1 (for deep-draft vessels).* Within Anchorage C and having a northeast boundary coincident with a portion of the northeast boundary of Anchorage C, beginning at latitude 36°58'06", longitude 76°21'13"; thence to latitude 36°57'49.5", longitude 76°21'-36"; thence to latitude 33°57'47.5", longitude 76°22'04"; thence to latitude 36°-57'56", longitude 76°22'30"; thence to latitude 36°58'19.5", longitude 76°21'-56"; thence to the point of beginning.

(iii) Vessels are forbidden to anchor within 425 yards of Anchorage F or between the northeast boundary of Anchorage F and the southwest boundary of Anchorage E.

(iv) When Anchorage F–1 is not occupied by vessels carrying explosives it may be used as a general anchorage in the same manner as other portions of Anchorage C, except that it shall be vacated promptly upon notice from the Captain of the Port when a vessel carrying explosives of a draft too great to permit it to use Anchorage F desires to anchor. When Anchorage F–1 is occupied by a vessel carrying explosives, vessels shall not anchor in Anchorages B and C within 425 yards of Anchorage F–1. No vessel carrying explosives shall be anchored in Anchorage F–1 so as to swing within 500 yards of the Newport News Channel.

(v) Vessels carrying explosives or other dangerous cargo, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances, shall be within Anchorage F or F–1 when anchored, except as provided in subdivision (x) of this subparagraph. Anchorage F is reserved for this special purpose and shall not be used by vessels carrying other classes of cargo except in cases of great emergency or by special permit from the Captain of the Port.

(vi) A written permit shall be obtained from the Captain of the Port before a vessel carrying explosives, or on which explosives are to be loaded, may proceed to an explosives anchorage; and no vessel shall occupy a berth in such an anchorage except by authority of such a permit which may be revoked at any time.

(vii) Vessels used in connection with loading or unloading explosives in anchorage areas, including tugs and stevedore boats, shall carry a written permit from the Captain of the Port. Such permits shall be shown whenever required by him or by his properly authorized agents.

(viii) Whenever any vessel not mechanically self-propelled anchors in an explosives anchorage while carrying explosives, the Captain of the Port may require the attendance of a tug upon such vessel when in his judgment such action is necessary.

(ix) Vessels carrying explosives shall comply with the general regulations in paragraph (h) of this section when applicable.

(x) The District Engineer, Corps of Engineers, may authorize a vessel carrying explosives for use on river and harbor works or on other work under permit issued by the District Engineer to anchor in or near the vicinity of such work without a permit from the Captain of the Port. The District Engineer will prescribe the quantities of such explosives allowed on such vessel and the conditions under which they are to be stored and handled, and will furnish the Captain of the Port with a copy of such instructions.

(b) *James River*—(1) *Anchorage G.* At the mouth of the river opposite Newport News; east of a line running from Barrel Point, latitude 36°54'53", longitude 76°28'51", across the mouth of Batten Bay to Candy Island, latitude 36°56'-18", longitude 76°29'05"; and shoreward of a line described as follows: Beginning at Fishing Point, latitude 36°57'50", longitude 76°29'38"; thence to latitude 36°59'08", longitude 76°27'56"; thence to latitude 36°58'37", longitude 76°26'-41"; thence to latitude 36°57'50", longitude 76°26'04"; thence to latitude 36°57'08.5", longitude 76°25'27"; thence to latitude 36°57'11", longitude 76°25'-04"; thence to latitude 36°55'52.5", longitude 76°25'09.5"; and thence to latitude 36°54'00", longitude 76°28'59".

(2) *Anchorage G–1.* On the northeast side of the river downstream from the James River Bridge, and shoreward of a line described as follows: Beginning at latitude 36°59'41", longitude 76°26'40"; thence to latitude 37°00'15", longitude 76°27'52"; and thence to latitude 37°00'-45", longitude 76°27'17".

(3) *Anchorage G–2.* On the northeast side of the river upstream from the James River Bridge, and shoreward of a line described as follows: Beginning at latitude 37°00'58", longitude 76°27'23"; thence to latitude 37°00'24", longitude 76°28'06"; thence to latitude 37°01'55", longitude 76°31'19"; and thence to latitude 37°03'06", longitude 76°30'29".

(c) *East of Norfolk Harbor Channel*—(1) *Anchorage K–1.* Shoreward of a line described as follows: Beginning at the shoreward end of the jetty north of Army Base Pier No. 2, latitude 36°55'13", longitude 76°19'42"; thence along the jetty to latitude 36°55'14", longitude 76°19'46.5"; thence along the jetty to latitude 36°55'10", longitude 76°19'49.5"; thence to a point on the east side of Norfolk Harbor Channel at latitude 36°55'06", longitude 76°20'22"; thence northerly along the east side of Norfolk Harbor Channel to latitude 36°55'36.5", longitude 76°20'20"; and thence to latitude 36°55'38", longitude 76°19'47".

(2) *Anchorage K–2.* South of a line running from Tanner Point latitude 36°54'13", longitude 76°19'25", across the mouth of Lafayette River to latitude 36°54'14", longitude 76°18'43"; and shoreward of a line described as follows: Beginning at latitude 36°52'56", longitude 76°19'08"; thence to a point on the east side of the dredged area alongside Norfolk Harbor Channel at latitude 36°53'04.5", longitude 76°19'58.5", thence northerly along the side of the dredged area to latitude 36°53'27", longitude 76°20'02"; thence northwesterly along the side of the dredged area to latitude 36°53'31", longitude 76°20'06"; thence northerly along the east side of Norfolk Harbor Channel to latitude 36°54'45.5", longitude 76°20'19"; and thence to latitude 36°54'49", longitude 76°19'40.5".

(i) Anchorage is prohibited in the dredged channel to Lafayette River.

(3) *Anchorage K–3 (for yachts and pleasure craft).* That part of Lafayette River upstream from Anchorage K–2 and downstream from a line crossing the river below the Hampton Boulevard bridge from latitude 36°54'27.5", longitude 76°18'22.5", to latitude 36°54'11", longitude 76°18'18".

(i) Anchorage is prohibited in the dredged channel in Lafayette River.

(d) *Elizabeth River*—(1) *Anchorage H–1, West Norfolk.* An improved anchorage on the west side of Norfolk Harbor Channel, south of Craney Island, providing anchorage spaces 38 and 35 feet deep, each with a swing radius of 750 feet, and 3 anchorage spaces 20 feet deep, each with a swing radius of 500 feet, bounded as follows: Beginning at a point on the western boundary of Norfolk Harbor Channel at latitude 36°52'51.6", longitude 76°20'08.8"; thence westerly to latitude 36°52'48.2", longitude 76°20'39.3"; thence southerly to latitude 36°52'18.8", longitude 76°20'34.3"; thence easterly to latitude 36°52'22.2", longitude 76°20'03.8"; and thence northerly along the western boundary of Norfolk Harbor channel to the point of beginning.

(i) No vessel shall remain anchored in this anchorage awaiting loading for a period longer than 48 hours, except when non-availability of loading facilities, inclement weather, ice conditions, or other conditions reasonably require a longer period in awaiting turn for docking.

(ii) No vessel after receiving its load shall remain more than 12 daylight hours in this anchorage, i. e., vessels loaded during the afternoon or night shall clear the anchorage prior to the hour of darkness of the following day.

(2) *Anchorage L.* On the northeast side of Elizabeth River, south of Lambert Point, and shoreward of a line described as follows: Beginning at latitude 36°52'06.5", longitude 76°19'04.5"; thence to latitude 36°51'56.5", longitude 76°19'20"; thence to latitude 36°52'13", longitude 76°19'44.5"; and thence to latitude 36°52'21", longitude 76°19'34".

(3) *Anchorage M.* On the northeast side of Elizabeth River, opposite Pinner Point, and shoreward of a line described as follows: Beginning at latitude 36°51'29.5", longitude 76°18'37"; thence to latitude 36°51'32", longitude 76°18'45.5"; thence to latitude 36°51'42", longitude 76°19'00"; and thence to latitude 36°51'52", longitude 76°18'47.5".

(4) *Anchorage N–1, Smith Creek (for yachts and pleasure craft)*—(i) *Mowbray Arch.* Between Mowbray Arch and a line described as follows: Beginning at Ghent Bridge 150 feet from Mowbray Arch and continuing westerly the same distance therefrom to the intersection of the prolongation of the east side of Colonial Avenue; thence in a straight line to a point on the south side of Mill Street prolonged and 70 feet from Mowbray Arch; thence parallel to and 70 feet from Mowbray Arch to the south side of Pembroke Avenue prolonged; thence along the prolongation of the south side of Pembroke Avenue to a point 50 feet from Mowbray Arch; and thence in a straight line to a point on the south side of Fairfax Avenue prolonged and 40 feet from Mowbray Arch.

(ii) *The Hague.* Between the wall on the west side of the Hague and a straight line joining a point 40 feet easterly thereof in the south side of Fairfax Avenue prolonged with a point 70 feet easterly from the wall in a line perpendicular to the wall at the south end thereof.

(iii) No floats, rafts, lighters, houseboats, or other craft laid up for any reason shall be permitted within these anchorages, except by permission of the Captain of the Port.

(iv) No vessel shall anchor or moor alongside any wharf or pier in Smith Creek so as to extend more than 40 feet beyond the pierhead line except in the authorized anchorages.

(5) *Anchorage O, Hospital Point.* On the southwest side of Elizabeth River, adjacent to the Portsmouth Naval Hospital, and shoreward of a line described as follows: Beginning at latitude 36°50'57", longitude 76°18'43"; thence to a point on the southwest side of Norfolk Harbor Channel at latitude 36°51'-05", longitude 76°18'23"; thence southeasterly along the side of the channel to latitude 36°50'49.5", longitude 76°18'00"; thence southeasterly along the side of the channel to latitude 36°50'33.5", longitude 76°17'50.5"; and thence to latitude 36°50'27", longitude 76°17'55".

(6) *Anchorage P, Port Norfolk.* On the southwest side of Elizabeth River, between Pinner Point and Western Branch Channel, and shoreward of a line described as follows: Beginning at latitude 36°51'25", longitude 76°19'59"; thence to latitude 36°51'44.5", longitude 76°19'47"; thence to a point on the southwest side of Norfolk Harbor Channel at latitude 36°52'01", longitude 76°19'42.5"; thence southeasterly along the side of the channel to latitude 36°51'32", longitude 76°19'01"; and thence to latitude 36°51'18", longitude 76°19'16".

(e) *Eastern Branch of Elizabeth River*—(1) *Anchorage Q, Berkley.* South of the channel, shoreward of a line described as follows: Beginning at latitude 36°50'20", longitude 76°17'12.5"; thence to latitude 36°50'24", longitude 76°17'14.5"; thence to latitude 36°50'-22.5", longitude 76°16'58.5"; and thence to latitude 36°50'13", longitude 76°16'59".

(2) *Anchorage R*—(i) *Section 1.* South of the channel, shoreward of a line described as follows: Beginning at latitude 36°50'11", longitude 76°16'17"; thence to latitude 36°50'18", longitude 76°16'19"; thence to latitude 36°50'20", longitude 76°16'05"; and thence to latitude 36°50'14.5", longitude 76°16'03".

(ii) *Section 2.* South of the channel, shoreward of a line described as follows: Beginning at latitude 36°50'15", longitude 76°15'48.5"; thence to latitude 36°50'21", longitude 76°15'50.5"; thence to latitude 36°50'17", longitude 76°-15'18"; and thence to latitude 36°50'11", longitude 76°15'20".

(iii) *Section 3.* South of the channel, shoreward of a line described as follows:

Beginning at latitude 36°50'10", longitude 76°15'15"; thence to latitude 36°-50'15.5", longitude 76°15'12.5"; thence to latitude 36°50'10.5", longitude 76°14'-50"; and thence to latitude 36°50'08", longitude 76°14'51".

(iv) No vessel shall anchor within 200 feet of permanent improvements.

(3) *Anchorage S*—(i) *Section 1.* On the north side of the river, upstream from the Virginian Railway bridge, and shoreward of a line described as follows: Beginning at latitude 36°50'23", longitude 76°14'18"; thence to latitude 36°-50'18.5", longitude 76°14'18"; thence to latitude 36°50'14", longitude 76°14'35"; and thence to latitude 36°50'19.5", longitude 76°14'33".

(ii) *Section 2.* On the north side of the Eastern Branch, below the mouth of Broad Creek, and shoreward of a line described as follows: Beginning at latitude 36°50'22.5", longitude 76°13'50"; thence to latitude 36°50'19.5", longitude 76°14'-12.5"; and thence to latitude 36°50'24", longitude 76°14'13".

(iii) Anchorage is prohibited within 200 feet of permanent improvements.

(f) *Willoughby Bay*—(1) *Anchorage J–1 (for yachts and pleasure craft).* East of the west end of Willoughby Spit, shoreward of a line running from latitude 36°57'54", longitude 76°17'46", to latitude 36°57'50.5", longitude 76°17'-49".

(2) *Anchorage J–2 (for yachts and pleasure craft).* South of Willoughby Spit, shoreward of a line described as follows: Beginning at latitude 36°57'42", longitude 76°16'21.5"; thence to latitude 36°57'44.5", longitude 76°17'27"; thence to latitude 36°57'48", longitude 76°17'-43"; and thence to latitude 36°57'55.5", longitude 76°17'44".

(g) *Lower Chesapeake Bay south of Thimble Shoal Channel*—(1) *Anchorage L–A (naval).* Between Cape Henry and Little Creek, beginning at latitude 36°57'11.0", longitude 76°03'03.0"; thence to latitude 36°55'41.0", longitude 76°03'14.5"; thence to latitude 36°56'-22.0", longitude 76°05'53.5"; thence to latitude 36°57'01.5", longitude 76°05'-59.0"; thence to latitude 36°57'57.0", longitude 76°09'35.0"; thence to latitude 36°58'47.0", longitude 76°09'08.5"; thence to the point of beginning.

(i) This anchorage is reserved primarily for the use of naval vessels, but in the absence of the fleet the Captain of the Port may, in his discretion, permit it to be used by merchant vessels. Movement of vessels through the area will not be restricted.

(2) *Anchorage L–C.* Northwest of Anchorage L–A, beginning at latitude 36°59'14", longitude 76°10'56.5"; thence to latitude 36°58'18.3", longitude 76°10'-54"; thence to latitude 36°58'59", longitude 76°13'32.5"; thence to latitude 36°59'56", longitude 76°13'36.3"; thence to the point of beginning.

(i) This anchorage is primarily for the use of merchant vessels but the Captain of the Port may, in his discretion, permit it to be used by naval vessels, the commercial conditions at the time being given due consideration. No vessels shall occupy any berth in this anchorage without first obtaining permission from the Captain of the Port.

(3) *Anchorage L–E (for naval amphibious craft).* Southwest of Anchorage L–A, east of the Little Creek thorofare, and shoreward of a line described as follows: Beginning at Little Creek Harbor Jetty 1 light (approximately latitude 36°55'57.0", longitude 76°10'36.0"); thence to latitude 36°58'04.0", longitude 76°10'02.0"; thence to latitude 36°57'-31.5", longitude 76°07'55.0"; thence to latitude 36°55'25.0", longitude 76°08'-28.5".

(i) This anchorage is reserved for the exclusive use of naval vessels and, except in case of emergency, no other vessel shall anchor therein without permission from local naval authorities, obtained through the Captain of the Port, Norfolk, Virginia. Movement of vessels through the anchorage will not be restricted.

(h) *General regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in Hampton Roads or adjacent waters outside of the anchorage areas established in this section or within a cable or pipe line area shown on a Government chart, nor be moored, anchored, or tied up to any pier, wharf, or other vessel in such manner as to obstruct or endanger the passage of any vessel.

(2) No vessel shall occupy for a longer period than 30 days, unless a permit is obtained from the Captain of the Port for that purpose, any anchorage for which the time of occupancy is not otherwise prescribed in this section. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the Captain of the Port.

(3) Whenever, in the opinion of the Captain of the Port, such action may be necessary, that officer may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(4) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall, before release or reduction of the crew, be anchored with two anchors with mooring swivel unless the Captain of the Port shall waive the requirement of a mooring swivel.

(5) Anchors shall be placed well within the anchorage areas, so that no portion of the hull or rigging will at any time extend outside the boundaries of the anchorage area.

(6) Any vessel anchoring under circumstances of great emergency outside an anchorage area shall be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any other vessel, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

(7) Upon application, a berth in an anchorage, if available, will be assigned to any vessel by the Captain of the Port. He may grant revocable permits for the habitual use of the same berth, and no vessel shall occupy a berth habitually except under authority of such a permit.

(8) Upon approval of the District Engineer, Corps of Engineers, the Captain of the Port may permit wrecking plant or other vessels legally engaged in recovering sunken property or in laying or repairing legally established pipe lines or cables, or plant engaged in dredging operations, to anchor in channels. Such permission is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer will notify the Captain of the Port in advance of all such proposed work.

(9) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vessel anchored or moored within or outside an anchorage area, including any vessel which is so moored or anchored as to obstruct navigation or interfere with range lights.

(10) A vessel upon being notified to shift its position shall get under way at once or signal for a tug and shall change position as directed with reasonable promptness.

(11) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the laws relating to lights and fog signals or other navigation laws.

§ 110.173 Port of Charleston, S.C.

(a) *The anchorage grounds.* The anchorage grounds for general use shall include all the navigable portions of the harbor and the portions of Cooper, Ashley, and Wando Rivers adjacent thereto, except the following:

(1) *Areas of prohibited anchorage.* (i) A ship channel 1,000 feet wide between the jetties, thence 800 to 400 feet wide (or as much wider as an improved channel may hereafter be dredged), following the established ranges and usual courses and passing east of Drum Island to Goose Creek. Between the north Customhouse Wharf and the northernmost building ways of the Todd Shipyard Corporation, this shall include all the area between the western limit of the Channel and the eastern waterfront of Charleston.

(ii) A ship channel 500 feet wide from the northernmost building ways of the Todd Shipyards Corporation north through Town Creek, following the established ranges and usual courses and connecting at both ends with the main channel.

(iii) A ship channel in Ashley River from its mouth to Standard Wharf 300 feet wide following the established ranges and usual courses and widened at bends and at the upstream and downstream ends.

(iv) The commonly used channel in Wando River, with width of 200 feet.

(v) The commonly used channel in Hog Island Channel with a width of 200

feet from Cooper River to the area opposite Shem Creek.

(2) *Anchorage for explosives.* Vessels carrying explosives may anchor only in that section of the Wando River designated as "Anchorage for Explosives," which lies on the west side of that river in the area one mile upstream of the south end of Daniel Island: *Provided,* That vessels carrying explosives shall not anchor within 400 yards of each other, but this provision is not intended to prohibit lighters from lying alongside ships for the transfer of cargo.

(3) *Special anchorages.* Two special anchorages are provided in Cooper River along the eastern waterfront of Charleston. The use of these special anchorages is limited to loaded vessels for a period of not more than 72 hours. The bearings and distances for the centers of these special anchorages are from the tank atop the Fort Sumter Hotel on the Battery at Charleston:

(i) 30°30′ true; 2, 687 yards; diameter of anchorage, 1,400 feet.

(ii) 37°00′ true; 2,017 yards; diameter of anchorage, 1,400 feet.

(b) *The regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in the prohibited areas described in paragraph (a) of this section, nor shall any vessel be so anchored that it can swing within 400 feet of any wharf or pier on the eastern waterfront of Charleston.

(2) Vessels using the two special anchorages opposite the eastern waterfront of Charleston shall place their anchors as near as possible in the center of the anchorage. Vessels not using a special anchorage shall not place their anchors within the areas of prohibited anchorage, but vessels may be so anchored as to swing into these areas: *Provided,* That that they are so placed, with reference to the customary winds, tides, and currents of the harbor, that they will swing only during slack water, and at this period there shall remain in the waters adjacent to the channel an area providing sufficient depth so as to permit the safe passage of loaded vessels.

(3) Vessels must be anchored in such a way as not to interfere with the free navigation of channels of the port, including Cooper, Ashley, and Wando Rivers, Town Creek, and Hog Island Channel, or to obstruct the approach to any pier or entrance to any slip, or to impede the movement of any vessel or craft.

(4) Dragging of anchors in or across the areas of prohibited anchorage is prohibited.

(5) Vessels which, through force of great emergency, are anchored contrary to the foregoing regulations in this section shall be shifted to new berths in accordance with such regulations at the earliest opportunity.

(6) A vessel, upon notification from the Captain of the Port to shift its position in anchorage grounds or out of areas of prohibited anchorage, must get under way at once or signal for a tug, and must change position as directed with reasonable promptness.

(7) Vessels carrying explosives shall be anchored only within the anchorage ground described in paragraph (a) (2) of this section, which may be used also by vessels carrying other classes of freight when proper anchorage space is not available elsewhere in the harbor, including the connecting rivers.

(8) Vessels carrying explosives shall be at all times in charge of competent persons, and must display by day a red flag, of at least 16 square feet, at the masthead, or at least 10 feet above the upper deck if the vessel has no mast; at night a red light shall be displayed in the same positions specified for the red flag. No smoking will be permitted on or near such vessels, and no persons under the influence of liquor will be allowed on board any vessel, barge, or scow carrying explosives, nor will they be allowed to approach such vessels.

(9) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of law for obstructing navigation, or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, etc.

### § 110.178 Wilmington River, Ga.

(a) *The anchorage grounds.* An area in the Wilmington River in the vicinity of Thunderbolt Harbor to the westward of a line from the southeasterly corner of the outer end of the wharf of the Shrine Club, bearing 183°, 480 feet, to a point marked with a buoy; thence 204°30′, 2,280 feet, to the Maggioni Packing Plant.

NOTE: Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited.

(b) *The regulations.* (1) Except in cases of great emergency, no vessel shall anchor in Wilmington River between the State Highway bridge at Thunderbolt, and 4,000 feet to the southward, except in the anchorage area hereby defined and established: *Provided, however,* That vessels may moor to any lawfully constructed wharf.

(2) Anchors must not be placed outside the anchorage area, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundary of the anchorage area.

(3) Any vessel anchoring under circumstances of great emergency outside of the anchorage area should be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases or upon notification by the District Commander.

(4) A vessel, upon being notified to move into the anchorage limits or to shift its position on anchorage grounds, must get underway at once and must change position as directed, with reasonable promptness.

(5) Whenever the maritime or navigation interest of the United States so require, the District Engineer is hereby empowered to shift the position of any vessel anchored within the anchorage area and of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel.

(6) Nothing in this section shall be construed as relieving the owner of or person in charge of any vessel from the penalties of the law for obstructing navigation or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the law.

### § 110.179 Skidaway River, Isle of Hope, Ga.

(a) *The anchorage ground.* An area in Skidaway River beginning at a point on the mean low water line 400 feet south of Brady Boat Works, thence 76°30′, 300 feet to a buoy; thence 152°30′, 900 feet to a buoy; thence 251°00′, 450 feet to the mean low water line at Wymberly Yacht Club dock.

(b) *The regulations.* (1) Except in cases of great emergency, no vessels shall anchor in Skidaway River between the north end of Barbee's dock and southward to Day Marker 48 except in the anchorage area hereby defined and established: *Provided, however,* That vessels may moor to any lawfully constructed wharf.

(2) Except in cases of great emergency, no vessel shall be anchored where it can swing within 50 feet of any lawfully constructed wharf or within 50 feet of the mean low water line, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundary of the anchorage area.

(3) Any vessel anchoring under circumstances of great emergency outside the anchorage area should be placed in such a position as not to interfere with the free navigation of the channel nor obstruct the approach to any lawfully constructed wharf nor impede the movement of any boat, and shall move away immediately after the emergency ceases or upon notification of the District Commander.

(4) No vessels with an overall length greater than 65 feet will use the anchorage area except in cases of great emergency.

(5) Vessels operating within the anchorage area will not exceed a speed of five (5) miles per hour.

### § 110.182 Atlantic Ocean off Fort George Inlet, near Mayport, Fla.

(a) *The Anchorage areas*—(1) *Anchorages for aircraft carriers and other deep draft vessels.* Four circular areas each with a radius of 600 yards and with their centers located at: "A"—latitude 30°25′35″, longitude 81°21′23″; "B"—latitude 30°26′13″, longitude 81°21′13″; "C"—latitude 30°26′19″, longitude 81°20′27″; "D"—latitude 30°26′55″, longitude 81°20′47″.

(2) *Anchorages for destroyers and other ships of similar size.* Six circular areas each with a radius of 300 yards and with their centers located at: "1"—latitude 30°24′38″; longitude 81°21′57″; "2"—latitude 30°24′57″, longitude 81°-

21'58"; "3"—latitude 30°24'56", longitude 81°21'38"; "4"—latitude 30°25'13", longitude 81°22'05"; "5"—latitude 30°25'13", longitude 81°21'43"; "6"—latitude 30°25'07", longitude 81°21'24".

(3) *Explosives anchorage.* The circular area "A" described in paragraph (a)(1) of this section is also designated as an explosives anchorage for use during periods when ammunition must be handled outside the limits of the U.S. Naval Station, Mayport, Fla.

(b) *The regulations for all designated areas.* (1) Usage of these areas by naval vessels shall predominate only when necessary for military requirements; at such times other vessels shall remain clear of the areas.

(2) Prudent assignment of the anchorage areas shall be made by the Commanding Officer, U.S. Naval Station, Mayport, Fla.

(c) *Additional regulations for Explosives Anchorage Area "A".* (1) When occupied by a vessel handling explosives, no other vessel may enter the area unless authorized by the enforcing agency.

(2) Only one vessel handling explosives may anchor in the area at one time. A patrol craft shall be utilized to assure that other vessels remain clear when explosives are exposed or being transferred to and from the anchorage.

(3) No more than 500,000 pounds net high explosives or equivalent may be exposed in the area at any one time.

(d) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Station, Mayport, Fla., or other agencies that he may designate.

**§ 110.183 St. Johns River, Fla.**

(a) *The anchorage grounds*—(1) *Anchorage A.* Beginning at the west shore and at the south side of Fuller Warren Bridge, latitude 30°18'58", longitude 81°40'30"; thence easterly along the south side of said bridge to the easterly shoreline at latitude 30°18'47", longitude 81°39'52"; thence southerly along the easterly shoreline and along a portion of a straight line extending N. 00°15' E. from Point La Vista to latitude 30°17'48", longitude 81°39'52"; thence west to longitude 81°40'45"; thence to the westerly shoreline at Winter Point and northeasterly along the westerly shoreline to Fuller Warren Bridge.

(2) *Anchorage B.* Beginning at Point La Vista, latitude 30°16'48", longitude 81°39'54"; thence to latitude 30°16'52", longitude 81°40'54"; thence to latitude 30°17'48", longitude 81°40'45"; thence east to longitude 81°39'52"; thence S. 00°15' W. to Point La Vista.

(3) *Anchorage C.* Shoreward of a line located as follows:

Beginning at a point on the south shore westerly of the entrance to Miller Creek at longitude 81°38'15"; thence north 300 yards; thence east to longitude 81°37'40"; thence to latitude 30°19'06", longitude 81°37'27"; thence east to longitude 81°37'02"; thence south to Empire Point.

(4) *Anchorage D.* Bounded on the west by a line along the easterly side of Terminal Channel and bounded on the east by a line along the westerly side of Arlington Cut. Beginning at a point at latitude 30°19'30", longitude 81°37'25"; thence to latitude 30°20'07", longitude 81°37'18"; thence to latitude 30°20'00", longitude 81°37'05"; thence to latitude 30°19'20", longitude 81°37'17"; thence to the point of beginning. No vessels shall anchor within 300 feet of Terminal Channel or Arlington Cut.

(5) *Anchorage E.* Beginning at a point near the easterly shore of the river at latitude 30°21'42", longitude 81°36'52"; thence west to longitude 81°37'15"; thence north to latitude 30°22'07"; thence to the point of beginning.

(6) *Anchorage F.* Shoreward of a line located as follows: Beginning at a point on the east shore at latitude 30°21'42", longitude 81°36'45"; thence west to longitude 81°36'52"; thence to latitude 30°22'07", longitude 81°37'15"; thence N. 56°15' E. to the east shore.

(b) *The regulations.* (1) Anchorages A, B, D, and F are permanent anchorages. Anchorage A is reserved for deep-draft vessels, Anchorage B is reserved for shallow-draft vessels, Anchorage D is reserved for light-draft barges and schooners, and Anchorage F is reserved for deep-draft barges and schooners.

(2) Anchorage C is a temporary anchorage for deep-draft vessels. This anchorage shall be an anchorage for vessels exceeding 24 feet in draft. No vessel shall remain in the anchorage more than 24 hours without obtaining a permit from the Captain of the Port.

(3) Anchorage E shall be used only by vessels awaiting quarantine inspection, or by special permit from the Captain of the Port.

**§ 110.188 Atlantic Ocean off Miami and Miami Beach, Fla.**

(a) *The anchorage grounds.* The area to the eastward of a line bearing 12° (N. 12° E.) through a point X, which is 1½ nautical miles due east of the intersection of the Miami Beach shore line with the north jetty; to the northward of a line bearing 102° (S. 78° E.) and intersecting the 12° line at a point A, one-half nautical mile north of the said point X; and to the southward of a line bearing 102° (S. 78° E.) and intersecting the 12° line at a point B, 2½ nautical miles north of the said point X. The northern and southern extremities of the 12° line are marked by spar buoys. The entire anchorage area lies north of the entrance channel to Miami Harbor.

(b) *The rules and regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in the Atlantic Ocean in the vicinity of the entrances to the approach channels leading to the cities of Miami Beach and Miami, Fla., outside of the anchorage area hereby defined and established—that is, they shall not anchor shoreward of the line first named nor southward of the second nor northward of the third line—but may anchor as far to the eastward as may be desired.

(2) Any vessel anchoring under circumstances of great emergency outside of the anchorage area shall be shifted to new berths within the area immediately after the emergency ceases.

(3) All vessels shall lie at anchor with as short a cable as conditions will permit.

(4) A vessel upon being notified to move into the anchorage limits or to shift its position on the anchorage ground must get under way at once or signal for a tug, and must change position as directed with reasonable promptness.

(5) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port, U.S. Coast Guard, Miami, Fla., is hereby empowered to shift the position of any vessel anchored on the anchorage ground or outside thereof, or of any vessel moored or anchored so as to impede or obstruct vessel movements or obstruct or interfere with range lights.

(6) Vessels carrying explosives shall be anchored only under a written permit issued by the Captain of the Port and at such point as he may direct.

(7) Vessels carrying explosives shall be at all times in charge of a competent person, and must display by day a red flag, of not less than 16 square feet, at the masthead, or not less than 10 feet above the upper deck if the vessel has no mast; at night a red light shall be displayed in the positions specified for the red flag.

(8) Nothing in this paragraph shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation, or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or other aids to navigation, or for otherwise violating law.

**§ 110.189a Key West Harbor, Key West, Fla.; naval explosives anchorage area.**

(a) *The anchorage ground.* A circular area with its center at latitude 24°30'50.6", longitude 81°50'31.6" with a radius of 300 yards, for use for ammunition exceeding the prescribed limits for pier-side handling.

(b) *The regulations.* (1) When occupied by a vessel handling explosives, no other vessel may enter the area unless authorized by the enforcing agency.

(2) Only one vessel handling explosives may anchor in the area at one time.

(3) No more than 300,000 pounds net of high explosives or equivalent may be handled in the area at any one time.

(4) The regulations in this section shall be enforced by the Commander, U.S. Naval Base, Key West, Fla., and any other agencies he may designate.

**§ 110.190 Tortugas Harbor, in vicinity of Garden Key, Dry Tortugas, Fla.**

(a) *The anchorage grounds.* All of Bird Key Harbor, southwest of Garden Key, bounded by the surrounding reefs and shoals and, on the northeast, by a line extending from Fort Jefferson West Channel Daybeacon 2 to Fort Jefferson West Channel Daybeacon 4, thence to Fort Jefferson West Channel Daybeacon 6, and thence to Fort Jefferson West channel Daybeacon 8.

(b) *The regulations.* Except in cases of emergency involving danger to life or property, no vessel engaged in commercial fishing or shrimping shall anchor

in any of the channels, harbors, or lagoons in the vicinity of Garden Key, Bush Key, or the surrounding shoals, outside of Bird Key Harbor.

§ 110.193 Tampa Bay, Fla.

(a) *The anchorage grounds*—(1) *Explosives anchorage east of Mullet Key.* A rectangular area in Tampa Bay, approximately 4,459 yards long and 1,419 yards wide, beginning at latitude 27°38'30", longitude 82°39'09", and extending northeasterly to latitude 27°39'48", longitude 82°37'15"; thence southeasterly to latitude 27°39'17", longitude 82°-36'46"; thence southwesterly to latitude 27° 37'52", longitude 82°38'38"; thence northwesterly to the point of beginning.

(2) *Temporary explosives anchorage south of Interbay Peninsula.* Beginning at a point bearing 107°, 1,750 yards from Cut F Range Front Light; thence to a point bearing 125°, 2,050 yards, from Cut F Range Front Light; thence to a point bearing 180°, 1,725 yards, from Cut F Range Front Light; thence to a point bearing 222°, 2,180 yards, from Cut F Range Front Light; thence to a point bearing 251°, 1,540 yards, from Cut F Range Front Light; and thence to the point of beginning.

(3) *Temporary explosives anchorage off Port Tampa.* A circular area with a radius of 200 yards with the point at latitude 27°50'22", longitude 82°34'15".

(4) *Quarantine Anchorage.* South east of the temporary explosive anchorage, beginning at a point bearing 97° true, 4,370 yards, from Cut "F" Range Front Light; thence to a point bearing 113°30', 5,370 yards, from Cut "F" Range Front Light; thence to a point bearing 161°30', 3,770 yards, from Cut "F" Range Front Light; thence to a point bearing 163°30', 2,070 yards, from Cut "F" Range Front Light; thence to the point of beginning.

(b) *The regulations.* (1) The explosives anchorage east of Mullet Key shall be used by vessels awaiting loading or unloading at Port Tampa that have explosives actually on board and where the duration of anchorage will exceed 72 hours.

(2) The temporary explosives anchorages south of Interbay Peninsula and off Port Tampa shall be used for vessels engaged in loading explosives when the duration of the anchorage is less than 72 hours.

§ 110.193a St. Joseph Bay, Fla.

(a) *The anchorage grounds*—(1) *Explosives Anchorage Area 1.* A rectangular area 3,000 yards long by 700 yards wide beginning at a point 1,350 yards west of U. S. Highway 98 Bridge over Gulf County Canal. The area is parallel to and 450 yards northeast of the north entrance channel to Port St. Joe, Florida.

(2) *Explosives Anchorage Area 2.* A circular area with a 500-yard radius around a center point located at latitude 29°47'30"; longitude 85°21'30", 3,100 yards southeast of FW South Channel Light and 5,250 yards south of FW North Channel Light, in St. Joseph Bay, Port St. Joe, Florida.

(b) *The regulations.* (1) The explosives anchorage areas shall be used as temporary anchorage for vessels engaged in loading and unloading explosives at the port of Port St. Joe, Florida, when the duration of the anchorage period is less than 96 hours.

(2) No vessel shall occupy this anchorage without obtaining a permit from the Captain of the Port.

§ 110.194 Mobile Bay, Ala., at entrance.

(a) *The anchorage grounds.* The waters within a radius of 750 yards from a point located 1,000 yards true north from Fort Morgan Light.

(b) *The regulations.* (1) This anchorage shall be used by vessels loading or discharging high explosives. It shall also be used by vessels carrying dangerous or inflammable cargoes requiring an anchorage. It may be used for a general anchorage when not required for vessels carrying explosives or dangerous or inflammable cargoes.

(2) No vessel shall occupy this anchorage without obtaining a permit from the Captain of the Port.

§ 110.194a Mobile Bay, Ala., and Mississippi Sound, Miss.

(a) *The anchorage grounds.* (1) The waters of lower Mobile Bay, near Cedar Point, within an area bounded on the north by latitude 30°21'00", on the east by longitude 88°05'00", on the south by latitude 30°20'00", and on the west by longitude 88°06'00".

(2) The waters of Mississippi Sound, south of Biloxi, within an area bounded on the north by latitude 30°20'00", on the east by longitude 88°54'00", on the south by latitude 30°19'00", and on the west by longitude 88°55'00".

(b) *The regulations.* (1) The anchorages are exclusively for the use of unmanned barges, canal boats, scows, and other nondescript vessels. Such craft shall be so anchored that they will not at any time extend outside the limits of the anchorages.

(2) In emergencies or whenever maritime or commercial interests of the United States so require, the Captain of the Port is authorized to shift the position of any craft in the anchorages.

(3) Whenever in the opinion of the Captain of the Port, such action may be necessary, any or all craft in these anchorages may be required to be moored with two or more anchors.

(4) No vessel shall be navigated within the anchorages at a speed exceeding six knots.

§ 110.194b Mississippi Sound and Gulf of Mexico, near Petit Bois Island, Miss.

(a) *The anchorage grounds*—(1) *Explosives Anchorage Area No. 1.* A circular area with a one-half mile radius with its center located at latitude 30°14'09", longitude 88°29'13", in the waters of Mississippi Sound north of the west end of Petit Bois Island.

(2) *Explosives Anchorage Area No. 2.* A circular area with a three-fourths mile radius with its center located at latitude 30°11'12", longitude 88°30'07", in the waters of Gulf of Mexico south of the west end of Petit Bois Island.

(b) *The regulations.* (1) The areas shall be used as temporary anchorages for vessels engaged in loading and unloading explosives at the Port of Pascagoula, Miss.

(2) No vessel shall occupy the areas without obtaining a permit from the Captain of the Port.

§ 110.195 Mississippi River below Baton Rouge, La., including South and Southwest Passes.

(a) *The anchorage grounds*—(1) *Pilottown anchorage.* An area approximately 4.7 miles in length along the right descending bank or west side of the river, 800 feet wide, extending from a point directly opposite Pilottown Wingdam Light, about 1.7 miles upstream from Head of Passes, upstream to a point 1.0 mile downstream from Wilder Flats Light. The area is marked by large signs, "Pilottown Anchorage," located on the right bank at the lower and upper limits. This anchorage is for ships which cannot proceed to sea because of fog at the Gulf ends of South and Southwest Passes or for any other reason.

(2) *Explosives anchorage.* An area along the right descending bank or west side of the river, 1,000 feet wide, extending upstream and downstream from a point located 1.4 miles upstream from Oak Point Light. The Commander, Eighth Coast Guard District, will designate anchorages upstream and downstream from this point. This anchorage is reserved for vessels carrying explosives. It may be used for a general anchorage when not required for vessels carrying explosives or dangerous or inflammable cargo. No vessel shall occupy this anchorage without obtaining a permit from the Commander, Eighth Coast Guard District.

(3) *New Orleans general anchorage.* An area approximately 2.1 miles in length along the right descending bank or southwest side of the river, 800 feet wide, extending from Cutoff Light upstream to the lower limits of the quarantine anchorage, approximately 0.7 mile downstream from the United States Quarantine Station Wharf. The area is marked by large signs, "General Anchorage," located on the right bank at the lower and upper limits. Vessels anchoring alongside of each other or in fleets are permitted, but during slack or low-water periods bow and stern anchors shall be provided.

(4) *Quarantine anchorage.* An area approximately 4,000 feet in length along the right descending bank or southwest side of the river, 800 feet wide, extending from the upper limits of the New Orleans general anchorage, approximately 0.7 mile downstream from the United States Quarantine Station Wharf, upstream to a point marked by a sign located at the lower end of the Todd-Johnson Wharf, approximately 160 feet upstream from the Quarantine Station Wharf. This anchorage must be used by vessels awaiting inspection by United States Public Health officials or under actual quarantine, and is under the supervision of the

Officer in Charge of the United States Quarantine Station (section 364, Public Health Service Act, July 1, 1944, 58 Stat. 704; 42 U. S. C. 267).

(5) *Cargo transfer anchorage.* An area approximately 1.7 miles in length along the left descending bank of the river, about 600 feet wide, extending from Mile 127.3 to Mile 129.0 above Head of Passes. This area is located adjacent to the river end of Bonnet Carre Spillway. During the time when the Bonnet Carre Spillway is operating, vessels will not be permitted to use this area but will moor at areas as directed by the District Commander. Upon completion of the transfer of cargo, vessels shall move from this area.

(6) *Temporary anchorages, Baton Rouge, New Orleans.* Vessels awaiting berthing at riverside wharves between Mile 233 above Head of Passes and the upper limits of the Port of New Orleans, Mile 107 above Head of Passes, will anchor in a manner and area as prescribed by the District Commander.

(7) *Baton Rouge general anchorage.* An area, 1,400 feet wide, between Mile 225 and Mile 226.5 above Head of Passes with its west limit along the low water line.

(b) *The regulations.* (1) Except in cases of poor visibility or other emergency, anchoring is prohibited in the Mississippi River below Baton Rouge outside of the established anchorages or in South and Southwest Passes. If it becomes necessary in an emergency to anchor a vessel outside of the prescribed anchorages the vessel shall be so anchored that it will not interfere with or endanger other vessels, and it shall be moved as soon as the emergency is over. If it becomes necessary in an emergency to anchor a vessel in South Pass or Southwest Pass, the vessel shall take a position as close to the east bank as possible.

(2) When tied up individually or in fleets vessels shall be moored with sufficient lines and shore fastenings to insure their remaining in place and withstanding the action of winds, currents, or the suction of passing vessels.

(3) Except in case of great emergency, no vessel or craft shall anchor over revetted banks of the river. Every precaution shall be exercised at all times to avoid damage to the revetment works. The location of mattress work in New Orleans Harbor is indicated by warning signs erected at the ends and center of each reach of mattress work. Generally, mattress work extends out into the river 600 feet from the low water line. Information as to the location of revetted areas may be obtained from, and will be published from time to time by, the District Engineer, Corps of Engineers, New Orleans, Louisiana.

(4) The masters and pilots of all seagoing steamers, tugboats, and other vessels passing the explosives anchorage shall regulate the speed of their vessels over the bed of the river so as not to exceed seven miles per hour going downstream or five miles per hour going upstream whenever any vessel is anchored or moored within the explosives anchorage and engaged in handling explosives.

**§ 110.196 Sabine Pass Channel, Sabine Pass, Tex.**

(a) *The anchorage area.* The navigable waters of Sabine Pass within a trapezoidal area 1,500 feet wide and varying uniformly in length from 5,800 feet to 3,000 feet with the long side adjacent to the northeasterly edge of Sabine Pass Channel at a location opposite the town of Sabine Pass.

(b) *The regulations.* (1) The anchorage area is for the temporary use of vessels of all types, but especially for naval and merchant vessels awaiting weather and tidal conditions favorable to the resumption of their voyages.

(2) Except when stress of weather or adverse tides or currents make sailing impractical or hazardous, vessels shall not anchor in the anchorage area for periods exceeding 48 hours unless expressly authorized by the Captain of the Port to anchor for longer periods.

(3) Vessels shall not anchor so as to obstruct the passage of other vessels proceeding to or from available anchorage spaces.

(4) Anchors shall not be placed channelward from the anchorage area, and no portion of the hull or rigging of any anchored vessel shall extend channelward from the limits of the anchorage area.

(5) Vessels using spuds for anchors shall anchor as close to shore as practicable having due regard for the provisions in subparagraph (3) of this paragraph.

(6) Fixed moorings, piles or stakes, and floats or buoys for marking anchorages or moorings in place are prohibited.

(7) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vessel anchored or moored within or outside of the anchorage area including any vessel which is moored or anchored so as to obstruct navigation or interfere with range lights.

**§ 110.205 Chicago Harbor, Ill.**

(a) *The anchorage grounds*—(1) *Anchorage A, exterior breakwater.* Southwest of a line parallel with and 150 feet southwestward of the exterior breakwater; west of a line parallel with and 150 feet west of the south extension of the exterior breakwater; northeast of a line parallel with and 1,500 feet southwestward of the exterior breakwater; and east of a line parallel with the south extension of the exterior breakwater and 500 feet eastward of the east face of the filtration plant.

NOTE: This area is reserved for commercial vessels operated for profit. Floats or buoys for marking anchors or moorings in place, and fixed mooring piles or stakes are prohibited in this area.

(2) *Anchorage B, south arm.* West of a line parallel with and 150 feet west of the south arm of the exterior breakwater; north of a line perpendicular to the south arm at its south end; east of a line parallel with the south arm, about 2,200 feet therefrom and on line with the east face of the Municipal Pier; and south of a line perpendicular to the south arm 700 feet from its north end.

NOTE: This area is reserved for commercial vessels operated for profit. Floats or buoys for marking anchors or moorings in place, and fixed mooring piles or stakes are prohibited in this area.

(3) *Anchorage C, shore arm.* South of a line parallel with and 150 feet southward of the shore arm of the exterior breakwater; west of a line parallel with the south extension of the exterior breakwater, 100 feet westward of the east end of the shore arm; northwest of a line perpendicular to the Lake Shore Drive revetment and 300 feet northwest of the northwest corner of the filtration plant; and east of a line parallel with and 600 feet lakeward of the Lake Shore Drive revetment.

NOTE: Commercial vessels operated for profit and measuring more than 50 gross tons are forbidden to anchor in this area. Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited.

(4) *Anchorage D, Grant Park North.* Beginning at a point 2,700 feet south of the south face of the Naval Armory Dock and 100 feet east of the Grant Park bulkhead along the west side of the harbor, said bulkhead at that point being approximately on the harbor line approved by the Department of the Army on August 3, 1940; thence north along a straight line parallel to said harbor line and to the overall alignment of said Grant Park bulkhead between its north and south ends, 1,460 feet to a point which is 100 feet east of said harbor line and 150 feet east of the Grant Park bulkhead; thence east at a right angle, 150 feet; thence north at a right angle, parallel to the first described line, passing 100 feet east of the Chicago Yacht Club dock, 693 feet; thence east at a right angle, 75 feet; thence north parallel to and 375 feet east of aforesaid Grant Park bulkhead, 390 feet; thence east at a right angle, 385 feet; thence north at a right angle 97 feet to a point 760 feet east of said Grant Park bulkhead (or 710 feet east of said harbor line) and 60 feet south of a line drawn east at a right angle thereto, from the north end of said Grant Park bulkhead at the south face of said Naval Armory Dock; thence east perpendicular to said Grant Park bulkhead, 840 feet; thence southerly 2,415 feet to a point 1,500 feet east of said harbor line and about 1,505 feet east of said Grant Park bulkhead; thence southwesterly 740 feet to a point 700 feet due east, in a direction perpendicular to the west line hereof, from the point of beginning; and thence west to the point of beginning.

NOTE: Commercial vessels operated for profit and measuring more than 50 gross tons are forbidden to anchor in this area. Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited. Steamers and motor vessels measuring over 5 gross tons are forbidden to use this area as a through channelway.

(5) *Anchorage E, Grant Park South.* Beginning at a point 3,000 feet south of the south face of the Naval Armory Dock and 100 feet east of the Grant Park bulkhead along the west side of the harbor, said bulkhead at that point being approximately on the harbor line approved by the Department of the Army on August 3, 1940; thence east, perpendicular to the overall alignment of the Grant Park bulkhead and perpendicular to said harbor line, 700 feet; thence southeasterly 697 feet to a point 1,460 feet east of said Grant Park bulkhead and 225 feet south of an extension of the first described line; thence south perpendicular to the first described line, 225 feet; thence southwesterly 2,235 feet along a line generally 150 feet northwesterly from and parallel to the northwesterly face of the narrow section of the U.S. Inner Breakwater; thence northwesterly 190 feet to a point 150 feet east of said Grant Park bulkhead (or 100 feet east of the aforesaid harbor line) and 5,140 feet south of the south face of the Naval Armory Dock; and thence north 2,140 feet to the point of beginning.

NOTE: Commercial vessels operated for profit and measuring more than 50 gross tons are forbidden to anchor in this area. Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited. Steamers and motor vessels measuring over 5 gross tons are forbidden to use this area as a through channelway.

(6) *Anchorage F, Filtration Plant Slip.* South of the south face of the filtration plant; west of the east face of the filtration plant; north of a line 80 feet south of the south face of the filtration plant; and east of a line 1,400 feet west of the east face of the filtration plant.

NOTE: This area is reserved for commercial vessels operated for profit. Mooring facilities have been provided along the south side of the filtration plant.

(b) *The rules and regulations.* (1) Except in cases of great emergency no vessel shall be anchored in Chicago Harbor outside of the anchorage areas hereby defined and established.

(2) Anchors must not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(3) Any vessel anchoring under circumstances of great emergency outside of the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

(4) The maneuvering of a vessel by means of a dragged anchor, except within an established anchorage ground or in stress of weather or to avoid collision, is prohibited. Unnecessary maneuvering in any of the anchorage grounds is prohibited.

(5) The directions of the Captain of the Port assigning vessels to parts of the anchorage grounds suitable to their draft, requiring vessels to anchor bow and stern, requiring shifting the anchorage of any vessel within any anchorage ground for the common convenience, or for otherwise enforcing this section, shall be promptly executed by owners, masters, and persons in charge of vessels.

(6) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

§ 110.207 Cleveland Harbor, Ohio.

(a) *The anchorage grounds*—(1) *West anchorage.* The northwesterly portion of the West Basin between the northwest limits of the West Basin and a line parallel to and 1,050 feet distant from the West Breakwater; and from the southwest limits of the West Basin to a line perpendicular to the West Breakwater, 2,050 feet southwesterly along the West Breakwater from Cleveland West Breakwater Light.

(2) *East anchorage.* The southeasterly portion of the East Basin between the mainland and a line parallel to and 1,250 feet distant from the East Breakwater; from opposite Cleveland East Entrance Light to a due north line passing through the flashing white light on the Allied Oil Company dock.

(3) *Explosives anchorage.* In Lake Erie, northwest of Cleveland Harbor East Breakwater, and including a rectangular area marked by four white spar buoys at the following true bearings and distances from Cleveland East Pierhead Light: 38°30′, 2,050 feet; 68°, 2,050 feet; 57°, 7,050 feet; and 49°, 7,050 feet.

(b) *The regulations.* (1) The west and east anchorages are general anchorages.

(2) Use of the explosives anchorage shall be subject to the supervision of the Captain of the Port.

§ 110.208 Buffalo Harbor, N.Y.

(a) *The anchorage grounds*—(1) *Explosives Anchorage A.* Inside the south section of the main breakwater 700 feet wide starting at a point 500 feet southerly from the south end of the north section and extending approximately 153° true, 3,000 feet parallel to the line of the south section of the main breakwater.

(2) *Explosives and Inflammables Anchorage B.* The area bounded by a line extending from the South Buffalo Pier Head Light 180° true, 2,000 feet; thence 270° true, 2,000 feet; thence due north, 2,000 feet; and thence 90° true, 2,000 feet.

(b) *The regulations.* (1) Both anchorages may be used either day or night.

(2) Anchorage B is intended primarily for explosives loading, but when no such loading is being carried on therein it may be used for the transfer of inflammables.

§ 110.210 San Diego Harbor, Calif.

(a) *The anchorage grounds.* The anchorage grounds for general use shall include all of the navigable waters of the harbor except cable and pipe-line areas, the special anchorage areas described in § 110.90, the seaplane restricted area described in § 207.612 of this chapter, and the following:

(1) *Special anchorage for U. S. Government vessels.* Shoreward of a line extending from Ballast Point Light approximately 351°30′ to the shore end of the Quarantine Dock.

(2) *Seaplane area, U. S. Coast Guard Air Station.* An area extending easterly from the Coast Guard Air Station, bounded on the north by a line parallel to and 100 feet bayward of the high-water line, on the east by a line from United States Pierhead Line Station 300 to Bulkhead Station 210 and extended northward, and on the south by that portion of the pierhead line between Stations 206 and 300.

(3) *Nonanchorage area.* A lane between San Diego and Coronado bounded on the east by a line extending southerly from a point 410 feet west of United States bulkhead line Station 220 on the San Diego side of the bay to a point 350 feet west of United States bulkhead line Station 149 on the Coronado side of the bay, and on the west by a line extending due north from the intersections of the west side of "E" Avenue with the south side of First Street, Coronado, and a line extending 225° from the intersection of the west side of Pacific Highway with the north side of Harbor Drive, San Diego.

(4) *Temporary naval anchorage.* Beginning at a point on the high-tide line bearing 25°30′, approximately 1,200 feet, from North Tower, Coronado Heights; thence 25°30′, 7,343 feet; thence approximately 351°57′41″; 11,930 feet, to United States Pierhead Line Station 318; thence 261°57′41″, approximately 902 feet, to a point on the east boundary line of the seaplane restricted area approximately 168 feet southerly of a point "e" as described in § 207.612 of this chapter; thence southerly and southwesterly along the boundary line of the seaplane restricted area through point "f" to point "g"; and thence southerly along the high-tide line to the point of beginning.

(b) *The regulations.* (1) Vessels anchoring in portions of the harbor other than the areas excepted in paragraph (a) of this section shall leave a free passage for other craft and shall not unreasonably obstruct the approaches to the wharves in the harbor.

(2) The special anchorage described in paragraph (a) (1) of this section is reserved exclusively for the anchorage of vessels of the United States Government and of authorized harbor pilot boats. No other vessels shall anchor in this area except by special permission obtained in advance from the Commandant, Eleventh Naval District, San Diego, California.

(3) The seaplane area described in paragraph (a) (2) of this section is re-

served exclusively for the use of seaplanes and their attendant plant. Vessels may pass through the area but are not permitted to anchor in the area at any time.

(4) The area described in paragraph (a) (3) of this section is occupied by submerged pipe lines, power cables, and communication cables and is extensively used as a ferry lane by the San Diego-Coronado ferries. No vessels shall anchor in this area at any time.

(5) The temporary naval anchorage described in paragraph (a) (4) of this section is reserved as a special anchorage for naval vessels of the United States and authorized harbor pilot boats. When the area or a part thereof is not required for the use of naval craft, navigation by other craft may be permitted provided permission is obtained in advance from the Commandant, Eleventh Naval District, San Diego, California.

§ 110.212 Newport Bay Harbor, Calif.

(a) *The anchorage grounds*—(1) *Temporary Anchorage C–1.* Southeast of a line parallel to and 170 feet from the pierhead line at the east end of Lido Isle; north of a line parallel to and 250 feet north of a line bearing 268° from the flashing green beacon off Bay Island and passing through the beacon off 13th Street, this line being the north line of the main fairway; northwest of a line 120 feet in length bearing 203° from the point of the pierhead line off the west end of Harbor Island; and southwest of the pierhead line off the northeast shore of Lido Isle extended.

(2) *Temporary Anchorage C–2.* A parallelogram-shaped area, 100 feet wide and 400 feet long, lying 100 feet bayward from and parallel to the existing pierhead line, and adjoining and on the north side of Anchorage C–3 described in subparagraph (3) of this paragraph.

(i) Vessels may anchor temporarily in Temporary Anchorages C–1 and C–2 when necessary and space permits, but shall move promptly when the necessity passes or upon order of the harbor master.

(ii) Vessels anchoring in Temporary Anchorages C–1 and C–2 shall comply with all applicable Pilot Rules, including that requiring anchor lights at night.

(iii) Floats or buoys for marking anchors or mooring in place and fixed mooring piles or stakes are prohibited.

(3) *Anchorage C–3.* A parallelogram-shaped area, 100 feet wide and 500 feet long, lying 100 feet bayward from and parallel to the existing pierhead line, and adjoining and on the south side of Temporary Anchorage C–2 described in subparagraph (2) of this paragraph.

(i) This area is reserved for recreational and other small craft.

(ii) Fore and aft moorings will be allowed in this area conforming to Orange County Harbor Ordinance No. 490 and other local harbor regulations for recreational and small craft of such size and alignment as permitted by the harbor master.

(iii) All vessels using this area are required to maintain anchor lights from sunset to sunrise.

(b) *The regulations.* (1) Vessels may anchor temporarily in these areas when necessary and space permits, but shall move promptly when the necessity passes or upon order of the harbor master.

(2) Vessels anchoring in these areas shall comply with all applicable Pilot Rules, including that requiring anchor lights at night.

(3) Floats or buoys for marking anchors or moorings in place and fixed mooring piles or stakes are prohibited.

§ 110.214 Los Angeles and Long Beach Harbors, Calif.

(a) *The anchorage grounds*—(1) *Commercial Anchorage A (Los Angeles Harbor).* An area north of a line 200 feet from and parallel to the axis of the San Pedro Breakwater; west of a line bearing 172° from Fish Harbor 2 Light and passing through the east white cross on the San Pedro Breakwater; south of the south line of the Super Tanker Channel and Turning Basin, which line is described as follows:

| *Latitude* | *Longitude* |
|---|---|
| 33°42'50.2" | 118°15'40.0" |
| 33°42'45" | 118°16'04.0" |
| 33°42'37" | 118°16'09.2" |
| 33°42'35.8" | 118°16'19" |
| 33°42'38" | 118°16'23.3" |
| 33°42'45.4" | 118°16'25.7" |
| 33°42'50.1" | 118°16'35.2" |
| 33°42'48" | 118°16'36.8" |

thence southeasterly along the east line of the Cabrillo Beach Marina to latitude 33°42'26", longitude 118°16'29", which point is located on the San Pedro Breakwater.

(i) In this area the requirements of commercial ships will predominate. In case of Navy requirements, see subdivision (iv) of this subparagraph.

(ii) Vessels requiring examination by quarantine, customs, or immigration authorities may anchor in this area when Quarantine Anchorage B is not available for this purpose.

(iii) Fixed mooring piles or stakes and floats or buoys for marking anchors or moorings in place are prohibited.

(iv) Consistent with the requirements of commercial navigation the Captain of the Port may, upon request from proper naval authorities, assign naval vessels to designated numbered anchorages within the commercial anchorage areas. For control purposes, the Navy authorities shall prepare and supply to the Captain of the Port and other officials directly concerned, an overlay to U.S. Coast and Geodetic Chart No. 5148 bearing number designations for individual vessel anchorages in all anchorage areas in Los Angeles and Long Beach Harbors.

(2) *Quarantine Anchorage B (Los Angeles Harbor).* An area north of a line parallel to and 200 feet from the axis of the San Pedro Breakwater; east of a line bearing 172° from Fish Harbor 2 Light and passing through the east white cross on the San Pedro Breakwater; and southwest of a line bearing 302° from the Los Angeles Harbor Light Station.

(i) Vessels arriving at quarantine and awaiting inspection will anchor in this anchorage, except that if space in this anchorage is not available, then any available anchorage in Anchorages A and C may be temporarily occupied for examination. In case of Navy requirements, see subdivisions (iv) of subparagraph (1) of this paragraph.

(ii) No vessels, except those awaiting quarantine inspection or those in an emergent circumstance, shall anchor in this area. When the emergency has passed, the vessel will at once vacate the area. This anchorage shall not be used for vessels bunkering or working cargo.

(iii) United States Public Health Service quarantine laws and regulations are quoted in part as follows:

"Paragraph 34—Every vessel subject to quarantine inspection, entering a port of the United States, its possessions, or dependencies, shall be considered in quarantine until given free pratique. Such vessels shall fly a yellow flag at the foremast head and shall observe all the other requirements of vessels actually quarantined."

(3) *Commercial Anchorage C (Los Angeles and Long Beach Harbors).* An area north of a line 200 feet from and parallel to the axis of the Middle Breakwater; northeast of a line about 3,600 feet long, bearing 302° from Los Angeles Entrance East Light; northeast of a line bearing 152° from Fish Harbor 2 Light; south of a westerly prolongation of the southern side of the Naval Base Mole; west of the Los Angeles-Long Beach City boundary; south of, and at various distances from, the Naval Base Mole; and southwest of the southwest side of the Long Beach Entrance Channel. This area is basically outlined as follows:

| *Latitude* | *Longitude* |
|---|---|
| 33°42'40.0" | 118°14'40.0" |
| 33°43'00.0" | 118°15'18.0" |
| 33°43'45.0" | 118°15'46.5" |
| 33°43'52.5" | 118°15'39.0" |
| 33°44'15.0" | 118°14'25.0" |
| 33°43'45.5" | 118°14'12.0" |
| 33°43'54.0" | 118°13'40.5" |
| 33°44'12.5" | 118°13'11.0" |
| 33°44'34.0" | 118°13'20.0" |
| 33°44'40.0" | 118°13'00.0" |
| 33°44'00.0" | 118°12'14.0" |
| 33°43'25.5" | 118°11'13.0" |
| 33°43'25.5" | 118°12'22.0" |
| 33°42'40.0" | 118°14'40.0" |

(i) In this area the requirements of commercial ships will predominate. Vessels requiring examination by quarantine, customs, or immigration authorities for the ports of Los Angeles or Long Beach may anchor in this area when Quarantine Anchorage B is not available for this purpose.

(ii) Fixed mooring piles or stakes and floats or buoys for marking anchors or moorings in place are prohibited.

(iii) In case of Navy requirements, see subdivision (iv) of subparagraph (1) of this paragraph.

(iv) The southeast portion of this anchorage is reserved for use as an explosive anchorage whenever a necessity arises therefor.

(4) Commercial Anchorage D (Long Beach Harbor). An area east of Long Beach Entrance Channel extending about 10,000 feet easterly and south and east of Pier J. This area is basically outlined as follows:

| Latitude | Longitude |
|---|---|
| 33°43'59.0" | 118°11'41.0" |
| 33°43'59.0" | 118°09'46.0" |
| 33°44'32.5" | 118°10'08.5" |
| 33°44'32.5" | 118°11'04.5" |
| 33°44'13.0" | 118°10'57.5" |
| 33°44'13.0" | 118°12'01.5" |
| 33°43'59.0" | 118°11'41.0" |

(i) In this area the requirements of commercial ships will predominate.

(ii) Fixed mooring piles or stakes and floats or buoys for marking anchors or moorings in place are prohibited.

(iii) In case of Navy requirements, see subdivision (iv) of subparagraph (1) of this paragraph.

(5) *Naval Anchorage E (Long Beach Harbor).* An area north of a line 200 feet from and parallel to the axis of the Long Beach Breakwater; northeast of the northeast side of Long Beach Channel; south of a line 2,000 feet from and parallel to the south side of Pier J; east of a line 5,000 feet from the east side of Pier J; east of a line 600 feet from and parallel to a line from the center of the Long Beach Arena (latitude 33°45'50.6", longitude 118°11'14.8") to its intersection with the northeast corner of Pier J (latitude 33°45'10", longitude 118°11'-25.5"); south of a line 1,500 feet from and parallel to the newly developed shoreline; and west of a line bearing due north from the east end of the Long Beach Breakwater. This area is basically outlined as follows:

| Latitude | Longitude |
|---|---|
| 33°43'25.0" | 118°10'51.0" |
| 33°43'59.0" | 118°11'41.0" |
| 33°43'59.0" | 118°09'46.0" |
| 33°44'32.5" | 118°10'08.5" |
| 33°44'32.5" | 118°11'04.5" |
| 33°45'11.0" | 118°11'18.0" |
| 33°45'21.0" | 118°11'16.0" |

thence 1,500 feet from and parallel to the newly developed shoreline; thence:

| Latitude | Longitude |
|---|---|
| 33°44'52.0" | 118°08'02.0" |
| 33°44'39.0" | 118°08'06.0" |
| 33°43'25.5" | 118°08'06.0" |
| 33°43'25.5" | 118°10'51.0" |

(i) In this area, the requirements of the naval service will predominate. Under certain conditions and for sufficient reason, the Captain of the Port may permit anchorage by other than naval vessels. Non-naval vessels shall clear the area immediately when ordered to do so by the Captain of the Port, either for his own reasons or upon request of appropriate naval authorities.

(ii) Floats or buoys for marking anchors or moorings in place and fixed mooring piles or stakes are prohibited, except those which may be required by the Navy and approved by the Captain of the Port.

(iii) The southeast portion of this anchorage is reserved for use as an explosive anchorage whenever a necessity arises therefor.

(6) *Nonanchorage Area F (Long Beach, Calif.) Mouth of the Los Angeles River.* The water area extending westward and northward to the head of navigation from a line drawn from the center of the Long Beach Arena (latitude 33°45'50.6", longitude 118°11'14.8") to the northeasterly corner of Pier J (latitude 33°45'10", longitude 118°11'25.5"), and northward of a line 200 feet northerly of and parallel to the centerline of the diversion dike.

(i) This area is reserved for recreational and other small craft, including aircraft when waterborne.

(ii) Anchoring will not be permitted.

(iii) Moorings and recreational boating activities will be allowed in this area conforming to applicable city of Long Beach ordinances and regulations adopted pursuant thereto.

(iv) A 450-foot fairway channel from the eastern boundary of this area to the Navy Landing and Marina will be maintained free of moorings and other obstructions at all times. Points on the fairway are as follows:

| Latitude | Longitude |
|---|---|
| 33°45'17.7" | 118°11'24" |
| 33°45'12" | 118°11'25" |
| 33°45'45.7" | 118°12'10" |

(v) The regulations for moorings and recreational use of this area shall be enforced by the city of Long Beach.

(7) *Nonanchorage Area G (Los Angeles Harbor).* An area extending 1,900 feet south from the existing shoreline, 300 feet wide on each side of the prolongation of the centerline of Ferry Street.

(i) This nonanchorage area is established for the protection of a submerged outfall sewer pipe line.

(ii) No vessel shall anchor within the area at any time.

(iii) Dragging, seining, fishing operations, and other activities which might foul underwater installations within the restricted area are prohibited. Dredging or filling within this area should be conducted so as to avoid fouling any underwater installations, unless other provision has been made for protecting, reconstructing, or relocating any such installations.

(iv) All vessels entering the nonanchorage area shall proceed across the area by the most direct route and without unnecessary delay.

(v) The city of Los Angeles Board of Harbor Commissioners will mark this area with signs reading: "Do not anchor in this area."

(8) *Nonanchorage Area H (Los Angeles Harbor).* An area known as Cabrillo Beach Marina, west of the east line of the Marina, which line is the prolongation of the west side of West Channel to its intersection with the San Pedro Breakwater at latitude 33°42'26", longitude 118°16'29", north of the San Pedro Breakwater; and south and east of the high-tide line.

(i) This area is reserved for recreational and other small craft.

(ii) Anchoring will not be permitted.

(iii) Moorings and recreational boating activities will be allowed in this area conforming to applicable city of Los Angeles ordinances and regulations adopted pursuant thereto.

(iv) The regulations for moorings and recreational use of this area shall be enforced by the city of Los Angeles.

(9) *Explosives Anchorage No. 1 (Long Beach Harbor).* A circular area within Anchorage C of 300-yard radius with its center at latitude 33°43'35.5", longitude 118°13'00.8".

(10) *Explosives Anchorage No. 2 (Long Beach Harbor).* A circular area within Anchorage E of 300-yard radius with its center at latitude 33°43'44.8", longitude 118°08'54.8".

(11) *Explosives Anchorages No. 1 and No. 2 Safety Zones (Long Beach Harbor).* When an explosives anchorage is occupied by a vessel carrying, loading, or unloading explosives, a circular safety zone surrounding the explosives anchorage of 600 yards or of 1,000 yards in width, as the Captain of the Port may determine, may be declared by the Captain of the Port to be a forbidden anchorage in the interests of port security and commerce. Vessels within such circular safety zone, upon being notified by the Captain of the Port to move or shift position, shall get underway at once or signal for a tug and change position as directed with reasonable promptness.

(b) *Regulations.* (1) Any vessels, other than those operated by or for the United States, the State of California, the cities of Los Angeles and Long Beach, and Los Angeles County, anchored or moored in the navigable channels or waters outside of the anchorage areas established in this section in Los Angeles or Long Beach Harbors shall be considered prima facie to prevent or obstruct the passage of other vessels or craft.

(2) Anchors must not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage areas.

(3) Any vessel anchoring under circumstances of emergency outside of the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any vessel, and shall move away immediately after the emergency ceases.

(4) The maneuvering of a vessel by means of a dragged anchor, except within an established anchorage ground or in stress of weather or to avoid collision, is prohibited. Unnecessary maneuvering in any of the anchorage grounds is prohibited.

(5) The instructions of the Captain of the Port assigning vessel to parts of anchorage grounds suitable to their draft, requiring vessels to anchor bow and stern, or with two bow anchors, requiring shifting the anchorage of any vessel within any anchorage ground for the common safety or convenience or for otherwise enforcing the regulations in this section, shall be promptly complied with by owners, masters, and persons in charge of vessels.

(6) Nothing in this section shall be construed as relieving the owner or person in charge of any vessels or plant from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

(7) Permission to anchor in the channels within the limits of Los Angeles and Long Beach Harbors may be granted by the Captain of the Port to plant or vessels engaged in recovering sunken property or in laying or repairing pipe or cable lines legally established, when approved by the District Engineer, Corps of Engineers, and to plant or vessels engaged in dredging operations when authorized by the District Engineer. The provisions of this subparagraph shall not apply to plant or vessels engaged under the supervision of the District Engineer upon works for the improvement of the harbor, but the District Engineer will advise the Captain of the Port in all cases where plant is to be employed under his supervision.

(8) The Captain of the Port is hereby authorized to require any vessel to proceed to designated anchorage, to direct any vessel to shift position, whether inside or outside of an established anchorage area, whenever, at that officer's discretion, such action is considered necessary in the interests of safety and navigation.

(9) Any vessel upon being notified to move as provided in subparagraph (8) of this paragraph into the anchorage limits or to shift its position in anchorage grounds must get underway at once or signal for a tug, and must change position as directed with reasonable promptness.

(10) The regulations in this section shall not be considered to cover all the obligations imposed by law upon vessels and their operators, and shall not be construed as relieving the owners or persons operating vessels from any penalties which might be incurred in the violation of any of the general navigation laws.

(11) Except as otherwise prescribed in this section, no vessel shall occupy an anchorage for more than 10 consecutive days, unless an extended anchorage permit is granted by Captain of the Port. Extended permits will not ordinarily be granted if objectionable to local port authorities. In determining whether an extended anchorage permit will be granted, consideration will be given, but not limited, to the then activities of the port and of problems of safety.

(12) Vessels not in sound and seaworthy condition, or vessels which for any reason may be considered likely to sink or cause a menace or obstructions to navigation, or vessels being dismantled, stripped, or undergoing major alterations shall not enter nor occupy an anchorage except in an emergency, and then only under specific permission from the Captain of the Port. Before granting such specific permission for emergency anchorage, the Captain of the Port will advise the Port Traffic Manager, Port of Long Beach and the Port Warden, Port of Los Angeles, of the emergency and coordinate the granting of such specific permission in light of the then and future activities of the Port and safety relating to the granting of such permission.

(13) Whenever, in the opinion of the Captain of the Port, such action may be necessary, any or all craft in these anchorage areas may be required to have a watchman aboard at all times.

(14) The Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof, within the territorial waters of the United States under his jurisdiction, whenever it appears to him that such action is necessary in order to secure such vessels from damage or injury, or to prevent damage or injury to any vessel or waterfront facility or waters of the United States, or to secure the observance of rights and obligations of the United States. (33 CFR Part 6, Subpart 6.04, General Provisions, § 6.04–8, *Possession and control of vessels*).

(15) No vessel while carrying, loading, or unloading explosives as commercial cargo, shall anchor in any of the established anchorages, including the explosives anchorages, or in any other areas within Los Angeles and Long Beach Harbors as defined by the San Pedro Middle, and Long Beach Breakwaters, or closer than one nautical mile to any part of said breakwaters in the waters seaward thereof, without permission of the Captain of the Port. In granting such permission, the Captain of the Port will be guided by the activities in the harbor and safety problems relating to such anchorage. Captain of the Port will advise the Port Traffic Manager, Port of Long Beach and the Port Warden, Port of Los Angeles of any such anchorage assignments of explosive-laden vessels under the following conditions as classified in the regulations entitled "Subchapter N—Dangerous Cargoes" (46 CFR Part 146).

(i) Explosives, Class "A", any amount.

(ii) Explosives, Class "B", in excess of 1 net ton at any one time.

(iii) Explosives, Class "C", in excess of 10 net tons at any one time.

(16) The regulations in this section are to be enforced by the U.S. Coast Guard Officer designated as Captain of the Port of Los Angeles-Long Beach. The office of the Captain of the Port is on Pier A in Long Beach Harbor.

### § 110.215 Anaheim Bay Harbor, Calif., U.S. Naval Weapons Station, Seal Beach, Calif.; naval explosives anchorage.

(a) *The anchorage ground.* The waters of Anaheim Bay Harbor lying between the east side of the entrance channel and the east jetty, basically outlined as follows:

| *Latitude* | *Longitude* |
|---|---|
| 33°44'03" | 118°05'35" |
| 33°43'53" | 118°05'15" |
| 33°43'49" | 118°05'18" |
| 33°43'36" | 118°05'56" |
| 33°43'37" | 118°05'58" |
| 33°44'03" | 118°05'35" |

(b) *The regulations.* (1) This area is reserved for use of naval vessels carrying or transferring ammunition or explosives under standard military restrictions as established by the Safety Manual, Armed Services Explosives Board.

(2) No pleasure or commercial craft shall navigate or anchor within this area at any time without first obtaining permission from the Commanding Officer, Naval Weapons Station, Seal Beach, California. This Officer will extend full cooperation relating to the public use of the area and will fully consider every reasonable request for the passage of small craft in light of requirements for national security and safety of persons and property.

(3) Nothing in this section shall be construed as relieving the owner or operator of any vessel from the regulations, contained in § 204.195 of this chapter, covering navigation in Anaheim Bay Harbor.

(4) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Weapons Station, Seal Beach, California, and by such agencies as may be designated by the Commandant, Eleventh Naval District, San Diego, California.

### § 110.216 Pacific Ocean at Santa Catalina Island, Calif.

(a) *The anchorage grounds*—(1) *Descanso Bay.* Shoreward of a line connecting the promontories known as White Rock and Casino Point.

(2) *Isthmus Cove.* All waters shoreward of a line connecting the promontories known as Lion Head and Blue Cavern Point, excluding the following-described non-anchor area: An area 300 feet wide (170 feet west and 130 feet east of the centerline of the Catalina Island Steamship Line pier), extending 1,600 feet from the root of the pier, and an area 150 feet seaward of the shore line extending approximately 1,500 feet east and 1,500 feet northwest of the centerline of said pier.

(b) *The regulations.* (1) The Descanso Bay anchorage is reserved for yachts and other small craft. Floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited.

(2) The Isthmus Cove anchorage shall be available for anchorage of all types of craft. Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited.

(3) The non-anchorage area described in paragraph (a) (2) of this section shall be used only by commercial vessels. Commercial vessels of 15 feet draft or over may anchor in this area seaward of the Catalina Island Steamship Line pier during hours between sunrise and sunset. The use of this area for anchorage is forbidden to all other craft at all times. Fixed mooring piles or stakes and floats or buoys for marking anchors or moorings in place are prohibited.

(4) The instructions of the Captain of the Port requiring vessels to anchor bow and stern, or with two bow anchors, or requiring shifting the anchorage of any vessel within the anchorage grounds for the common safety or convenience, or for otherwise enforcing the regulations in this section, shall be promptly complied with by owners, masters, and persons in charge of vessels.

(5) Nothing in this section shall be construed as relieving the owner or per-

son in charge of any vessels or plant from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

§ 110.218 Pacific Ocean at San Clemente Island, Calif.; in vicinity of Wilson Cove.

(a) *The anchorage grounds.* Shoreward of a line beginning at a point on the beach bearing 153° true, 1,400 yards, from the flashing green light on the southeast headland at Wilson Cove; thence 62° true, 0.67 nautical mile; thence 332° true, 1.63 nautical miles; thence 241°31' true to the shore line.

(b) *The regulations.* (1) This area is reserved exclusively for anchorage of United States Government vessels or vessels temporarily operating under Government direction, and no vessel, except in an emergency, shall anchor in the area without first obtaining permission from the Commandant, Eleventh Naval District, or the Senior Naval Officer present who shall in turn notify the Commandant promptly.

(2) No vessel shall anchor in such a manner as to unreasonably obstruct the approach to the wharf.

§ 110.220 Pacific Ocean at San Nicolas Island, Calif.; restricted anchorage areas.

(a) *The restricted areas*—(1) *East area.* All waters within a circle having a radius of one nautical mile centered at latitude 33°13'45", longitude 119°25'50" (the former position of San Nicolas Island East End Light), which point bears approximately 101°, 420 yards, from San Nicolas Island East End Light.

(2) *West area.* Shoreward of a line bearing 276° true from San Nicolas Island south side light a distance of six nautical miles; thence to a point bearing 270° true, two nautical miles, from the westernmost point of the island; thence 60° to a point due north of the northernmost point of the island; thence 180° true to the shore.

(b) *The regulations.* Except in an emergency, no vessel shall anchor in these restricted areas without authority of the Commandant, Eleventh Naval District. Cargo vessels destined for San Nicolas Island may anchor in the east area for unloading or loading.

§ 110.222 Pacific Ocean at Santa Barbara Island, Calif.

(a) *The anchorage grounds.* Shoreward of a line beginning at the Santa Barbara Island Light on the northeast end of the island and bearing 23° true a distance of 1.515 nautical miles seaward from the beach; thence 140°30' true, 2.54 nautical miles; thence 212°30' true, 2.30 nautical miles; thence 296°30' true, 0.96 nautical mile; and thence 325° true to the beach.

(b) *The regulations.* The anchorage shall be available for anchorage of all types of craft. Temporary floats or buoys for marking anchors in place will be permitted in this area.

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, California.

(a) *San Francisco Bay*—(1) *Anchorage 1 (general).* (i) That portion of San Francisco Bay bounded by the north shore of the City of San Francisco and lines joining points which are the following bearings and distances from Alcatraz Light: 201°40', 2,670 yards; 220°20', 1,800 yards; 251°, 4,210 yards; 234°30', 4,410 yards.

(ii) All of this area is a general anchorage with the exception of a 333-yard wide cable area therein.

(2) *Anchorage 2 (general).* That portion of Richardson Bay north of a line bearing 257° from Peninsula Point to the shore at Sausalito, except so much of this area as is included in Naval Anchorage 11 and the improved channel to, and the turning basin at, Sausalito.

(3) *Anchorage 3 (general).* That portion of Belvedere Cove west of a line bearing 25° 30' from Peninsula Point to the shore at Tiburon.

(4) *Anchorage 4 (general).* Bounded by the westerly shore of San Francisco Bay and the following lines: Beginning on shore at Bluff Point; thence to a point bearing 286°, 3,630 yards, from Southampton Shoal Light; thence to a point bearing 228°, 4,450 yards from East Brother Island Light; thence along a line bearing 266° to the shore south of Point San Quentin. Excluded from this anchorage are the portions of the following areas included therein: The restricted area at the Naval Net Depot, Tiburon (see § 207.640 (h) of this chapter); Quarantine Anchorage 17 when being used for quarantine purposes; and Explosives Anchorage 13 and the forbidden anchorage zone surrounding it.

(5) *Anchorage 5 (general).* (i) Bounded by the easterly shore of San Francisco Bay and the following lines: Beginning at the shoreward end of the Standard Oil Wharf at Point Orient; thence along the wharf to the southwest corner thereof; thence to a point bearing 334°30', 4,050 yards, from Southampton Shoal Light; thence along a line bearing 93° to the shore; except so much of this area as is included in the restricted area, Naval Fuel Annex, Molate Point (see § 207.640 (i) of this chapter), and the improved channel to Richmond Inner Harbor.

(ii) Vessels may anchor in this anchorage immediately adjacent to the improved channel to Richmond Inner Harbor: *Provided,* That any ship obstructing the channel must move from its position immediately if and when the fairway is required by a vessel navigating the channel.

(6) *Anchorage 6 (general).* Bounded by the easterly shore of San Francisco Bay and the following lines: Beginning at the shore at the southernmost extremity of Point Isabel; thence along the northerly shore of Brooks Island to the training wall extending westerly therefrom; thence westerly along the training wall to its bayward end; thence to a point bearing 104°, 1,035 yards, from Treasure Island North End Light; thence along a line bearing 144° 30' to a point 290 yards northerly of the center of Pier K of the San Francisco-Oakland Bay Bridge; thence along a line bearing 71° to the shore; excluding from this area however, the cable areas therein and a fairway delineated by lines joining the following points:

| *Latitude* | *Longitude* |
|---|---|
| 37°51'50" | 122°19'01" |
| 37°51'48" | 122°19'08" |
| 37°51'51" | 122°19'10" |
| 37°50'50" | 122°22'03" |
| 37°51'00" | 122°22'07" |
| 37°52'00" | 122°19'15" |
| 37°52'04" | 122°19'17" |
| 37°52'08" | 122°19'08" |
| 37°52'02" | 122°19'03" |
| 37°51'58" | 122°19'02" |

(7) *Anchorage 7 (Temporary).* (i) That portion of San Francisco Bay bounded by the westerly shore of Treasure Island and the following lines: Beginning at the most westerly shore of Treasure Island at a point bearing 89°, 4,135 yards from Alcatraz Light; thence to points which are the following bearings and distances from Alcatraz Light: 73°30', 3,100 yards; 65°00', 2,040 yards; 117°40', 2,087 yards; 122°30', 3,730 yards; 111°00', 4,167 yards; 109°30', 3,833 yards; 98°30', 4,583 yards.

(ii) That portion of this anchorage lying westerly of a line having a bearing of 311°30' from Pier E of the San Francisco-Oakland Bay Bridge is reserved for the use of vessels while undergoing examination by quarantine, customs, immigration, Coast Guard, and other governmental authorities. Upon completion of these examinations, vessels shall promptly move out of this portion of the anchorage.

(iii) That portion of this anchorage lying easterly of the said line, having a bearing of 311°30' from Pier E of the San Francisco-Oakland Bay Bridge, is for use of vessels undergoing examination, as in subdivision (ii) of this subparagraph, and also for use of vessels requiring a temporary anchorage. Vessels shall not remain in this portion of the anchorage for longer than 36 hours.

(8) *Anchorage 8 (general).* That portion of San Francisco Bay east of the City of San Francisco, the corners of which are the following bearings and distances from the center of the anchor pier (Pier C) of the San Francisco-Oakland Bay Bridge: 118°, 2,635 yards; 175°30', 2,420 yards; 172°, 3,470 yards; and 168°, 3,520 yards.

(9) *Anchorage 9 (general).* Bounded on the north by the shore, the breakwater and turning basin at the Naval Air Station, Alameda, and a line from Air Station Channel Lighted Buoy 6 to Air Station Channel Entrance Lighted Buoy 2; bounded on the west by a line beginning at Air Station Channel Entrance Lighted Buoy 2, thence to a point bearing 17°, 4,050 yards, from Hunters Point Light, thence to a point bearing 343°30', 4,000 yards, from Hunters Point Light, and thence to a point bearing 343°30', 3,330 yards from Hunters Point Light, and thence 146°; bounded on the south by a line 1,000 yards northerly from and parallel to the Hayward-San Mateo

Bridge; and bounded on the east by the shore, including all of San Leandro Bay. The following areas are excluded from this anchorage: The seaplane restricted area, Naval Air Station, Alameda (described in § 207.640(e) of this chapter); Explosives Anchorage 14 and the forbidden anchorage zone surrounding this anchorage.

(10) *Anchorage 9-A (general).* Shoreward of the following lines: Beginning at the outer end of the south fender of the former automobile ferry slip at the end of the Alameda Mole; thence 270°, 400 yards; thence 216°, approximately 2,000 yards; thence along a line bearing 127° from Alcatraz Light, 1,200 yards; thence 36° to the shore.

(11) *Anchorage 10 (naval).* (i) The triangular-shaped area immediately east of Sausalito northwest of a line bearing 234° from Point Stuart Light, and southwest of a line bearing 303° from Alcatraz light.

(ii) This anchorage is for the use of public vessels of the United States, but may be used by yachts when not required for use by public vessels. All yachts making use of this anchorage shall be prepared to move immediately upon notice should the anchorage be required for public vessels. With the permission of the District Commander or Captain of the Port, permanent yacht moorings may be placed within this anchorage, not more than 300 yards from the shore.

NOTE: As used in this section, the term "District Commander" means the Commander, Twelfth Coast Guard District, and the term "Captain of the Port" means the officer who has been designated by the Commandant, U. S. Coast Guard, as Captain of the Port, San Francisco.

(12) *Anchorage 11 (naval).* (i) That portion of Richardson Bay the corners of which are the following bearings and distances from Point Stuart Light: 273°, 1,150 yards; 271°, 2,520 yards; 257°30', 2,580 yards; and 248°30', 1,530 yards; except so much of this area as is included in the improved channel to Sausalito.

(ii) This anchorage is reserved for the exclusive use of vessels and seaplanes of the United States Navy.

(13) *Anchorage 12 (naval).* (i) That portion of San Francisco Bay east of the City of San Francisco the corners of which are the following bearings and distances from the center of the anchor pier (Pier C) of the San Francisco-Oakland Bay Bridge: 95°, 3,035 yards; 110°, 980 yards; 188°, 1,170 yards; 175°-30', 2,420 yards; and 118°, 2,635 yards.

(ii) This anchorage is reserved for the use of vessels of the United States or foreign navies and for other public vessels of the United States. With the permission of the District Commander or Captain of the Port, this anchorage may be used temporarily by vessels other than public vessels, but vessels availing themselves of this privilege must hold themselves in readiness to shift berth immediately upon receiving notice to do so.

(14) *Anchorage 13 (explosives).* (i) A circular area having a radius of 333 yards around a white buoy used to mark its location bearing 51°30', 1,900 yards, from the northerly extremity of California Point.

(ii) This anchorage is for the use of vessels loaded with, loading, or unloading explosives. This provision is not intended to prohibit lighters and barges from lying alongside ships for transfer of cargo.

(iii) The maximum total quantity of explosives that may be on board vessels in this anchorage shall be limited to 50 tons; except that, at the discretion of the District Commander or Captain of the Port, vessels in transit, loaded with explosives in excess of this limitation, may be permitted to anchor temporarily in this area provided the hatches to the holds containing explosives are not opened.

(iv) A circular zone 667 yards wide partially surrounding the anchorage is a forbidden anchorage zone and shall not be used for anchorage purposes by any vessels.

(15) *Anchorage 14 (explosives).* (i) The area 1,000 yards wide and 2,760 yards long, the end boundaries of which are semicircles with radii of 500 yards and centers, respectively, 100°00', 3,270 yards, and 112°30', 4,800 yards from Hunters Point South End Light, and the side boundaries of which are parallel tangents joining said semicircles. The anchorage is marked at each extremity by a white buoy.

(ii) The anchorage is for the use of vessels loaded with, loading, or unloading explosives. This provision is not intended to prohibit lighters and barges from lying alongside ships for transfer of cargo.

(iii) The maximum total quantity of explosives that may be on board any one vessel moored in this anchorage shall be limited to 3,000 tons. Vessels will be assigned berths in this anchorage by the District Commander or Captain of the Port on the basis of the maximum quantity of explosives that will be on board the vessel.

(iv) Vessels in this anchorage shall not anchor closer than 400 yards to one another but the number of vessels which may anchor in this area at any one time shall be at the discretion of the District Commander or Captain of the Port. This provision is not intended to prohibit barges or lighters from lying alongside vessels for transfer of cargo.

(v) The 667-yard wide area partially surrounding this anchorage is a forbidden anchorage zone and shall not be used for anchorage purposes by any vessels.

(vi) This anchorage and the surrounding forbidden anchorage zone may be temporarily discontinued by the District Engineer, Corps of Engineers, San Francisco, California, when the area is required for general anchorage purposes.

(16) [Reserved]

(17) *Anchorage 17 (quarantine).* An area 1,000 yards square, the easterly side of which is coincident with the easterly boundary of General Anchorage 4 and the northeasterly corner of which is on the said easterly boundary 97°30', 2,250 yards, from the northerly extremity of California Point.

NOTE: This anchorage is under the jurisdiction of the Medical Officer in charge of the Port of San Francisco and is included in this section for information only.

(b) *San Pablo Bay*—(1) *Anchorage 18 (general).* Bounded by the westerly shore of San Pablo Bay and the following lines: Beginning at the shore at Point San Pedro; thence 90° to the easterly of the Sisters Islands; thence to points which are the following bearings and distances from Petaluma Creek Entrance Channel Light and Echo Board 2: 202° 30', 1,200 yards; and 288°30', 5,870 yards; excluding from this area, however, the channel to Hamilton Field and the extension of this channel easterly to the boundary of the anchorage, and the pipeline area therein.

(2) *Anchorage 19 (general).* Bounded by the northeasterly shore of San Pablo Bay and the following lines: Beginning at the shore at a point bearing 03°15', 6,830 yards, from Petaluma Creek Entrance Channel Light and Echo Board 2; thence to points which are the following bearings and distances from Petaluma Creek Entrance Channel Light and Echo Board 2: 177°30', 8,600 yards; 131° 7,000 yards; 103°00', 9,500 yards; 95° 30', 13,370 yards, 93° 30', 13,330 yards; and thence along the long dike extending southwesterly from Mare Island to the shore at Mare Island.

NOTE: See § 204.215 of this chapter establishing a target area in San Pablo Bay adjacent to the westerly shore of Mare Island for use of the Mare Island Navy Yard.

(3) *Anchorage 20 (general).* Bounded by the southeasterly shore of San Pablo Bay and the following lines: Beginning at the northeast corner of Parr Terminal No. 4 at Point San Pablo; thence to a point bearing 14°, 1,135 yards from the northeast corner of the wharf at Pinole Point; thence to a point on the Union Oil Company Pier at Oleum, 206°00', 1,870 yards from Mare Island Pier 35 Light; and thence along this pier to the shore; excluding from this area Explosive Anchorages 22 and 23.

(4) *Anchorage 21 (naval).* A rectangular area south of Mare Island the corners of which are the following bearings and distances from the tall stack at the Selby Smelting Works: 331°30', 1,285 yards; 300°30', 1,830 yards; 286° 30', 1,530 yards; and 321°, 800 yards.

(5) *Anchorage 22 (explosives).* (i) A circular area having a radius of 500 yards whose center is at the northwest corner of the wharf of the Atlas Powder Company at Pinole Point.

(ii) This anchorage is for the use of vessels loaded with, loading, or unloading explosives, and this anchorage shall not be used by any other vessel.

(iii) The maximum quantity of explosives that may be in this anchorage at one time shall be limited to 500 tons.

(6) *Anchorage 23 (explosives).* (i) A circular area having a radius of 500 yards whose center is at the northwest corner of the wharf of the Hercules Powder Company which is located approximately 2,330 yards southwesterly of Lone Tree Point at Rodeo, California.

(ii) This anchorage is for the use of vessels loaded with, loading, or unloading explosives, and this anchorage shall not be used by any other vessels.

(iii) The maximum quantity of explosives that may be in this anchorage at any one time shall be limited to 100 tons.

(c) *Carquinez Strait*—(1) *Anchorage 24 (general)*. Bounded by the northerly shore of Carquinez Strait and lines joining points which are the following bearings and distances from Port Costa Light: 332°30', 1,820 yards; 347°, 1,330 yards; 347°, 710 yards; and 109°30', 1,800 yards.

(2) *Anchorage 25 (general)*. Bounded by the south shore of Carquinez Strait and lines joining points which are the following bearings and distances from Benicia City Wharf Light: 145°30', 2,970 yards; 141°, 1,970 yards; and 234°, 1,300 yards.

(d) *Suisun Bay*—(1) *Anchorage No. 26 (general)*. On the west side of Suisun Bay, adjacent to and northeast of the City of Benicia within the following boundaries: The northeast edge of the Southern Pacific Bridge from the north shore to the first siren; thence 77°30', 430 yards; thence 38°47', 7,800 yards; thence 312° to shore; thence along the shore to the point of beginning.

NOTE: A portion of Anchorage 26 is occupied by the Suisun Bay Reserve Fleet of the Maritime Administration, and § 207.900 of this chapter establishes a restricted area in the vicinity of this Reserve Fleet.

(2) *Anchorage 27 (general)*. An area in the northeast portion of Suisun Bay lying east of a line due north through tripod on Roe Island at Preston Point; north of a line bearing 84° from fixed range light located 1,187 yards to the southwest of said tripod on Roe Island, to the old lighthouse at the most southerly point of Roe Island; thence bearing 101° to Middle Ground Light, thence bearing 88° Chipps Island.

(e) *San Joaquin River*—(1) *Anchorage 28 (general)*. The waters adjacent to Lower Sherman Island southeasterly of a line 450 yards long bearing 238° from Sherman Island North End Light; easterly of a line bearing 163°30' from the west end of said 450-yard line; and northerly of a line bearing 27° from New York Slough East End Light and Echo Board.

(2) [Reserved]

(3) *Anchorage 30 (explosives)*. (i) That portion of the Old San Joaquin River channel bounded on the west by Mandeville Point and on the north, east, and south by lines joining points which are the following bearings and distances from Stockton Channel 3 Light: 341°, 1,400 yards; 348°30', 1,520 yards; 355°-20', 1,340 yards; 08°30', 835 yards; and 341°, 870 yards.

(ii) This anchorage is for the use of vessels, lighters, and barges loaded with, loading, or unloading explosives or explosive materials, and shall not be used by any other vessel or craft while such operations are in progress. At all other times the area will be open to fishing and navigation without restriction.

(iii) Notice of loading and unloading operations will be given by notice published by the United States Coast Guard in "Notice to Mariners", and by notice given by the Port of Stockton to local radio stations and newspapers, and by telephonic means to any organization that may request that such advice be given. In all cases the notice will state how long the operations will be in progress and on what days.

(f) *Sacramento River, Decker Island; restricted anchorage for vessels of the United States Government*—(1) *The anchorage ground*. An elongated area in the waters of the Sacramento River adjacent to the northeast shore of Decker Island within the following boundaries: Beginning at Sacramento River Light 4, FL. R., at the northerly tip of Decker Island, thence 90°, 117 yards; thence 180°, 633 yards; thence 184°, 817 yards; thence 186°30', 450 yards; thence 209°, 467 yards; thence 231°, 383 yards; thence 330° to shore; thence with the shore to the point of beginning.

(2) *The regulations*. No vessel or other craft except those owned by or operating under contract with the United States shall navigate or anchor within fifty feet of any moored Government vessel in the area. Commercial and pleasure craft shall not moor to buoys or chains of Government vessels, nor shall they, while moored or underway, unreasonably obstruct the passage of Government or other vessels through the area.

(3) *Enforcement*. The regulations in this paragraph shall be enforced by the Commanding General, San Francisco Port of Embarkation, Fort Mason, California, or his authorized representative.

(g) *General regulations*. (1) Except in cases of distress, great emergency, or heavy fog, no vessel shall be anchored in the navigable waters of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, New York Slough, San Joaquin River Deep Water Channel, and the Stockton Turning Basin, California, outside of the anchorages defined and established in this section, nor anchor within an improved channel or a cable or pipe line area shown on Government charts, nor be moored, anchored, or made fast to any pier, wharf, bulkhead, or vessel in such manner as to impede or endanger the passage of any vessel in transit by, or to or from, adjacent wharves, piers, slips, or navigation channels.

(2) Whenever in the opinion of the District Commander or Captain of the Port such action may be necessary that officer may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(3) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall be anchored with two anchors, with mooring swivel put on before the crew is reduced or released.

(4) Anchors shall not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging extends outside the boundaries of the anchorage area.

(5) Vessels anchoring outside of the designated anchorage areas because of distress or heavy fog, shall be placed in such position as not to interfere with navigation or obstruct the approach to any pier, wharf, slip, or boat harbor. They shall move from such position as soon as the emergency ceases or when ordered by the District Commander or Captain of the Port or by his duly authorized representative.

(6) The anchorages will be used only for the purposes stated for each and under the special limitations applicable thereto.

(7) The District Commander or Captain of the Port shall assign berths in the anchorages to all vessels applying for such permission. He may grant permits to those vessels habitually maintaining and using the same mooring place in an anchorage area, and no vessel shall occupy a permanent berth in an anchorage area except under authority of such permit which may be revoked at any time.

(8) A vessel, upon being notified to move into the anchorage limits or to shift its position in the anchorage grounds shall get under way at once or obtain a tug and change its position with reasonable promptness, as directed.

(9) Whenever required by maritime or commercial interests of the United States, the District Commander or Captain of the Port is empowered to shift the position of any vessel anchored within or outside of an anchorage area, of any vessel which is so moored or anchored that its position impedes or obstructs vessel movements in any channel or obstructs or interferes with range lights, and of any vessel which, lying at the exterior end of a pier or alongside of a wharf or bulkhead, obstructs or endangers the passage of vessels to or from adjacent wharf property or impedes the movement of vessels entering or leaving slips and boat harbors.

(10) Permits to anchor in channels within the limits of the waterways covered by the regulations in this section may be granted by the District Commander or Captain of the Port to wrecking plants or other vessels legally engaged in recovering sunken property or in laying pipe or cable lines legally established or in repairing same when the application for such anchorage is approved by the District Engineer, Corps of Engineers, and to plant engaged in dredging operations when authorized by the District Engineer. The provisions of this subparagraph will not apply to plant engaged under the supervision of the District Engineer upon works for the improvement of rivers and harbors, but the District Engineer will advise the District Commander or Captain of the Port in advance of the proposed work for such improvement in all cases where the plant is to be employed under his supervision.

(11) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of law for obstructing naviga-

tion or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the law.

(12) (i) Anchorages 13, 14, 22, 23, and 30 are reserved for vessels carrying explosives. All vessels carrying explosives shall be within these areas when anchored, except as provided in subparagraph (15) of this paragraph.

(ii) A written permit shall be obtained from the District Commander or Captain of the Port before vessels carrying explosives, or on which explosives are to be loaded, may proceed to the anchorages provided for them, and no vessel shall occupy a berth in such anchorage except by authority of such permit, which may be revoked at any time.

(iii) At the discretion of the District Commander or Captain of the Port, written permits to occupy a berth in explosive anchorages may be issued to vessels carrying flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases and poisonous substances. Such permits must be obtained prior to entering the anchorage and are revocable at any time.

(iv) Vessels used in connection with transporting explosives to be loaded on or unloaded from other vessels in explosive anchorage areas, shall obtain and carry a written permit from the District Commander or Captain of the Port. The District Commander or Captain of the Port may, at his discretion, require every person having business on board vessels which are either laden or being loaded with explosives, to have a document which is acceptable to the Coast Guard for identification purposes. Such identification shall be shown whenever required by the District Commander or Captain of the Port.

(13) (i) Whenever any non-self-propelled vessel, or any self-propelled vessel that is unable to maneuver under its own power due to mechanical difficulties, lack of personnel, or for any other reason, occupies explosives anchorages 13, 14, 22, 23, and 30, the District Commander or Captain of the Port may require the attendance of a tug upon such vessels when, in his judgment, such action is deemed necessary.

(ii) Every vessel loading, unloading, or laden with explosives shall, while within an explosive anchorage, display by day at its masthead, or at least 10 feet above the upper deck if the vessel has no masthead, a red flag 16 square feet or more in area, and shall display by night, in the same position specified for the flag, an electric red light visible through 360° for a distance of at least one mile.

(14) When vessels are conducting loading operations from barges at any of the established anchorages, as indicated by the display at its masthead of a red flag by day or a red light by night, passing vessels shall reduce speed to six knots.

(15) The District Engineer, Corps of Engineers, is empowered to authorize in writing, the anchoring of a single barge carrying explosives in or near the vicinity of work being done directly under his supervision, or under a Department of the Army permit, but only in quantities considered by him as safe and necessary. The District Engineer shall prescribe the conditions under which this explosive shall be stored and handled and in each case shall furnish the District Commander or Captain of the Port with a copy of the written permit to anchor explosives on the wharf and a copy of the rules and regulations for storing and handling.

(16) Vessels other than those under Federal supervision shall not go alongside or in any manner moor to any Government-owned vessel, mooring buoy, or pontoon boom, their anchor cables, or any of their appendages. Vessels other than those under Federal supervision shall not obstruct or interfere in any manner with the mooring, unmooring or servicing of vessels owned by the United States.

(17) Vessels anchoring in the San Joaquin River Deep Water Channel or the Stockton Turning Basin because of distress or heavy fog, shall be placed as near the edge of the channels or turning basin as possible, and in such position as not to interfere with the free navigation thereof, nor obstruct the approach to any pier, wharf, slip, or boat harbor. They shall move from such position as soon as the emergency ceases or when ordered by the District Commander or Captain of the Port, San Francisco. No vessel shall be permanently moored in areas adjacent to the San Joaquin River Deep Water Channel except on permission in writing from the District Commander or Captain of the Port.

### § 110.228 Columbia River, Oreg. and Wash.

(a) *The anchorage grounds*—(1) *Lower Tongue Point Anchorage.* A rectangular area bounded as follows: Beginning at a point bearing 253°30', 675 yards, from Tongue Point Light; thence to a point bearing 247°30', 2,015 yards, from Tongue Point Light; thence to a point bearing 261°, 2,125 yards, from Tongue Point Light; thence to a point bearing 284°, 950 yards, from Tongue Point Light; and thence to the point of beginning.

(2) *Upper Tongue Point Anchorage.* Northwesterly of a line running from a point bearing 42°, 1,200 yards, from Tongue Point Light, to a point bearing 253°30', 675 yards, from Tongue Point Light; northeasterly of the northeast boundary of Lower Tongue Point Anchorage; southeasterly of a line ranging from a point bearing 284°, 950 yards, from Tongue Point Light, toward a point bearing 24°, 1,425 yards, from Tongue Point Light; southerly of a line 50 yards south of and parallel to the south side of the main ship channel; and southwesterly of a line ranging from a point bearing 42°, 1,200 yards, from Tongue Point Light, toward a point bearing 24°, 1,425 yards, from Tongue Point Light.

(b) *The regulations.* (1) No vessel shall anchor in anchorages described in paragraph (a) (1) and (2) of this section without prior permission from the Captain of the Port, or his authorized representative. No vessel shall occupy either anchorage for a period longer than 30 days unless a permit is obtained from the Captain of the Port for that purpose. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to the navigation or anchorage of other vessels shall occupy an anchorage except in an emergency and then only for such period as may be permitted by the Captain of the Port. A berth in an anchorage, if available, shall be assigned to any vessel by the Captain of the Port upon application and he may grant revocable permits for the continuous use of the same berth.

### § 110.230 Puget Sound Area, Wash.

(a) *The anchorage grounds*—(1) *Freshwater Bay emergency explosives anchorage, Strait of Juan de Fuca.* All of Freshwater Bay and adjacent waters shoreward of a line beginning at Observatory Point, latitude 48°09'03", longitude 123°38'12", thence due north approximately 1,150 yards to latitude 48°09'36", longitude 123°38'12"; thence 90°, approximately 6,450 yards, to latitude 48°09'36", longitude 123°33'27"; thence 180° to the shoreline.

(i) This area does not constitute an explosives anchorage for loading or discharging explosives, but is established exclusively for use by explosives laden vessels enroute to the ammunition dumping area which encounter adverse weather and sea conditions and are forced to await more favorable conditions before proceeding to sea.

(1-a) *Bellingham Bay general anchorage.* The waters of Bellingham Bay within a circular area with a radius of 2,000 yards, having its center at latitude 48°44'15", longitude 122°32'25".

(1-b) *Bellingham Bay explosives anchorage.* The waters of Bellingham Bay within a circular area with a radius of 1,000 yards, having its center at latitude 48°42'48", longitude 122°33'37".

(2) *Port Townsend explosives anchorages*—(i) *Fair weather anchorage area.* A circular area having a radius of 300 yards, whose center is at latitude 48°06'26", longitude 122°43'46".

(ii) *Foul weather anchorage area.* A circular area having a radius of 300 yards, whose center is at latitude 48°04'05", longitude 122°44'52".

(3) *Holmes Harbor general anchorage.* All of Holmes Harbor lying southerly of a line ranging 310° through Hackney Island, between the shores of Whidbey Island.

(4) *Port Gardner general anchorage, Possession Sound.* Beginning at a point bearing 211°, 560 yards, from Everett Jetty Light; thence 180°, 675 yards; thence 216°, 250 yards; thence 254°, 800 yards; thence 302°, 1,700 yards; thence 49°, 1,280 yards; thence approximately 115°, 1,525 yards, to the point of beginning.

(5) *Port Madison explosive anchorage, Puget Sound.* The waters of Port Madison south of the 3-fathom line between longitude 122°28'54" and 122°30'00", and north of latitude 47°44'00".

(6) *Thorndike Bay emergency explosives anchorage, Hood Canal.* Beginning at a point bearing 267°, 3,500 yards, from Hood Canal 5 Light; thence 180°, 1,000 yards, to a point approximately 251°, 3,725 yards, from Hood Canal 5 Light; thence 270°, 1,350 yards, to a point approximately 256°, 5,000 yards, from Hood Canal 5 Light; thence due north 1,000 yards, to a point approximately 268°, 4,900 yards, from Hood Canal 5 Light; thence approximately 90°, 1,350 yards, to the point of beginning.

(7) *Smith Cove general anchorage (west), Elliott Bay.* Shoreward of a line beginning at Fourmile Rock Light; thence to a point bearing 207°, 1,100 yards, from Fourmile Rock Light; thence southeasterly to point bearing 6°30', 2,075 yards, from Duwamish Head Light; thence due north to the shore of Smith Cove.

(8) *Smith Cove general anchorage (east), Elliott Bay.* Beginning at the intersection of the Federal pierhead line and a line drawn along the north side of Denny Way; thence westerly on said line 2,000 feet; thence northwesterly along a line paralleling the Federal pierhead line to its intersection with a straight line drawn along the east side of Pier 88; thence due north to the intersection with the Federal pierhead line; thence along said pierhead line to the point of beginning.

(9) *Elliott Bay general anchorage (east).* Shoreward of a line beginning at the northeast corner of Harbor Island; thence northerly and in a straight line to its intersection with a line drawn along the south side of King Street; thence west on said line to its intersection with the east line of West Waterway; thence along said line to the northwest corner of Harbor Island.

(10) *Elliott Bay general anchorage (west).* Shoreward of a line beginning at a point of intersection of the Federal pierhead line with a straight line drawn along the west line of West Waterway; thence north to a point intersecting a straight line drawn along the south side of Dearborn Street; thence in a westerly direction to the foot of West Fairmount Avenue.

(11) *Orchard Point general anchorage, Puget Sound.* Beginning at Orchard Point Light; thence 106°, two miles; thence 180° to the northern shore of Blake Island; thence west and south along the shoreline to the southern end of Blake Island at approximate longitude 122°29'16"; thence 250° to the dock at Harper; thence westerly and northerly along the shoreline to the point of beginning.

(12) *Blake Island explosives anchorage, Puget Sound.* Shoreward of a line bearing 90° from the south tangent of Blake Island, 2,000 yards; thence due north, 1,400 yards; thence 270°, 1,300 yards, to the east point of Blake Island.

(b) *The regulations.* (1) No vessel shall anchor in any general anchorage described in paragraph (a) of this section without prior permission from the Captain of the Port, or his authorized representative. No vessel shall occupy any general anchorage for a period longer than 30 days unless a permit is obtained from the Captain of the Port for that purpose. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to the navigation or anchorage of other vessels shall occupy a general anchorage except in an emergency and then only for such period as may be permitted by the Captain of the Port. A berth in a general anchorage, if available, may be assigned to any vessel by the Captain of the Port upon application and he may grant revocable permits for the continuous use of the same berth.

(2) Explosive anchorages are reserved for vessels carrying explosives. All vessels carrying explosives shall be within these areas when anchored.

(3) Whenever any vessel not fitted with mechanical power, anchors in an explosive anchorage, the Captain of the Port may require the attendance of a tug upon such vessel, when, in his judgment, such action is necessary.

(4) Vessels carrying explosives shall comply with the general regulations in subparagraph (1) of this paragraph, when applicable.

(5) Every vessel at anchor in an explosives anchorage shall display by day a red flag at least 16 square feet in area at its mast head or at least 10 feet above the upper deck if the vessel has no mast, and by night a red light in the same position specified for the flag. These signals shall be in addition to day signals and lights required to be shown by all vessels when at anchor.

(6) Every vessel constructed of wood shall, unless there are steel bulwarks or metallic cases or cargo on board, be fitted with radar reflector screens of metal of sufficient size to permit target indication on the radar screen of commercial type radars.

(7) Fishing and navigation by pleasure and commercial craft are prohibited within the area at all times when vessels which are anchored in the area for the purpose of loading or unloading explosives display a red flag by day and a red light by night, unless special permission is granted by the Captain of the Port.

(8) No explosives handling in any explosive anchorage will be undertaken by any vessel unless personnel from the Captain of the Port are on board to supervise the handling of explosives.

(9) No vessel shall remain at anchor in any explosive anchorage unless there is on board such vessel a competent watchman or a tug in attendance.

**§ 110.235 Pacific Ocean (Mamala Bay), Honolulu Harbor, Hawaii; anchorage for nitrate laden vessels.**

(a) *The anchorage ground.* The waters of the Pacific Ocean (Mamala Bay) within an area directly offshore of Keehi Lagoon at Honolulu, Hawaii, described as follows: Beginning at a point bearing 251° true, 5,925 yards, from Honolulu Harbor Light (Aloha Tower); thence on a bearing of 202° true, 1,000 yards; thence on a bearing of 290°30' true, 800 yards; thence on a bearing 22° true, 1,000 yards; thence on a bearing of 110°30' true, 800 yards to point of beginning. This area provides anchorage space for one (1) vessel.

(b) *The regulations.* (1) Anchorage within this area shall be restricted to not more than one (1) nitrate laden vessel at any one time. Other vessels are cautioned against frequenting the area at any time, and they shall not, without specific authority from the District Commander, enter or remain in the area when a nitrate laden vessel is anchored within or is approaching the area, or anchor outside the area within 1,000 yards of a nitrate laden vessel anchored within the area.

NOTE: The term "District Commander," as used in this section, means the Commander, 14th Coast Guard District, Honolulu, Hawaii, or his duly authorized representative.

(2) Except in an emergency involving danger to life or property, no nitrate laden vessel shall anchor within the area without first obtaining permission from the District Commander. The master of a nitrate laden vessel shall notify the District Commander in advance of his intention to anchor within the area, giving the name of the vessel and the time he expects to anchor and any additional information requested such as the reason for the stopover, anticipated period of the stopover, kind and amount of cargo carried, destination, and proposed location of any necessary torches or welding anticipated, etc. The vessel shall not enter the area until permission to anchor has been received from the District Commander, and it shall then anchor along the longitudinal center line of the area 600 yards from any corner as designated by the District Commander.

(3) The master of the vessel shall request permission from the District Commander for any necessary additional stopover privilege longer than the period originally anticipated. He shall also notify the District Commander when his vessel is ready to leave the area.

(4) In addition to the appropriate day and night signals, the anchored vessel shall display by day a red flag of at least 16 square feet, and by night a red light visible all around the horizon, at the mast head or at least 10 feet above the upper deck if the vessel has no mast.

(5) The master of the vessel shall have the vessel properly patrolled at all times, and anchor bearings carefully checked at frequent intervals. During rough seas, if he is in doubt as to being securely anchored and is without ship power he shall call for tug service from any of the commercial tug-service firms available in Honolulu Harbor. All charges incurred thereby shall be charged to the vessel owner or agent.

(6) Upon being notified to shift its position a vessel shall get under way at once or signal for a tug and change position as directed with reasonable promptness.

(7) In the event of fire on board any anchored vessel, the master or other officer in charge shall immediately sound five blasts of five seconds each of a

whistle or siren, which signal may be repeated at intervals to attract attention. This signal shall be used in addition to any other means available for reporting a fire. If for any reason the whistle signal is inoperative the master shall make arrangements whereby the radio transmitter and operator will be available.

(8) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from strict compliance with all applicable navigation laws and regulations established by the Commandant of the Coast Guard with respect to explosives and other dangerous articles and substances on board vessels.

§ 110.236 Pacific Ocean off Barbers Point, Island of Oahu, Hawaii; anchorage for tank vessels.

(a) *The anchorage ground.* The waters of the Pacific Ocean within an area described as follows: Beginning at a point at latitude 21°16'58" N., longitude 158°04'39" W.; thence on a bearing of 90° true, 850 yards; thence on a bearing of 180° true, 450 yards; thence on a bearing of 270° true, 850 yards; thence on a bearing of 360° true, 450 yards to point of beginning.

(b) *The regulations.* (1) This anchorage is for the use of tank vessels loaded with, loading, or unloading oil, and shall not be used by any other vessel except as provided in subparagraph (9) of this paragraph.

(2) The anchorage will be used only for the purposes stated and under the special limitations applicable thereto.

(3) When tank vessels are conducting loading or unloading operations as indicated by the display of a red flag (International Code Flag "B") at the masthead, passing vessels of over 100 tons displacement will reduce speed to six (6) knots over the ground.

(4) Owners of tank vessels shall notify the Captain of the Port, 14th Coast Guard District, Honolulu, and the Commanding Officer, U.S. Naval Air Station, Barbers Point, not less than twenty-four (24) hours prior to actual occupancy of the anchorage ground by a tank vessel. Such notification shall include the maximum height above the waterline of the uppermost portion of the tank vessel's masts and a description, including height of the highest anchor light which will be displayed by the vessel at night when at anchor.

(5) During periods when Navy mining training is being conducted in the mining area defined in this subparagraph, owners of tank vessels shall insure that these vessels remain clear of this area. Frequency of mining operations will be approximately twice a year. The mining area is contained within the rectangle formed by the following coordinates:

| *Latitude* | *Longitude* |
|---|---|
| 21°17'21" N. | 158°03'43" W. |
| 21°17'40" N. | 158°01'53" W. |
| 21°17'09" N. | 158°01'48" W. |
| 21°16'51" N. | 158°03'37" W. |

(6) Owners of tank vessels shall delay actual occupancy of the anchorage ground by a tank vessel for a period not to exceed forty-eight hours approximately twice a year upon notification by the Commander, Naval Air Bases, 14th Naval District. Such notification shall be received not less than two weeks in advance.

(7) Tank vessels engaged in loading or unloading operations will normally occupy the area every two to three weeks with an occupancy time therein of approximately thirty-six hours per tank vessel.

(8) The use of this anchorage will neither restrict nor prohibit in any manner the operation of military aircraft over or near the anchorage, or the operation of naval vessels or other craft in the immediate vicinity.

(9) The following vessels only shall navigate or anchor in the area:

(i) Tank vessels using the mooring for loading or unloading operations.

(ii) Vessels belonging to the United States Government.

(iii) Commercial tugs, lighters, barges, and launches engaged in business pertaining to the mooring area.

(10) Tank vessels equipped with a "Butterworth" system shall refrain from employing such equipment during occupancy of the anchorage area.

(11) Vessels occupying the area shall refrain from pumping of bilges.

(12) Permanent mooring buoys may be installed within the area subject to Department of the Army permits being obtained for such installations.

(13) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of law for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the laws.

(14) The regulations of this section shall be enforced by the Captain of the Port, U.S. Coast Guard, Honolulu, and such agencies as he may designate.

§ 110.240 San Juan Harbor, P.R.

(a) *The anchorage grounds*—(1) *Yacht, schooner, and small craft Anchorage D.* That part of San Antonio Channel eastward of longitude 66°05'45".

(2) *Temporary Anchorage E (general).* Beginning at a point which bears 214°24', 943 yards from Isla Grande Light; thence along a line 75°47', 498 yards; thence along a line 134°49', 721 yards; thence along a line 224°49' to the northerly channel limit of Graving Dock Channel; thence along the northerly channel limit of Graving Dock Channel, 307 yards; and thence to the point of beginning.

(3) *Restricted Anchorage F.* Beginning at a point which bears 212°30', 1,337.5 yards from Isla Grande Light; thence along a line 269°00', 550 yards; thence along a line 330°00' to the westerly channel limit of Anegado Channel; and thence along the westerly channel limit of Anegado Channel to the point of beginning.

(b) *The regulations.* (1) The anchorage described in paragraph (a)(1) of this section shall be reserved for the anchorage of yachts, schooners, and small craft.

(2) Vessels awaiting customs or quarantine shall use the anchorage described in paragraph (a)(2) of this section. No vessel shall remain in this anchorage more than 24 hours without a permit from the U.S. Coast Guard Captain of the Port.

(3) Restricted Anchorage F shall serve both as an additional general anchorage area in cases where the temporary anchorage is full, and as an explosives anchorage for vessels loading or unloading explosives in quantities no greater than forty (40) tons, Commercial Class "A" Explosives, when so authorized by the United States Coast Guard Captain of the Port. No vessel shall enter or anchor therein without first obtaining a permit from the United States Coast Guard Captain of the Port.

§ 110.245 Vieques Passage and Vieques Sound, near Vieques Island, P.R.

(a) *The anchorage grounds*—(1) *Vieques Passage explosives anchorage and ammunition handling berth (Area 1).* A circular area having a radius of 2,000 yards with its center at latitude 18°09'-10", longitude 65°32'40".

(2) *Vieques Sound explosives anchorage and ammunition handling berth (Area 2).* A circular area having a radius of 2,000 yards with its center at latitude 18°11'48", longitude 65°26'06".

(3) *Southern Vieques Passage explosives anchorage and ammunition handling berth (Area 3).* A circular area having a radius of 2,000 yards with its center at latitude 18°05'51", longitude 65°36'14".

(b) *The regulations.* (1) No vessel or craft shall enter or remain in these anchorages while occupied by vessels having on board explosives or other dangerous cargo. Explosives in quantities no greater than 1,625 short tons will be handled in any area at one time.

(2) The regulations of this section shall be enforced by the Commander, Greater Antilles Section, U.S. Coast Guard Base, San Juan, Puerto Rico, and such agencies as he may designate.

§ 110.250 St. Thomas Harbor, Charlotte Amalie, V.I.

(a) *The anchorage grounds*—(1) *Inner harbor anchorage.* Beginning at a point bearing 85°, 525 yards from the outer end of a pier at latitude 18°20'19", longitude 64°56'26" (approximate); thence 146°, 800 yards; thence 70°, 860 yards; thence 340°, 500 yards; and thence to the point of beginning.

(2) *Outer harbor anchorage.* Beginning at Scorpion Rock lighted buoy No. 1 (latitude 18°19'25.6", longitude 64°55'41.8"); thence 180°, 1,580 yards; thence 264°30', 2,490 yards; thence due north 1,255 yards; thence due east to the southerly tip of Sprat Point, Water Island; thence to Cowell Point, Hassel Island; and thence to the point of beginning.

(3) *East Gregerie Channel anchorage (general purpose).* Bounded on the northeast by Hassel Island; on the southeast by the northwest boundary

of the outer harbor anchorage; on the southwest by Water Island; and on the northwest by a line running from Banana Point, Water Island, 55° to Hassel Island.

(4) *Small-craft anchorage.* All the waters north of a line passing through the outer end of a pier at latitude 18°20'19", longitude 64°56'26" (approximate) and ranging 85°.

(5) *Deep-draft anchorage.* A circular area having a radius of 400 yards with its center at latitude 18°19'12.2", longitude 64°58'47.8".

(6) *Long Bay anchorage.* The waters of Long Bay bounded on the north by the southerly limit line of Anchorage E, on the west by the easterly limit line of Anchorage A to a point at latitude 18°-20'18", thence to latitude 18°20'13", longitude 64°55'21"; and thence to the shoreline at latitude 18°20'15", longitude 64°55'13".

(b) *The regulations.* (1) The outer harbor anchorage shall be used by vessels undergoing examination by quarantine, customs, immigration, and Coast Guard officers. Upon completion of these examinations, vessels shall move promptly to anchorage. This anchorage shall also be used by vessels having drafts too great to permit them to use the inner harbor anchorage. No vessel shall remain more than 48 hours in this anchorage without a permit from the Harbor Master.

(2) The small-craft anchorage shall be used by small vessels undergoing examination and also by small vessels anchoring under permit from the Harbor Master.

(3) The requirements of the Navy shall predominate in the deep-draft anchorage. When occupied by naval vessels all other vessels and craft shall remain clear of the area. When the area is not required for naval vessels, the Harbor Master may upon application made in advance assign other vessels to the area. Vessels so assigned and occupying the area shall move promptly upon notification by the Harbor Master.

(4) The harbor regulations for the Port of St. Thomas, V.I. of the United States and approaches thereto, including all waters under its jurisdiction, as adopted by the Government of the Virgin Islands, will apply to the Long Bay Anchorage.

(5) In addition, the Long Bay Anchorage is reserved for all types of small vessels, including sailing and motor pleasure craft, and such craft shall anchor in no other area except Anchorage E, in the northern portion of the harbor of Charlotte Amalie.

(6) Floats for marking anchors in place will be allowed in the Long Bay anchorage; stakes or mooring piles are prohibited.

(7) Vessels not more than 65 feet in length are not required to exhibit or carry anchor lights within the Long Bay anchorage, but must display them if emergency requires anchoring in any other part of the harbor.

(8) No vessel may anchor in any of the St. Thomas Harbor Anchorages without a permit from the Harbor Master.

(9) The U.S. Coast Guard Captain of the Port of St. Thomas, is hereby empowered, whenever the maritime or commercial interests of the United States so require, to shift the position of any vessel anchored within the Long Bay anchorage, and of any vessel which is so moored or anchored as to impede or obstruct vessel movement in the harbor, and to enforce all regulations of this section should the need arise.

### § 110.255 Ponce Harbor, P.R.

(a) *Small-craft anchorage.* On the northwest of Ponce Municipal Pier and northeast of Cayitos Reef, bounded as follows: Beginning at latitude 17°58'27", longitude 66°37'29.5", bearing approximately 325° true, 2,200 feet from the most southwest corner of Ponce Municipal Pier; thence 273°30' true, 1,800 feet; thence 15° true, 900 feet; thence 93°30' true, 1,800 feet; thence 195° true, 900 feet to the point of beginning.

(b) *The regulations.* (1) The Commonwealth Captain of the Port may authorize use of this anchorage whenever he finds such use required in safeguarding the maritime or commercial interests.

(2) No vessel shall anchor within the area until assigned a berth by the Commonwealth Captain of the Port. Application for permission to occupy the anchorage must be submitted in advance by the master or authorized representative of the vessel.

(3) Vessels occupying the anchorage will at all times keep within the limits of the area, and shall move or shift their position promptly upon notification by the Commonwealth Captain of the Port.

(4) The anchorage is reserved for all types of small craft, including schooners, fishing vessels, yachts and pleasure craft.

(5) Floats for marking anchors in place will be allowed; stakes or mooring piles are prohibited.

## SUBCHAPTER J—BRIDGES

## PART 114—GENERAL

Sec.


114.01 Purpose.
114.05 Definitions.
114.10 General policies on issuance of permits.
114.20 Departure from permit plans.
114.25 Work constructed without prior authority.
114.30 Revocation and relinquishment of permits.
114.35 Final opinions and orders in adjudication of cases.
114.40 Violations of law.
114.50 Rules and regulations.
114.60 Publication; notice of proposed rule making.


AUTHORITY: The provisions of this Part 114 issued under sec. 5, 28 Stat. 362, as amended, sec. 11, 54 Stat. 501, as amended, sec. 12, 60 Stat. 244, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 521, 5 U.S.C. 559, 49 U.S.C. 1655(g); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(3).

### § 114.01 Purpose.

(a) The purpose of the rules and regulations in this subchapter is to implement certain laws and set forth the requirements for:

(1) Locations and clearances of bridges and causeways over the navigable waters (33 U.S.C. 401, 491 to 507, and 525 to 534).

(2) Administration of the alteration of obstructive bridges (33 U.S.C. 511 to 524).

(3) Regulation of drawbridge operation (33 U.S.C. 499).

(b) The rules and regulations in this subchapter also describe the procedures and practices, including forms and instructions, which are applicable to the public subject to certain laws governing bridges and causeways over the navigable waters of the United States.

(c) There were transferred to and vested in the Secretary of Transportation by subsection 6(g) of the Department of Transportation Act (sec. 6(g), 80 Stat. 941, 49 U.S.C. 1655) all functions, powers, and duties of the Secretary of the Army and other officers and offices of the Department of the Army under specified laws. The Secretary of Transportation by Department of Transportation Order 1100.1 (49 CFR 1.4(a)(3)), with specified limitations, delegated to the Commandant, U.S. Coast Guard, authority to exercise the functions, powers, and duties of the Secretary with respect to the following provisions of law:

(1) Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499), regarding drawbridge operation regulations.

(2) The act of June 21, 1940, as amended (54 Stat. 497; 33 U.S.C. 511 et seq.), regarding obstructive bridges.

(3) Section 9 of the Act of March 3, 1899, as amended (30 Stat. 1151; 33 U.S.C. 401), regarding construction of bridges, causeways, etc., to the extent that it relates generally to the location and clearances of bridges and causeways in the navigable waters of the United States.

(4) The act of March 23, 1906, as amended (34 Stat. 84; 33 U.S.C. 491 et seq.), regarding general bridge authority to the extent that it relates generally to the location and clearances of bridges and causeways in the navigable waters of the United States.

(5) The General Bridge Act of 1946, as amended (60 Stat. 847; 33 U.S.C. 525 et seq.), to the extent that it relates generally to the location and clearances of bridges and causeways in the navigable waters of the United States.

### § 114.05 Definitions.

(a) *General.* Certain terms as used in this subchapter are defined in this section.

(b) *Approved.* The term "approved" means approved by the Commandant unless otherwise stated.

(c) *Bridges.* The term "bridge" means a structure erected across navigable waters of the United States, and includes causeways, approaches, fenders, and other appurtenances thereto.

(d) *Coast Guard District Commander or District Commander.* The term "Coast Guard District Commander" or "District Commander" means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district. (See

Part 3 of this chapter for descriptions of Coast Guard Districts.)

(e) *Commandant.* The term "Commandant" means Commandant, U.S. Coast Guard, Department of Transportation, Washington, D.C. 20591.

(f) *District Office or Coast Guard District Office.* The term "District Office" or "Coast Guard District Office" means the Office of the Commander of a Coast Guard District.

(g) *Headquarters or Coast Guard Headquarters.* The term "Headquarters" or "Coast Guard Headquarters" means the Office of the Commandant, U.S. Coast Guard, Department of Transportation, Washington, D.C. 20591.

(h) *Permit.* The term "permit" means the document authorizing work and structures to be built or placed in or over navigable waters of the United States, which is issued pursuant to the rules and regulations in this subchapter.

(i) *Secretary.* The term "Secretary" means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned.

(j) *United States Coast Guard or Coast Guard.* The term "United States Coast Guard" or "Coast Guard" means the organization or agency established by the act of January 28, 1915, as amended (14 U.S.C. 1).

### § 114.10 General policies on issuance of permits.

(a) The decision as to whether a permit will be issued must rest primarily upon the effect of the proposed work on navigation. However, in cases where the structure is unobjectionable from the standpoint of navigation but when State or local authorities decline to give their consent to the work, it is not usual for the Coast Guard actually to issue a permit. This is for the reason that while the instrument merely expresses assent so far as concerns the public rights of navigation, it practically becomes of no value in the event of opposition by State or local authority and may be regarded by such authority as an act of discourtesy. In such cases the applicant is informed that the structure is unobjectionable from the standpoint of navigation and that permit would be issued were the consent of the local authority also forthcoming.

(b) In cases of conflicting property rights the Coast Guard cannot undertake to adjudicate rival claims.

(c) Where it is found that the work for which a permit is desired may interfere with a proposed flood control project, the applicant and the party or parties responsible for fulfillment of the requirements of local cooperation will be apprised in writing of the fact and of the possibility that a flood control project which may be constructed in the vicinity of the proposed work will necessitate its removal or reconstruction. It is pointed out to the applicant and to local interests that the Coast Guard's function in approving plans for bridges across navigable waters is only to insure that structures meet the requirements of navigation and that the application for a permit will be considered on that basis; and that the United States will in no case be liable for any damage or injury to the structures which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claims or right to compensation will accrue from any such damage.

### § 114.20 Departure from permit plans.

(a) If the final inspection shows a minor departure from the authorized plans which does not materially affect navigation, the permittee will be required to furnish a tracing showing the work as actually constructed but no further action will be taken by the Coast Guard.

(b) It is not the practice of the Coast Guard to issue letters certifying that completed work conforms to that which was authorized. That question is a matter of fact to be determined in case of controversy by the usual rules of court procedure.

### § 114.25 Work constructed without prior authority.

The Commandant will approve plans and issue permits authorizing bridges across navigable waters, in cases where the application therefor is submitted after the commencement or completion of the bridges subject to the following rules: Approval will be limited to those cases where the necessary primary authority, State or Federal as the case may be, validly existed, when the work was innocently constructed, and where the work will not unreasonably interfere with navigation. Upon issuance of the permit, applicant will be informed that the law contemplates prior approval and that in the future plans must be submitted in ample time for their consideration by the Commandant before construction is begun.

### § 114.30 Revocation and relinquishment of permits.

(a) Permits may be revoked by the Commandant for failure on the part of the permittee to comply with any of the conditions therein, or where the structures or other work constitute an unreasonable obstruction to navigation or to operations of the United States in the interests of navigation or flood control.

(b) District Commanders may accept from the permittee a voluntary relinquishment of the permit, and will inform the Commandant of this fact.

### § 114.35 Final opinions and orders in adjudication of cases.

Final opinions and orders in the adjudication of cases will not be published. They will be served on the parties directly affected thereby and subject thereto. Copies of such opinions and orders will be made available to public inspection in the office of the District Commander in whose district the case arose and at Coast Guard Headquarters.

### § 114.40 Violations of law.

Although the Coast Guard has the authority and responsibility for enforcement of the applicable provisions of law for the protection and preservation of navigable waters, it has been the long standing policy to secure compliance with their provisions short of legal proceedings. Accordingly every effort is made to accomplish corrective measures prior to initiation of action leading to such proceedings. As a general rule, no action is taken when the violation is minor, unintentional, or accidental, and the party responsible makes good the damages suffered. It is the established policy of the Coast Guard not to recommend prosecution when the violation is trivial, apparently unpremeditated, and results in no material public injury. Prosecution is recommended in all cases of willful or intentional violations and all cases in which the parties responsible refuse or neglect to remove the unlawful structure or to make good the damages suffered.

### § 114.50 Rules and regulations.

Publication of all rules is required by 5 U.S. Code 552 except to the extent that there is involved any function of the United States requiring secrecy in the public interest or any matter relating solely to the internal management of an agency, in which cases rules are not published. Except to the extent that there is involved any function of the United States requiring secrecy in the public interest, all rules, whether published or unpublished, will be made available to public inspection in all offices of District Commanders and at Coast Guard Headquarters.

### § 114.60 Publication; notice of proposed rule making.

(a) Publication of general notice of proposed rule making in the FEDERAL REGISTER (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law), is required by 5 U.S. Code 553, except to the extent that there is involved any military, naval, or foreign affairs function of the United States or any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. Except where notice or hearing is required by statute, this requirement does not apply to interpretative rules, general statements of policy, rules of agency organization, procedure, or practice, or in any situation in which the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(b) General notice of proposed rule making published in accordance with the above will include (1) a statement of the time, place, and nature of public rule making proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

## PART 115—BRIDGE LOCATIONS AND CLEARANCES; ADMINISTRATIVE PROCEDURES

Sec.
115.01 Purpose.
115.05 Necessary primary authority.
115.10 Limiting date in permits.
115.15 Permit bonds.
115.20 Transfer of permits.
115.25 Assignment of bridge franchises.
115.30 Sufficiency of State authority for bridges.
115.40 Bridge repairs.
115.50 Bridges across waterways.
115.60 Procedures for handling applications for bridge construction authorization.
115.70 Advance approval of bridges.

AUTHORITY: The provisions of this Part 115 issued under sec. 5, 28 Stat. 362, as amended, sec. 11, 54 Stat. 501, as amended, sec. 12, 60 Stat. 244, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 521, 5 U.S.C. 559, 49 U.S.C. 1655(g); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(3).

### § 115.01 Purpose.

This part states the general course and method by which certain functions, powers, and duties delegated to the Commandant, U.S. Coast Guard, are channeled and determined, including the nature and requirements of all procedures as well as forms and instructions. They are intended to show what the Coast Guard requires and how it acts in a given type of case.

### § 115.05 Necessary primary authority.

For bridges constructed by State or municipal agencies, the primary authority will be presumed without proof. If the law of the State requires a license for or approval of the bridge from a constituted State agency, a copy of such license or approval will be required and may be accepted as evidence of the primary authority. If there be no State regulation of bridges in navigable waters, the necessary primary authority may be that granted in the charter of a corporation, or the authority inherent in the ownership of the land on which the structure is placed. The applicant will in such cases be required to furnish an extract from the charter, or a statement of ownership. Especial care will be taken that Federal approval is not granted when there is doubt of the right of the builder to construct and utilize the bridge.

### § 115.10 Limiting date in permits.

Specific time limitations will be inserted in all permits, normally two years for start of construction and two additional years for completion. Extensions of time may be requested for good reason, and will normally be granted by the Commandant when so recommended by the District Commander. Work or operations of a temporary and obstructive character, however, should be limited to a period as short as is considered reasonable.

### § 115.15 Permit bonds.

When compensatory works or the removal of temporary structures should be required of the permittee, or in other unusual cases when there is reason to anticipate that the permittee may fail to carry out parts of the work that are against his interest, an additional condition will be included in the permit requiring the permittee to furnish a bond insuring compliance with the permit requirements.

### § 115.20 Transfer of permits.

Permits express merely the assent of the Federal Government so far as concerns the public rights of navigation. Although issued to a specific party, the assent is not limited to execution of the work by that party and may be availed of by the assignees or purchasers of the property affected, provided the terms of the instrument are strictly complied with.

### § 115.25 Assignment of bridge franchises.

Authority granted by an act of Congress to construct a bridge is a franchise which cannot be assigned without the permission of Congress. The Coast Guard has no authority to approve the plans of a bridge on an application made by a party or corporation to which the franchise has been transferred without authority of Congress. When plans have been approved and the bridge has been built the franchise is regarded as passing with the title to the property, and in such case plans for the renewal, reconstruction, or repair of the bridge may be accepted from the person or corporation in actual possession or control of the property. A similar rule applies to bridges authorized by State laws.

### § 115.30 Sufficiency of State authority for bridges.

An opinion of the attorney general of the State as to the sufficiency of State authority for the construction of a bridge is acceptable to the Coast Guard in doubtful cases.

### § 115.40 Bridge repairs.

Repairs to a bridge which do not alter the clearances, type of structure, or any integral part of the substructure or superstructure or navigation conditions, but which consist only in the replacement of worn or obsolete parts, may, if the bridge is a legally approved structure, be made as routine maintenance without approval of the U.S. Coast Guard.

### § 115.50 Bridges across waterways.

(a) *Approval of plans.* To obtain approval of the Commandant, an application for authorization to construct a bridge across navigable waters of the United States must show the name and address of the applicant; the waterway and location of the bridge; citation to the act of Congress or the State legislature authorizing the bridge; be accompanied by a map of the location and plans of the bridge showing these features which affect navigation; papers to establish the identity of the applicant.

(b) *Prior authority necessary.* A bridge cannot lawfully be constructed across any navigable waterway of the United States until legislative authority has been obtained and the plans have been approved by the Commandant. (See section 9, River and Harbor Act of Mar. 3, 1899 (30 Stat. 1151; 33 U.S.C. 401), General Bridge Act of Mar. 23, 1906 (34 Stat. 84; 33 U.S.C. 491), and General Bridge Act of 1946 (60 Stat. 847; 33 U.S.C. 525 et seq.).)

(c) *Legislation required.* The legislative authority must be obtained from Congress if the bridge crosses an international waterway. If the navigable portions of the waterway are not within the limits of a single State, the General Bridge Act of 1946 grants authority of Congress and no special act is necessary. If the navigable portions of the waterway are within the limits of a single State, State authority is necessary.

(d) *Form.* The application for the approval of plans consists of a letter accompanied with maps and plans of the proposed structure.

(e) *Signature.* In case of signature by an agent or by an official of a corporation, a duly authenticated copy of the authority for the action must accompany the application.

(f) *Identification.* If the applicant is a corporation, it must furnish certified copies of the following papers, all properly authenticated: The charter or articles of incorporation; the minutes of organization; extract from minutes showing the names of the present officers of the corporation.

(1) Where State laws vest in State or county officers, such as boards of supervisors and county courts, the power to authorize the construction of bridges, they must furnish with their application certified extracts from their proceedings showing their action authorizing the proposed structure.

(g) *Plans.* Four sets of plans must be submitted with the application, on which the location of the work and the essential features covered by the application will be outlined in red. Each drawing must have a simple title, date and number, preferably in the lower righthand corner.

(h) *Size of sheets.* The drawings will be on sheets 8 by 10½ inches in size. As few sheets will be used as necessary to show clearly what is proposed.

(i) *Special instructions.* (1) The scale will be shown graphically. The north and south line will be indicated by a meridian arrow. Soundings and elevations will be shown in feet and referred to the established Government datum plane at the locality.

(2) The direction of currents will be indicated by an arrow, and the strength of currents, both ebb and flow, or low water and high water, will be shown close to the proposed location of the bridge, and at both ends of the waterway shown on the map of location.

(3) The plans will show in figures the least clear height of the lowest part of the superstructure over navigation openings, with reference to the planes of mean high water and mean low water if the bridge

is to cross tidal water. If the waters are nontidal, the least clear height will be shown with reference to the planes of extreme high water and mean low water. If records of river heights are available, the plane above which flood waters have not remained more than 2 percent of the time will be indicated. Reference will also be made to other datum planes if appropriate for the waterway in question.

(4) If harbor lines have been established at the site of the bridge, their position will be shown on the plans.

(j) *Structural details.* Only those should be shown which are needed to illustrate the effect of the proposed structure on navigation. If the bridge is to be equipped with a draw, the latter will be shown in two positions: closed and open.

(k) *To whom application should be presented.* The application and the papers and plans accompanying it should be submitted to the District Commander having jurisdiction over the area in which the bridge site is located.

(l) *Action on application.* When an application is received for approval of plans for a bridge, the District Commander will verify the authority for construction of the bridge, review the application and plans as to sufficiency, ascertain the views of local authorities and other interested parties, and submit a report with the application to the Commandant.

### § 115.60 Procedures for handling applications for bridge construction authorization.

The following procedures will be observed in the handling of applications involving proposed bridges or modification or replacement of existing bridges over navigable waters.

(a) *Verification of construction authorization.* District Commanders will require applicants to establish their identity to insure that the applicant represents the individual, agency or corporation to whom Congress or the State has granted the authority for bridge construction. If the applicant is a corporation, it must state its acceptance of the provisions of the act of Congress, if applicable.

(b) *Preliminary review of application and plans.* If upon preliminary examination of the application the District Commander feels that it must inevitably be denied (as might be the case, for example, if a bridge with too little clearance were proposed to be built), he will notify the applicant that the desired permit cannot be granted and states his reasons. If, however, the applicant desires that his application receive the further consideration of the Commandant, and in all other cases in which the application is not defective on its face, the District Commander is required to give public notice that the application has been filed and proceed with the case.

(c) *Notice and hearing.* (1) Public hearings will be held in those cases which are of special importance or where significant differences of opinion have not been resolved. The Commandant must specifically authorize the holding of a public hearing. In any event a public notice must be issued to all interested parties.

(2) The notice is a brief formal statement identifying the application, to which the hearing relates, indicates the place and time of hearing, customarily 30 days after notice, and indicates the particular issues to which the hearing will pertain. Notice is communicated to the applicant by letter and mailed to State, county, and municipal authorities and all other known interested parties. It is also posted at the post office nearest the site and public places in the vicinity.

(3) Hearings are public and conducted in an informal manner. The District Commander, or another officer attached to his staff, presides. At the opening of the hearing the presiding officer announces (i) the purpose of the hearing, (ii) that the Coast Guard desires all interested parties to make full and frank statements of their views, (iii) that the Coast Guard will consider all evidence and arguments presented, and (iv) that later ex parte evidence and arguments are not desired unless the matter is new, material, and could not be presented at the hearing. The statutes bearing on the subject matter of the hearing and any other pertinent documents are read aloud and the discussion is then opened. The submission of written statements is invited and encouraged. Anyone desiring to do so may speak. Statements, written or oral, are not under oath, and cross-examination is not usually permitted. No fixed order has been established for the presentation of evidence or argument although proponents are generally heard first, followed by opponents with full opportunity afforded for rebuttals.

(d) *District Commander's report.* (1) When the study has been completed and the minutes of the hearing (if held) has been transcribed, the District Commander prepares his report. It is a detailed statement of his findings, conclusions, and recommendations based on information obtained at the hearing (if held) and knowledge derived from his experience and office data. His report must include:

(i) Comparison of proposed bridge with existing bridges over the waterway; attitude of local authorities; summary of objections offered at public hearing (if held), with his comments thereon; probable effect on navigation, present and prospective, with reasons, on harbor lines and on flood heights and drift; his remarks and recommendations; and a list of the parties notified, the record of hearing (if held), and all other pertinent papers to complete the record.

(2) Description of the navigation on the waterway past the site of the proposed bridge, the number and type of vessels, the number of vessel trips, and the principal method of handling traffic, whether in single vessels or in tows. If tows are used, the manner in which they are made up shall be stated, whether in fleets or in single vessels arranged tandem. The probable maximum length and breadth of tows during the lifetime of the bridge shall be given and the manner in which they are likely to pass the navigation opening, whether directly ahead on a line approximately parallel to the channel axis, or by flanking movement. If flanking movement is likely, the report shall also give the width of waterway required for the passage of the maximum-sized tow in the most oblique position it will probably have with respect to the channel axis.

(3) Specifically whether he recommends approval of the plans. If he finds them objectionable, a detailed statement of his objections must be submitted. If the clearances which he recommends are smaller than the corresponding clearances on that portion of the waterway bearing the larger or more important traffic between the proposed location and principal connecting waterways, he must state the names and locations of the bridges in which the larger clearances are found and give in detail the reasons for his recommendations. If he considers the plans do not afford reasonable passage of floodwaters in and outside of the natural stream bed, the applicant will be so advised. If the applicant declines to submit plans with adequate water passages, the case is referred to the Commandant with full information and appropriate recommendation.

(4) If approval is recommended, all conditions to which the permit should be subject will be stated.

(e) *Final action.* The file is received in the office of the Commandant (OAN) where it is again subjected to analysis and review. When the Commandant disagrees with the District Commander on a substantive matter, he may return the case for reconsideration, or, when he disagrees as to a matter of procedure, he may return the case with instructions to correct the procedural defect (such as the failure to give notice, or to hold a public hearing). When favorable action is taken on an application, the permit is signed by the Commandant and transmitted directly to the applicant. When unfavorable action is taken, the Commandant will inform the applicant of the reasons for rejection and the modifications of plans which would justify reconsideration.

### § 115.70 Advance approval of bridges.

(a) The General Bridge Act of 1946 requires the approval of the location and plans of bridges prior to start of construction (33 U.S.C. 525). The Commandant has given his advance approval to the location and plans of bridges to be constructed across reaches of waterways navigable in law, but not actually navigated other than by logs, log rafts, rowboats, canoes and small motorboats. In such cases the clearances provided for high water stages will be considered adequate to meet the reasonable needs of navigation.

(b) Before any waterway is designated as having such advance approval, the District Commander shall issue a public notice to give interested parties full opportunity to be heard. Following designation of the waterways to which the advance approval procedure will be

applied, a second public notice shall be issued advising interested parties of the action taken.

(c) The term "small motorboats" shall be interpreted in the light of the things and conditions with which it is associated. The term means rowboats, canoes and other similar craft with outboard motors. It does not include sailing or cabin cruiser craft. The term is used to distinguish such craft from the definition of "motorboat" in the Motorboat Act of June 25, 1940 (46 U.S.C. 526), which includes craft up to 65 feet in length.

(d) In general, the advance approval procedure is intended to apply only to routine and obvious circumstances. Any case of reasonable doubt will be resolved by the usual practice of notice or hearing prior to specific approval of location and plans based upon findings made at the time and under the conditions then existing.

## PART 116—ALTERATION OF OBSTRUCTIVE BRIDGES

Sec.

116.01 Purpose.
116.05 Alteration of bridges other than railroad or publicly owned highway bridges.
116.10 Alteration of railroad or publicly owned highway bridges.
116.15 Investigation of complaints of obstructive bridges.
116.20 Hearings to be held on obstructive bridges.
116.25 Order to alter obstructive bridges.
116.30 Approval of award and guaranty of cost under Truman-Hobbs Act.

AUTHORITY: The provisions of this Part 116 issued under sec. 5, 28 Stat. 362, as amended, sec. 11, 54 Stat. 501, as amended, sec. 12, 60 Stat. 244, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 521, 5 U.S.C. 559, 49 U.S.C. 1655(g); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(3).

### § 116.01 Purpose.

This part states the general course and method by which certain functions, powers, and duties regarding alteration of obstructive bridges delegated to the Commandant, U.S. Coast Guard, are channeled and determined, including the nature and requirements of all procedures as well as forms and instructions. They are intended to show what the Coast Guard requires and how it acts in a given situation.

### § 116.05 Alteration of bridges other than railroad or publicly owned highway bridges.

Whenever the Commandant has good reason to believe that a bridge across any of the navigable waters of the United States, other than a railroad or publicly owned highway bridge, is an unreasonable obstruction to navigation, it shall be his duty, after giving the parties interested reasonable opportunity to be heard, to notify the persons or corporation owning or controlling such bridge to alter it so as to render navigation through or under it reasonably free, easy, and unobstructed. He shall specify the changes that are required to be made and shall prescribe a reasonable time in which to accomplish them. Failure to comply with such notice will subject the owner or controller of the bridge to the penalties prescribed by law (33 U.S.C. 494; 33 U.S.C. 502).

### § 116.10 Alteration of railroad or publicly owned highway bridges.

(a) Whenever the Commandant has good reason to believe that a railroad or publicly owned highway bridge across any of the navigable waters of the United States is an unreasonable obstruction to navigation, it shall be his duty, after giving notice to interested parties, to hold a public hearing at which the bridge owner, those interested in water navigation, railway and/or highway traffic, and any other parties in interest shall have full opportunity to offer evidence and be heard as to whether alterations to the bridge are necessary and, if so, to what extent. Due regard shall be given to the necessities of free and unobstructed water navigation and of rail and/or highway traffic. If the Commandant thereafter determines that alteration of the bridge is necessary, he shall issue to the bridge owner an order to alter, under the provisions of the Truman-Hobbs Act (act of June 21, 1940, as amended; 54 Stat. 497; 33 U.S.C. 511 et seq.), specifying such changes as he finds necessary for the purpose of navigation.

(b) The Truman-Hobbs Act further provides for the approval by the Commandant of general plans and specifications and contracts for the project and apportionment of the total cost thereof between the United States and the bridge owner.

(c) Penalties for noncompliance with lawful orders issued pursuant to the Truman-Hobbs Act are prescribed by law.

### § 116.15 Investigation of complaints of obstructive bridges.

(a) Upon receipt of a complaint that a bridge over a navigable waterway of the United States is an obstruction to navigation, the District Commander will investigate to determine if, in his opinion, the complaint is justified. If the District Commander does not consider the bridge unreasonably obstructive to navigation he will so notify the complainant. If the District Commander finds that the bridge is unreasonably obstructive or is unable to satisfy the complainant that the bridge is not obstructive, he will submit a report to the Commandant, specifying the character of obstruction, the changes necessary to render navigation through or under the bridge resonably free, easy, and unobstructed, and his estimate of a reasonable period of time in which to make the required changes. In cases under the Truman-Hobbs Act, the estimate of time required need not be included but the best available preliminary estimate of total cost of the required changes and probable portion of cost to be borne by the United States will be stated.

(b) The Commandant will notify the District Commander of the action desired after consideration of the report on the complaint.

### § 116.20 Hearings to be held on obstructive bridges.

(a) Upon receipt of authority from the Commandant, the District Commander will arrange for a hearing at which the owners and controllers of the bridge, the complainants, and all other known interested parties will be given reasonable opportunity to be heard.

(b) The notice of the hearing will include statements of the changes required and, except in cases under the Truman-Hobbs Act, the estimate of time considered reasonable for accomplishment of the changes.

(c) Upon conclusion of hearings, the District Commander will submit to the Commandant a full report on the subject, including statements on:

(1) Whether the bridge unreasonably obstructs navigation.

(2) Whether rafts, selfpropelled vessels, or other watercraft have difficulty in passing the draw opening or drawspan.

(3) The changes necessary to render navigation through or under the bridge reasonably free, easy, and unobstructed.

(4) The reasonable time in which such changes should be made, except in the case of railroad or publicly owned highway bridges.

(5) The character and the approximate amount of commerce affected by the obstructive features of the bridge.

(6) Whether, in the judgment of the District Commander, the commerce affected is sufficient to justify the proposed changes in the bridge.

(7) An estimate of cost of alterations and proportionate share to be borne by the United States in actions relating to railroad or publicly owned highway bridges.

(8) A sketch on letter size paper showing the principal features of the bridge, the particular features against which complaint is made, and any other natural or artificial feature pertinent to consideration of the complaint.

(9) A transcript of the proceedings of the hearing.

### § 116.25 Order to alter obstructive bridges.

(a) Should the Commandant decide, after review of the report of the District Commander, that a bridge is an unreasonable obstruction to navigation, he will issue an "Order to Alter." Such order will be promptly served on the proper parties. A copy of the order as served, together with a statement thereon executed by the person serving the order showing on whom, when and where the service was made will be returned to the Commandant.

(b) The owner of a bridge to be altered under the provisions of the Truman-Hobbs Act, as amended (54 Stat. 497; 33 U.S.C. 511 et seq.), will be advised by the District Commander of the requirements for submission of general plans and specifications. These general plans and specifications will be submitted to the District Commander, who will forward them to the Commandant for ap-

proval, together with his comments and recommendations on the proposed navigational clearances. The Commandant will then determine:

(1) Whether the plans and specifications provide for the minimum structure meeting the requirements of the "Order to Alter."

(2) Whether the plans and specifications include items of features not necessary to meet the "Order to Alter" but desired by the bridge owner.

(3) Whether the plans and specifications provide for materials or workmanship of a higher grade than that of comparable items of features of the existing bridge, or where no counterpart, of a higher grade than provided in recommended practice of the Association of American Railroads.

(4) Necessary revisions, if any, of the preliminary estimate of cost and apportionment.

(c) The Commandant will notify the bridge owner of the approval of the plans and specifications and will inform him of the requirements of sections 5 and 6 of the Truman-Hobbs Act, as amended (54 Stat. 498, 499; 33 U.S.C. 515, 516), with respect to submission of bids and guaranty of cost.

**§ 116.30 Approval of award and guaranty of cost under Truman Hobbs Act.**

(a) Bids obtained by the bridge owner will be submitted to the Commandant. The Commandant will notify the bridge owner when award is approved and will request him to furnish the guaranty of cost and a statement of the proportionate shares of cost to be borne by the United States and the owner in the following form:

| | | |
|---|---|---|
| Cost of alteration | | $------ |
| Cost attributable to bridge owner, viz: | | |
| Direct and special benefits | $------ | |
| Expectable savings in repair or maintenance costs | ------ | |
| Costs attributable to the requirements of railroad traffic | ------ | |
| Expenditure for increased carrying capacity | ------ | |
| Expired service life of old bridge | ------ | |
| Cost | | $------ |
| Cost to be borne by the United States | | $------ |

(b) Direct and special benefits will ordinarily include such items as improved signal and fender system, prorata share of dismantling costs, and improvements included but not required in the interests of navigation. The foregoing statements will include or be accompanied by breakdown of the statements of total cost and proportionate shares and sufficient details of the features of construction to show how the apportionment was determined and to permit review and auditing of the statements.

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

Sec.


117.1 General.
117.2 Machias River, Maine; East Machias Highway Bridge between Machiasport and East Machias, Maine.
117.2a Narraguagus River, Maine; Maine State Highway Commission bridge across Narraguagus River, Millbridge, Maine.
117.3 Taunton River, Maine; Maine State Highway Commission highway bridge between Hancock and Sullivan.
117.5 Townsend Gut, Maine; bridge (highway) of town of Southport.
117.5a Sheepscot River, Maine; Maine State Highway Commission bridge (U.S. Route No. 1) between Wiscasset and Edgecomb.
117.6 Back River, Maine; highway bridge between Hodgdon and Barter Islands in the town of Boothbay, Maine.
117.8 Kennebec River, Maine; Maine State Highway Commission highway and railroad bridge (Carlton Bridge) between Bath and Woolwich.
117.10 Kennebec River, Maine; Maine State Highway Commission bridges between Richmond and Dresden and between Gardiner and Randolph.
117.15 Presumpscot River, Portland, Maine; bridge (highway) at Martins Point, Portland, Maine.
117.20 Back Cove, Portland, Maine; Canadian National Railway bridge.
117.25 Fore River, Portland Harbor, Maine; bridge (highway), known as "Portland Bridge."
117.28 Kennebunk River, Maine Dock Square Highway Bridge between Kennebunk and Kennebunkport, Maine.
117.35 Piscataqua River, Maine and N.H.
117.40 Bellamy River, N.H.; bridge (highway) between Cedar Point and Dover Point, N.H.
117.48 Little Harbor, N.H.; bridge (highway) between Rye and New Castle, N.H.
117.50 Hampton River, N.H.; bridge (highway) between Seabrook and Hampton Beaches, N.H.
117.55 Merrimack River, Mass.
117.60 Plum Island River, Mass.; bridge (highway).
117.64 Manchester Harbor Mass.; Boston and Maine Railroad Bridge at Manchester.
117.65 Danvers River, Mass.; bridges (highway and railroad).
117.75 Boston Harbor, Mass., and adjacent waters; bridges.
117.77 North River, Mass.; State of Massachusetts highway bridge between Scituate and Marshfield.
117.80 Acushnet River, Mass.; State of Massachusetts bridge between New Bedford and Fairhaven.
117.81 Apponaganset River, Mass.; Padanarum Highway Bridge at South Darmouth.
117.85 Sakonnet River, R.I.; State of Rhode Island highway bridge and New York, New Haven & Hartford Railroad Co. bridge at Tiverton.
117.87 Taunton River, Mass.; bridges.
117.90 Providence Harbor, R.I.; bridges.
117.95 Mystic River at Mystic, Conn.
117.100 Thames River, Conn.; The New York, New Haven & Hartford Railroad Co. bridge between New London and Groton.
117.105 Shaws Cove, New London Harbor, Conn.; bridge of New York, New Haven & Hartford Railroad Co. at New London, Conn.
117.110 Niantic River, Conn.; bridges of New York, New Haven & Hartford Railroad Co., and the State of Connecticut at Niantic, Conn.
117.115 Connecticut River, Conn.; bridges.
117.120 New Haven Harbor, Quinnipiac and Mill Rivers, Conn.; bridges owned and operated by the State of Connecticut and city of New Haven.
117.121 West River, Kimberly Avenue Bridge between New Haven and West Haven, Conn.
117.125 Housatonic River, Conn.; bridges (highway and railroad) between Milford and Stratford, Conn., known as the Washington Bridge and bridge of New York, New Haven & Hartford Railroad Co.
117.130 Poquonock and Johnsons Rivers, Conn.; bridges (highway and railroad) at Bridgeport.
117.131 Poquonock River, Grand Street Highway Bridge and Yellow Mill Channel, Yellow Mill Highway Bridge at Stratford Avenue, Bridgeport, Conn.
117.135 Saugatuck River, Conn.; bridge of New York, New Haven & Hartford Railroad Co., at Saugatuck, Conn.
117.145 Norwalk River at Norwalk, Conn.; Washington Street Highway Bridge and the New York, New Haven & Hartford Railroad bridge.
117.150 Mianus River, Conn.; bridge of New York, New Haven & Hartford Railroad Co. at Coscob, Conn.
117.155 Hutchinson River, N.Y.; bridges.
117.156 Westchester Creek and Bronx River, N.Y.; city of New York Bridges at Bruckner Expressway.
117.160 Harlem River, N.Y., bridges.
117.165 Newton Creek, N.Y.
117.175 Jamaica Bay and connecting waterways, New York.
117.180 Long Island Intracoastal Waterway; Nassau County highway bridges across Reynolds Channel at Long Beach and Atlantic Beach, N.Y.
117.185 Hudson River, N.Y.; bridges at Albany and Troy.
117.190 Navigable waters in the State of New York and their tributaries; bridges where constant attendance of bridge tenders is not required.
117.200 Newark Bay, Passaic, and Hackensack Rivers, and their navigable tributaries; General Regulations.
117.210 Raritan River and Arthur Kill, and their navigable tributaries; bridges.
117.215 Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J.; bridges.
117.220 New Jersey Intracoastal Waterway and tributaries; bridges.
117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.
117.227 Delaware and Schuylkill Rivers, N.J. and Pa., in vicinity of Philadelphia and Bristol; bridges.

Sec.
117.228 Darby Creek, Pa., The Pennsylvania Railroad Co. and Reading Co. bridges near Essington.
117.229 Chester River, Pa.; the Reading Co. bridge at Front Street, Chester, Pa.
117.230 Brandywine River, Del.; bridges.
117.235 Christina River, Del.; bridges.
117.236 Appoquinimink River, Del.; Delaware State Highway Department bridge at Fennimores, Del.
117.237 St. Jones River, Del.; Delaware State Highway Department bridges at Barkers Landing and at Lebanon.
117.237a Mispillion River, Del.; Delaware State Highway Department bridge at Washington Street, Milford.
117.237b Lewes and Rehoboth Canal, Del.; Delaware State Highway Department bridges at Rehoboth.
117.240 Navigable waters discharging into the Atlantic Ocean south of Delaware Bay (including the Lewes and Rehoboth Canal, Del.), and into the Gulf of Mexico (including coastal waterways contiguous thereto and tributaries to such waterways and the Lower Atchafalaya River, La.), except the Mississippi River and its tributaries and outlets; bridges.
117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.
117.270 Cambridge Harbor, Md.; bridge.
117.280 Miles River, Md.; bridge (highway) at Easton, Md.
117.285 Oak Creek, tributary of Miles River, Md.; bridge of the Baltimore, Chesapeake and Atlantic Railroad Co. at Royal Oak, Md.
117.290 Kent Island Narrows, Md.
117.305 Baltimore Harbor, Md.; bridge (highway) at Hanover Street across Middle Branch of Patapsco River.
117.310 Severn River, Md.; bridge (highway) near Annapolis, Md.
117.311 Spa Creek, Md.; highway bridge at Annapolis
117.325 Potomac River at Washington, D.C.; drawbridges.
117.330 Anacostia River, Washington, D.C.; bridges.
117.340 Rappahannock River, Va.; all bridges.
117.343 Milford Haven, Va.; Virginia Department of Highways bridge between the mainland and Gwynns Island.
117.349 Eastern Branch of Elizabeth River, Va.; Elizabeth River Tunnel Commission bridge between Norfolk and Berkley.
117.350 Albemarle and Chesapeake Canal (AIWW), Va.; U.S. Government bridge at Great Bridge.
117.355 Bogue Sound (Atlantic Intracoastal Waterway), N.C.; North Carolina State Highway Commission bridge at Atlantic Beach.
117.370 Wappoo Creek (Atlantic Intracoastal Waterway), S.C.; South Carolina State Highway Department bridge (State Route 700) at Charleston.
117.404 Tybee (Bull) River, Ga.; highway bridge on U.S. Highway 80 between Savannah Beach and Thunderbolt.
117.408 Back River, Ga.; drawbridge in the causeway between Brunswick and St. Simons Island.

Sec.
117.430 St. Johns River, Fla.; Main Street, Acosta and Fuller Warren bridges, Jacksonville.
117.430a St. Johns River, Fla.; Florida State Road Department bridge between Sanford and Osteen.
117.431 Ortega River, Fla.; Florida State Road Department bridge (Roosevelt Boulevard) near Jacksonville.
117.431a Black Creek, Fla.; Florida State Highway Department bridge on State Road 15 (U.S. Highway 17) and Atlantic Coast Line Railroad Co. bridge near Doctors Inlet.
117.432 Matanzas River (Intracoastal Waterway), Fla.; Bridge of Lions (State Road No. A1A) in St. Augustine.
117.432a Matanzas Pass, Fla., Florida State Road Department bridge (State Road 865) at Fort Myers Beach.
117.434 Oklawaha River, Haines Creek and Dead River, Fla.; Bridges over Oklawaha River on State Road S-316 at Eureka, State Road 40 at Delks Bluff (Colbys Landing), State Road 464 at Moss Bluff, and State Road 42 at Starkes Ferry, and over Haines Creek on State Road 44 near Lisbon.
117.435 Indian River (Intracoastal Waterway), Fla.; automatic operation of Florida East Coast Railway bridge near Jay Jay north of Titusville.
117.435a Banana River, Fla.; NASA Causeway Bridge near Orsino.
117.436 Indian River, Fla.; Florida State Road Department bridges at Titusville, Cocoa, Eau Gallie, Melbourne, and the National Aeronautics and Space Administration bridge at Addison Point.
117.436a Loxahatchee River at Jupiter, St. Lucie River (Okeechobee Waterway) at Stuart and St. Lucie Canal (Okeechobee Waterway) at Fort Mayaca, Fla.; automatic operation of Florida East Coast Railway bridges.
117.437 Canaveral Harbor Barge Canal, Fla.; Florida State Road Department bridges, State Road A1A on Merritt Island and State Road 401 at Canaveral Harbor, Fla.
117.439 St. Lucie Canal, Fla.; Seaboard Air Line Railroad Co. bridge near Indiantown.
117.439a St. Lucie Canal, Fla.; the Martin County Bridge on State Road 76A near the Arundel Shops (Palm City Farms).
117.439b Lake Worth (Intracoastal Waterway), Fla.; Singer Island Bridge, at Riviera Beach.
117.440 Lake Worth (Intracoastal Waterway), Fla., Flagler Memorial and Royal Park bridges, Palm Beach, Fla.
117.442 Hillsboro Inlet, Fla.; State Road Department of Florida highway bridge (State Road No. A1A) near Pompano Beach, Fla.
117.443 Intracoastal Waterway, Fla.; State Road Department of Florida highway bridge at Atlantic Boulevard in Pompano Beach, Fla.
117.446 New River Sound and Stranahan River (Intracoastal Waterway), Fort Lauderdale, Fla.; bridges.
117.446a Intracoastal Waterway Fla.; Hollywood Boulevard bridge, Hollywood, Fla.
117.446b Intracoastal Waterway, Fla.; Hallandale bridge at Hallandale, Fla.
117.446c New River and South Fork of New River, Fort Lauderdale, Fla.; bridges.

Sec.
117.446d Indian Creek, Fla.; bridge at 63d Street, Miami Beach.
117.447 Biscayne Bay, Fla.; State Road Department of Florida highway bridge (MacArthur or 13th Street Causeway) and Dade County Port Authority highway bridge (Venetian or 15th Street Causeway), Miami, Fla.
117.447a Biscayne Bay, Fla.; Dade County Bridge (Rickenbacker Causeway), Miami, Fla.
117.448 Miami River, Fla.; highway bridges from mouth to and including city of Miami bridge at Northwest 27th Avenue, Miami.
117.449 Miami River, Fla.; Seaboard Air Line Railroad Co. bridge, Miami.
117.462 Caloosahatchee River, Fla.; Florida State Road Department bridge (Edison Bridge) at Fort Myers.
117.463 Manatee River, Fla.; State Road Department of Florida bridge near Bradenton.
117.465 Hillsborough River, Tampa, Fla.
117.466 Clearwater Harbor, Fla.; the city of Clearwater bridge (Memorial Causeway), Clearwater, Fla.
117.491 Mobile River and Chickasaw Creek, Ala.; Alabama State Highway bridge across Mobile River and Louisville & Nashville Railroad Co. bridge across Chickasaw Creek at Mobile, Ala.
117.555 Mississippi River and its navigable tributaries and outlets, including the Atchafalaya River, La., above Grand Lake; bridges.
117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.
117.583 White River, Ark.; Missouri and Arkansas Railway Co. bridge near Georgetown, Ark.
117.596 Missouri River; bridges.
117.605 Illinois Waterway, Ill.; bridges (highway and railroad) at Pekin, Peoria, and Joliet, Ill.
117.620 Quincy Bay at Quincy, Ill.; bridge (railroad) opposite Broadway Street.
117.640 Red River of the North, Minnesota and North Dakota; bridges.
117.640a Duluth-Superior Harbor, Minn. and Wis.; bridges (highway and railroad).
117.641 Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.
117.642 Keweenaw Waterway, Mich.; Michigan State Highway Department bridge between Houghton and Hancock.
117.643 Fox River and Portage Canal, Wis.
117.645 Sturgeon Bay, Wis.; bridges at Sturgeon Bay, Wis.
117.650 Manitowoc River, Wis.; bridges.
117.652 Sheboygan River, Wis.; city of Sheboygan Highway Bridge at Eighth Street, Sheboygan.
117.655 Milwaukee, Menomonee, and Kinnickinnic Rivers, and South Menomonee Canal, Milwaukee, Wis.; bridges.
117.660 Root River, Wis.; bridges at Racine, Wis.
117.663 The Chicago River, the Ogden Slip, the North Branch of the Chicago River, the North Branch Canal, the South Branch, the West Fork of the South Branch, the South Fork of the South Branch, and the West Arm of South Fork of South Branch of the Chicago River, Ill.; bridges.
117.670 Calumet River, Ill. and Ind.; bridges.

Sec.
117.675 Little Calumet River, Ill.; Michigan Central Railroad bridge 8.11 miles from Lake Michigan.
117.676 Indiana Harbor Canal, Ind.; drawbridges.
117.680 Trail Creek, Ind.; The Michigan Central Railroad Co. bridge, Michigan City.
117.685 Grand River and the channel at mouth of Spring Lake, Mich.; bridge.
117.690 Charlevoix Harbor, Mich. (upper and lower channels); bridge.
117.692 Crooked River, Mich.; village of Alanson bridge in Alanson, Mich.
117.695 St. Marys Falls Canal, Mich.; International Bridge.
117.697 Thunder Bay River, Mich.; city of Alpena bridge at Second Avenue.
117.700 Saginaw River, Mich.; bridges.
117.705 Rouge River, Mich.; Short-Cut Canal and Rouge River between Short-Cut Canal and Maples Road; bridges.
117.705a Portage River, Ohio; the New York Central Railroad Co. bridge at Port Clinton, Mile 1.51.
117.706 Sandusky Bay, Ohio.
117.706a Ashtabula River, Ashtabula, Ohio, bridges.
117.707 Buffalo Harbor, N.Y.; city of Buffalo bridges across Buffalo River and Buffalo Ship Canal.
117.707a Niagara River; City of Buffalo Ferry Street bridge across Black Rock Channel.
117.708 Niagara River; Canadian National Railway bridge (International Bridge) between Buffalo, N.Y., and Fort Erie, Ontario, Canada.
117.710 Navigable waters of the United States within the State of California; bridges generally.
117.711 Los Angeles and Long Beach Harbors, Calif.
117.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.
117.713 Minor tributaries of Suisun Bay, Calif.
117.714 San Joaquin River and its tributaries, California.
117.715 Georgiana Slough, Calif.
117.716 Sacramento River and its tributaries, California.
117.718 Eureka Slough, near Eureka, Calif.
117.720 Coos Bay, Oreg.
117.725 Umpqua River, Oreg.
117.730 Siuslaw River, Oreg.
117.739 Umpqua River, Dean Creek, Little Nestucca River, and Skipanon River, Oreg.; bridges.
117.740 Youngs Bay, Walluski River, Lewis and Clark River, Skipanon River, John Day River, Blind Slough, and Clatskanie River, Oreg.; bridges.
117.745 John Day River, Oreg.; bridge (highway).
117.750 Willamette River at Portland, Oreg., Columbia River at Vancouver, Wash., and North Portland Harbor (Oregon Slough), Oreg.; bridges (highway and railroad): Signals.
117.755 Willamette River, Oreg.; bridges above Oregon City, Oreg.
117.758 Skamokawa Creek, Wash.; Washington State Highway bridge at Skamokawa.
117.759 Columbia River; Oregon-Washington Bridge Co. highway bridge between Hood River, Oreg., and White Salmon, Wash.
117.759a Columbia River; Spokane, Portland, and Seattle Railway Co. bridge between Wishram, Wash., and Celilo, Oreg.
117.760 Columbia and Snake Rivers in vicinity of Pasco, Wash.; bridges.
117.765 Cowlitz and Lewis Rivers, Wash.; bridges.
117.770 Willapa Harbor and navigable tributaries, Washington; bridges.
117.775 Grays Harbor and tributaries, Washington; bridges.
117.784 Hood Canal, Wash.; Washington State Department of Highways bridge near Port Gamble.
117.785 City Waterway, Tacoma Harbor, Wash.; bridges.
117.790 Duwamish Waterway at Seattle, Wash.; bridges.
117.795 Lake Washington Ship Canal, Wash.; bridge.
117.800 Lake Washington, Wash.; pontoon bridge between Seattle and Mercer Island, Wash.
117.801 Lake Washington, Wash.; pontoon bridge between Foster Island and Evergreen Point, Wash.
117.805 Snohomish River, Steamboat Slough, and Ebey Slough, Wash.; bridges.
117.810 Navigable waters in the State of Washington; bridges where constant attendance of draw tenders is not required.
117.815 Pend Oreille Lake, Idaho; bridge of Northern Pacific Railway Co. near Sandpoint.
117.900 Honolulu Harbor, Hawaii; Kalihi Channel Bridge.

AUTHORITY: The provisions of this Part 117 issued under sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499, 49 U.S.C. 1655(g); Department of Transportation Order 1100.1, March 31, 1967; 49 CFR 1.4(a)(3)(v); unless otherwise noted.

### § 117.1 General.

(a) The operation of drawbridges, in the absence of specific regulations in this part, shall be as required by section 5 of the act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499). It shall be the duty of persons owning, operating, and tending drawbridges built across navigable waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Commandant the public interests require. Insofar as criminal liability on the part of the bridge owner is concerned, the Commandant is of the opinion that, in the absence of Federal regulations, there is no Federal authority requiring the opening of any drawbridge to which the General Bridge Act of March 23, 1906, does not apply. With reference to the civil liability of the bridge owner, however, it has been held that the duty to take proper care of a bridge includes the duty to make proper provision for the passage of vessels through the draw. In constructing a bridge with a draw, and in undertaking to open and manage the draw so as to allow vessels to pass, the owner has recognized the right of vessels to pass through without any appeal to the national authority to protect that right. Having thus recognized the rights of commerce, and undertaken to provide accommodations for the passage of vessels, the owner is bound that the custodians of the bridge shall use ordinary diligence to avoid accidents to vessels going through the draw at customary hours, and in the customary manner, as one of the incidents of the care, management, and control of the bridge itself. The owner is responsible, therefor, for the want of ordinary care and diligence in his servants, and for the consequent damage.

(b) The Attorney General has held (Jan. 28, 1899; 22 Opin. 314) that the first part of section 5 of the 1894 act is merely declaratory of the legal duty of the owners or operators which attaches to the maintenance and operation of a drawbridge across navigable waters. "It is the duty of all persons operating such drawbridges to open or cause them to be opened in a reasonable manner and at a reasonable time, consistent with the uses for which drawbridges are constructed, for the passage of vessels. The repair of such draws and of the bridges with which they are connected is also necessary for their maintenance. It is reasonable that a sufficient time should be allowed for such repairs and if they cannot be prosecuted without closing the bridge for a number of successive days, such closing cannot be considered an unreasonable interference with navigation." "It is entirely competent for the Secretary of the Army to make rules and regulations governing this subject, but in the absence of such rules and regulations the law is as I have above stated it." (The Commandant prescribes these rules and regulations.)

(c) Notwithstanding any general or special regulation heretofore or hereafter prescribed, drawbridges across navigable waters of the United States will not be opened to navigation for certain periods determined by the proper civil defense authorities to be in the interest of public safety during a major disaster or civil defense emergency indicated by a civil defense condition of "Air Raid Warning" (attack by enemy aircraft probable, imminent, or taking place).

(d) As used in this part, the term "long blast" means a distinct blast of a whistle, horn, siren, or other efficient sound producing device, of approximately three (3) seconds' duration. The term "blast" or "short blast" means a distinct blast of one (1) second's duration, or where specified, a distinct stroke of a bell.

### § 117.2 Machias River, Maine; East Machias Highway bridge between Machiasport and East Machias, Maine.

(a) The draw shall be opened promptly on signal for the passage of vessels between the hours of 7:00 a.m. and 5:00 p.m. (local time) throughout the year.

(b) At times other than those specified in paragraph (a) of this section, the draw need not be opened for the passage of vessels, except on advance notice to the drawtender to be given between the hours of 7:00 a.m. and 5:00 p.m. when the drawtender is on duty.

(c) The owner or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a position where it can be easily read at any time, a copy of the regulations in this section.

§ 117.2a Narraguagus River, Maine; Maine State Highway Commission bridge across Narraguagus River, Milbridge, Maine.

(a) The owner of or agency controlling the drawbridge will not be required to keep a drawtender in constant attendance.

(b) Whenever a vessel desires an opening of the drawspan at least a 24-hour advance notice of the time the opening is required shall be given in person, in writing, or by telephone to the Maine State Highway Commission, Division Office, Ellsworth, Maine.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of the regulations in this section, together with a notice stating exactly how the representative stated in paragraph (b) of this section may be reached.

§ 117.3 Taunton River, Maine; Maine State Highway Commission highway bridge between Hancock and Sullivan.

(a) The owner of or agency controlling this bridge will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 48 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge, except as provided in paragraph (c) of this section. Advance notice as required by this paragraph shall be given either in person, by telephone, or otherwise to the Maine State Highway Commission, Augusta, Maine, or Ellsworth, Maine, or to such person or persons as may be designated an authorized representative.

(c) In case of emergency, the draw shall be opened promptly upon notification. For this purpose the owner of or agency controlling the bridge shall provide arrangements whereby the draw tender can be readily reached by telephone or otherwise at any hour of the day or night.

(d) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw, at the time specified in the notice for the passage of the vessel.

(e) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can be easily read at any time, a copy of the regulations in this section, together with a notice stating exactly how the draw tender may be reached in an emergency and how the authorized representative may be reached by telephone or otherwise.

(f) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain the machinery is in proper order for satisfactory operation.

§ 117.5 Townsend Gut, Maine; bridge (highway) of town of Southport.

(a) That the draw of the bridge shall be opened promptly upon reasonable signal for the passage of boats except when there are vehicles, animals, or foot passengers on the bridge; but in no case shall the delay in opening the bridge from this cause exceed five minutes: *Provided*, That the signal may be given by three distinct blasts of whistle, horn, or conch, or by shouting with the voice.

(b) All boats desiring to pass through the draw shall be allowed to do so freely and without interference at a speed not exceeding 5 knots per hour.

§ 117.5a Sheepscot River, Maine; Maine State Highway Commission bridge (U.S. Route No. 1) between Wiscasset and Edgecomb.

(a) From June through September between the hours of 9:00 a.m. and 9:00 p.m. the draw will be opened promptly on signal given to the drawtender on duty. Between 9:00 p.m. and 9:00 a.m. during the period June through September the draw will be opened on advance notice given to the drawtender while he is on duty between 9:00 a.m. and 9:00 p.m.

(b) From October through May the draw will be opened on a 24-hour advance notice in person, in writing or by telephone to the Maine State Highway Commission, Augusta, Maine.

(c) The owner or agency controlling the bridge shall provide arrangements whereby the agent may be conveniently reached by telephone or otherwise, and shall keep posted conspicuously on both the upstream and downstream sides of the bridge in a position where it can be read easily at any time, a copy of these regulations together with a notice stating how the agent may be reached at any time.

(d) The draw need not be opened at any time for vessels capable of passing under the bridge with the draw closed.

§ 117.6 Back River, Maine; highway bridge between Hodgdon and Barter Islands in the town of Boothbay, Maine.

(a) The draw shall be opened promptly on signal for the passage of vessels between the hours of 8:00 a.m. and 5:00 p.m. (local time) during the months of June to October, inclusive. At other hours during these months the draw need not be opened for the passage of vessels except on previous notice in person, by telephone, or in writing to the drawtender. Such previous notice to be received during the hours the drawtender is on duty.

(b) From November to May, inclusive, the draw need not be opened for the passage of vessels any hour of the day or night except on a 24-hour advance notice to the drawtender of the bridge over Townsend Gut between Southport and Boothbay Harbor, Maine, or to the Maine State Highway Commission, Augusta, Maine.

(c) Upon receipt of such notice, the authorized representatives of the owner or agency controlling the bridge, in compliance therewith, shall arrange for the opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of the regulations in this section, together with a notice stating exactly how the representative stated in paragraph (b) of this section may be reached.

§ 117.8 Kennebec River, Maine; Maine State Highway Commission highway and railroad bridge (Carlton Bridge) between Bath and Woolwich.

(a) The owner of or agency controlling this bridge shall provide the necessary draw tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(b) The draw shall, upon receiving the prescribed call signal, be opened promptly at any time, day or night, for the passage of any vessel or other watercraft not able to pass under the closed bridge: *Provided*, That the draw shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the draw tender.

NOTE: If it is desired to give advance notice of the approximate time an opening will be required, the draw tender may be reached by telephone at any time.

(c) Sound and visual signals: Both sound and visual signals shall be given together under any weather conditions and whether sound signals can or cannot be heard.

(1) *Call signal for opening of draw.* Three blasts or three loud and distinct strokes of a bell, and a flag by day or a lighted lantern at night swung in circles at arm's length from the bridge or pilot house of the vessel. The call signal shall be given when the vessel is within a reasonable distance of the bridge, and shall be repeated at intervals until acknowledged.

(2) *Acknowledging signals when draw can be opened immediately and is in process of being lifted.* Flashing yellow light and whistle in series of three flashes and blasts with four seconds between each series, to be continued until confirmed. The vessel shall confirm by three blasts or three loud and distinct strokes of a bell, and a flag by day or a lighted lantern at night raised and lowered in vertical plane a number of times.

(3) *Acknowledging signals when draw cannot be opened immediately.* Flash-

ing red light and whistle in series of five flashes and blasts with five seconds between each series, to be continued until confirmed. The vessel shall confirm by five blasts or five loud and distinct strokes of a bell, and a flag by day or a lighted lantern at night swung to and fro horizontally a number of times.

NOTE: As used in this paragraph, the term "blasts" means distinct blasts of a whistle, horn, or megaphone each of one second's duration and at one-second intervals. The flashing yellow and red lights referred to will be located on the west side of the river on the upstream and downstream sides of the bridge near the operator's house at a height of about 75 feet above mean high water.

(d) Trains and vehicles shall not be stopped on the bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through the bridge shall be prompt to prevent delay to either land or water traffic.

(e) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be read easily at any time, a copy of the regulations in this section.

§ 117.10 Kennebec River, Maine; Maine State Highway Commission bridges between Richmond and Dresden and between Gardiner and Randolph.

(a) The owner of or agency controlling these bridges shall provide the necessary draw tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels.

(b) The draw of each bridge shall, upon receiving the prescribed call signal, be opened promptly at any time, day or night, for the passage of any vessel or other watercraft not able to pass under the closed bridge: *Provided*, That the draw shall not be required to be opened between 9:00 p.m. and 5:00 a.m. except when advance notice of the time an opening is desired is given to the draw tender in person or by telephone or letter. The owner of or agency controlling the bridges shall provide arrangements whereby the draw tenders can be readily reached by telephone or otherwise at any time between 5:00 a.m. and 9:00 p.m. Notices stating exactly how the draw tender may be reached shall be posted in the same manner as the copies of the regulations posted in accordance with paragraph (e) of this section.

(c) Sound and visual signals: Both sound and visual signals shall be given together under any weather conditions and whether sound signals can or cannot be heard.

(1) *Call signal for opening of draw.* Three blasts, and a flag by day or a lighted lantern by night swung in circles at arm's length from the bridge or pilot house of the vessel. The call signal shall be given when the vessel is within a reasonable distance of the bridge, and shall be repeated at intervals until acknowledged.

(2) *Acknowledging signals when draw can be opened immediately.* Three blasts, and a flag by day or a lighted lantern at night raised and lowered in vertical plane a number of times.

(3) *Acknowledging signals when draw cannot be opened immediately.* Five blasts, and a flag by day or a lighted lantern at night swung to and fro horizontally a number of times.

NOTE: As used in this paragraph, the term "blasts" means distinct blasts of a whistle, horn, or megaphone, or loud and distinct stroke of a bell.

(d) Vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(e) The owner of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides of each, in such manner that it can be read easily at any time, a copy of the regulations in this section.

§ 117.15 Presumpscot River, Portland, Maine; bridge (highway) at Martins Point, Portland, Maine.

(a) That on week days between April 1 and November 30 the draw shall be opened promptly upon signal between the hours of 7 a.m. and 6 p.m. Between December 1 and March 31 and on holidays and Sundays throughout the year the draw shall be opened only upon timely previous notice in person or in writing or by telephone to the draw tender.

(b) That the signal for opening the draw shall be five blasts of steam whistle on steam vessels or towboats, and five blasts from a horn on sailing or gasoline-driven vessels.

(c) That boats and tows shall approach and pass through the draw at a speed no higher than that required for good steerageway.

§ 117.20 Back Cove, Portland, Maine; Canadian National Railway bridge.

(a) The draw of the bridge shall be opened promptly on signal for the passage of vessels that cannot pass the closed draw between 8:00 a.m. and 12:00 midnight (local time) from June 1 to October 1. At all times other than those specified above, the draw will be opened on a twelve hour advance notice given to the General Agent of Grand Trunk Railway, 1 India Street, Portland, Maine. The owner of or agency controlling the bridge shall provide arrangements whereby the General Agent may be conveniently reached by telephone or otherwise, and shall keep conspicuously posted on both the upstream and downstream side of the bridge in a position where it can be read easily at any time, a copy of the regulations of this section together with a notice stating how the agent may be reached at any time.

(b) The signal for opening the draw promptly when required shall be three short blasts of a whistle or horn.

§ 117.25 Fore River, Portland Harbor, Maine; bridge (highway), known as "Portland Bridge".

(a) The owner of or agency controlling the drawbridge shall provide the same with the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(b) If the weather conditions are good and sound signals can be heard when a vessel approaches the drawbridge and desires to pass through the draw, three distinct blasts of a whistle, horn, or megaphone shall be sounded from the vessel when within reasonable hearing distance of the bridge.

(1) When the draw of the bridge can be opened immediately, the draw tender shall reply by three distinct blasts of a whistle, horn, or megaphone or by three loud and distinct strokes of a bell.

(2) When the draw of the bridge cannot be opened immediately or when the bridge is open and is to be closed immediately, the draw tender shall reply by two long distinct blasts of a whistle, horn, or megaphone or by two loud and distinct strokes of a bell.

(c) When weather conditions prevent hearing the sound signals, when a vessel approaches the drawbridge and desires to pass through the draw, signals shall be made from the vessel by swinging in circles at arm's length a lighted lantern at night and a flag by day.

(1) When the draw of the bridge can be opened immediately, the draw tender shall reply by raising and lowering in a vertical plane a number of times a lighted lantern at night and a flag by day.

(2) When the draw of the bridge cannot be opened immediately or when the bridge is to be closed immediately, the draw tender shall reply by swinging to and fro horizontally a number of times a lighted lantern at night and a flag by day.

(d) When two or more vessels are approaching the drawbridge at nearly the same time from the same or opposite directions with the draw opened or closed, each of these vessels shall signal independently for the opening of the draw and the draw tender shall reply as prescribed and in turn to the signal of each vessel.

(e) The draw shall be opened with the least possible delay at all hours upon receiving the prescribed signal for the passage of any vessel or vessels or other water craft not able to pass underneath it.

(f) When a bridge tender is about to close a draw, he shall sound two distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell.

(g) Wagons and other vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall water craft or vessels be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under a drawbridge shall be prompt, to prevent delay to either land or water traffic.

(h) The owners of or agency controlling the drawbridge shall provide and keep in good legible condition two board gages painted white, with black figures not less than 6 inches high, to indicate the headroom clearance under the lower chords of the closed drawspan at all stages of the tide. The gages shall be so placed on the ends of the drawspan fender that they will be plainly visible to the operator of a vessel approaching the bridge either upstream or downstream, and the said gages shall be illuminated at night.

(i) Vessels which can pass under the drawbridge with a clearance of 2 feet or more should not signal for the opening of the draw. In case such a vessel gives the prescribed signal and the draw tender is uncertain as to whether the vessel can safely pass, he will open the draw and if he finds that there would have been a clearance of 2 feet or more had the draw remained closed, he will report the matter immediately to the District Commander giving the name of the vessel, the time of opening the draw, the headroom under the bridge as indicated by the gage at the time of opening the draw, and the approximate headroom required by the vessel.

**§ 117.23 Kennebunk River, Maine Dock Square Highway Bridge between Kennebunk and Kennebunkport, Maine.**

(a) The draw shall be opened promptly on signal for the passage of vessels between the hours of 7:00 a.m. and 5:00 p.m. (local time) on all days of the year.

(b) At times other than those specified in paragraph (a) of this section, the draw need not be opened for the passage of vessels except on advance notice to the drawtender to be given between the hours of 7:00 a.m. and 5:00 p.m. when the drawtender is on duty.

(c) The owner or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a position where it can be easily read at any time, a copy of the regulations in this section.

**§ 117.35 Piscataqua River, Maine and N.H.**

(a) *Bridge (highway) between Portsmouth, N.H., and Kittery, Maine.* (1) The draw shall, upon the signals prescribed in subparagraphs (2) and (3) of this paragraph being given, be opened promptly at all hours for the passage of any vessel or vessels or other watercraft not able to pass underneath it.

(2) The signal for opening the draw shall be four blasts of a whistle or horn.

(3) Upon receiving the prescribed signal from an approaching vessel or watercraft, the draw tender, in case the draw can be opened immediately, shall promptly reply by an answering signal of three blasts of a whistle or horn. If, for any reason, the draw cannot be opened promptly when the prescribed signal is given, the draw tender shall so indicate by sounding five blasts of a whistle or horn, repeated at intervals until answered in like manner by the approaching vessel.

(4) There shall be provided, and kept in good legible condition, two board gages, painted white, with black figures not less than 6 inches high, to indicate the headroom clearance under the lower chords of the closed drawspan at all stages of the tide. The gages shall be so placed on the piers at the ends of the drawspan, that they will be plainly visible to the operator of a vessel approaching the bridge either upstream or downstream.

(5) Pedestrians and vehicles shall not be stopped on the bridge for the purpose of delaying its opening, nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under a drawbridge shall be prompt, to prevent delay to either land or water traffic.

(b) *Bridge (combined highway and railroad) between Portsmouth, N. H., and Kittery, Maine.* (1) The corporation or persons owning or controlling this drawbridge shall provide the same with the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(2) If the weather conditions are good and sound signals can be heard when a vessel approaches this drawbridge and desires to pass through the draw, two long and two short distinct blasts of a whistle, horn, or megaphone shall be sounded from the vessel when within reasonable hearing distance of the bridge.

(i) When the draw of the bridge can be opened immediately, the draw tender shall reply by two long distinct blasts of a whistle, siren, horn, or megaphone or by two loud and distinct strokes of a bell.

(ii) When the draw of the bridge cannot be opened immediately or when the bridge is open and is to be closed immediately, the draw tender shall reply by five short distinct blasts of a whistle, siren, horn, or megaphone or by five loud and distinct strokes of a bell, repeated at intervals until answered in like manner from the approaching vessel.

(3) When weather conditions prevent hearing the sound signals when a vessel approaches this drawbridge and desires to pass through the draw, signals shall be made from the vessel by swinging in circles at arm's length, a lighted lantern at night and a flag by day.

(i) When the draw of the bridge can be opened immediately, the draw tender shall reply by raising and lowering in a vertical plane a number of times, a lighted lantern at night and a flag by day.

(ii) When the draw of the bridge cannot be opened immediately or when the bridge is to be closed immediately, the draw tender shall reply by swinging to and fro horizontally a number of times a lighted lantern at night and a flag by day.

(4) When two or more vessels are approaching this bridge at nearly the same time from the same or opposite directions with the draw opened or closed, each of these vessels shall signal independently for the opening of the draw, and the draw tender shall reply as prescribed and in turn to the signal of each vessel.

(5) The draw shall be opened with the least possible delay at all hours upon receiving the prescribed signal for the passage of any vessel or vessels or other watercraft not able to pass underneath it: *Provided*, That the drawspan shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the railroad signal block in which the drawspan of the bridge is located.

(6) When the draw tender is about to close the draw, he shall sound one distinct blast of a whistle, siren, horn or megaphone, or one loud and distinct stroke of a bell.

(7) Trains and vehicles shall not be stopped or pedestrians loiter on this drawbridge for the purpose of delaying its opening, nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of the drawspan, but all passage over, through, or under it shall be prompt, to prevent delay to either land or water traffic.

(8) The owners of this bridge shall provide and keep in good legible condition two suitable gages approved by the Commandant, to indicate the headroom clearance under the lower chords of the closed drawspan at all stages of the tide. These gages shall be so placed on the piers at the ends of the drawspan that they will be plainly visible to the operator of a vessel approaching the bridge either upstream or downstream.

**§ 117.40 Bellamy River, N.H.; bridge (highway) between Cedar Point and Dover Point, N.H.**

(a) The owner of or agency controlling the bridge will not be required to keep draw tenders in constant attendance at the bridge.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw between the hours of 6:00 a.m. and 10:00 p.m., from April 1 to October 31, at least 4 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge: *Provided*, That in an emergency the draw will be opened as soon as possible after notification. At all other hours during the period April 1 to October 31 and at all times during the period November 1 to March 31, the draw will be opened only in an emergency. The owner of or agency controlling the bridge shall provide arrangements whereby the draw tenders can be readily reached by telephone or otherwise at any hour of the day or night.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge, in a position where it can easily be read at any time, a copy of the regulations in this

section, together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) Automobiles, trucks, vehicles, vessels or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw. All passage over the draw or through the draw opening shall be in a manner to expedite both land and water traffic.

(f) The operating machinery of the draw shall be maintained in serviceable condition, and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

**§ 117.48 Little Harbor, N.H.; bridge (highway) between Rye and New Castle, N.H.**

(a) The owner or agency controlling the bridge will not be required to keep draw tenders in constant attendance at the bridge.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw between the hours of 6:00 a.m. and 10:00 p.m., from April 1 to October 31, at least 4 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge: *Provided*, That in an emergency the draw will be opened as soon as possible after notification. At all other hours during the period April 1 to October 31 and at all times during the period November 1 to March 31, the draw will be opened only in an emergency. The owner of or agency controlling the bridge shall provide arrangements whereby the draw tenders can be readily reached by telephone or otherwise at any hour of the day or night.

(c) Upon receipt of such notice, the authorized representative of the owner or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge, in a position where it can easily be read at any time, a copy of the regulations of this section, together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) Automobiles, trucks, vehicles, vessels, or other watercraft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw. All passage over the draw or through the draw opening shall be in a manner to expedite both land and water traffic.

(f) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

**§ 117.50 Hampton River, N.H.; bridge (highway) between Seabrook and Hampton Beaches, N.H.**

(a) The owner of or the agency controlling the drawbridge shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draw.

(b) The draw shall be operated as prescribed in paragraphs (c) and (d) of this section and shall be opened promptly when the signal prescribed in paragraph (i) of this section for the opening of the draw is received.

(c) On all week days between April 1 and October 31, both dates inclusive, the draw shall be opened promptly for the passage of vessels during the daylight portions of the periods beginning 3 hours before and ending 3 hours after each high water. For the purpose of this section, daylight is construed to begin 30 minutes before sunrise and to end 30 minutes after sunset, and high water shall be deemed to occur 30 minutes later than the time of high water for Portland, Me., as given in the tide tables for the United States published by the Department of Commerce, United States Coast and Geodetic Survey.

(d) At times other than those specified in paragraph (c) of this section, the draw shall be opened only upon at least 3 hours' previous notice given in person or in writing or by telephone to the representative of the owner or agency controlling the bridge except that in case of emergency the draw shall be opened promptly upon such notice. For this purpose the owner shall install and maintain at the bridge a telephone and shall keep conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can easily be read at any time a copy of the regulations in this section together with a notice stating exactly how the representative specified in this section may be reached.

(e) The owners of the bridge shall provide and keep in good legible condition two board gages painted white, with black figures not less than 6 inches high, to indicate the headroom clearance under the closed drawspan at all stages of the tide. The gages shall be so placed on the bridge that they will be plainly visible to the operator of a vessel approaching the bridge either up or down stream.

(f) Vessels which can pass under the bridge with a clearance of 1 foot or more should not signal for the opening of the draw. In case such a vessel gives the prescribed signal and the draw tender is uncertain as to whether the vessel can safely pass, he will open the draw and if he finds that there would have been a clearance of 1 foot or more had the draw remained closed, he will report the matter immediately to the District Commander, giving the name of the vessel, the time of opening the draw, the headroom under the bridge as indicated by the gage at the time of opening the draw, and the approximate headroom required by the vessel.

(g) Pilots or masters of vessels are prohibited from signaling for or serving notice of passage unless it is necessary for the draw to be opened for the passage of the vessel. If notice or signal is given and the passage not effected at the proper time, report shall be made to the District Commander, by the draw tender.

(h) Automobiles, trucks, vehicles, vessels or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw, but all passage over the drawspan or through the draw opening shall be in a manner so as to expedite both land and water traffic.

(i) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signal.* Three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell sounded within a reasonable hearing distance of the bridge.

(ii) *Visual signal.* A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw. This signal is to be used in conjunction with sound signals when conditions are such that sound signals may not be heard.

(2) *Acknowledging signals by bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or if open must be closed immediately: Two long distinct blasts of a whistle, horn, or megaphone or by two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or if open must be closed immediately: A red flag by day, a red light by night swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels or other water craft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, will acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

**§ 117.55 Merrimack River, Mass.**

(a) *Massachusetts Department of Public Works highway bridge and Boston and Maine Railroad bridge between Newburyport and Salisbury.* (1) Between 6:00 a.m. and 10:00 p.m. from May to October, inclusive, and between 8:00 a.m., and 5:00 p.m. from November to April, inclusive, the draw of each of these bridges shall, upon receipt of the signal prescribed in subparagraph (5) of this paragraph or upon verbal request at the bridge, be opened promptly for the passage of any vessel or other watercraft not able to pass under the closed draw.

(2) At all other times, the draw shall be opened within a reasonable time after

notice to the draw tender in person, by letter, or by telephone. For this purpose the owner of or agency controlling the bridge shall provide arrangements whereby the draw tender can be reached readily by telephone or otherwise at any hour of the day or night, and shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a position where it can be read easily at any time, a copy of the regulations in this paragraph together with a notice stating exactly how the draw tender may be reached at all times by telephone or otherwise.

(3) The draw shall not be opened if there is a train, car, or other vehicle passing over the draw, or if a train or car is approaching so closely that it cannot be stopped safely before reaching the draw, but the draw shall be opened as soon as it can be cleared, and no person, vehicle, car, or train shall be permitted to begin to cross the draw after it has been signaled to open except as provided in this paragraph.

(4) When the draw shall have been opened for 10 minutes it may be closed for the crossing of trains, cars, vehicles, or individuals if there be any waiting to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary for the said trains, cars, vehicles, or individuals to cross, it shall again be opened promptly for the passage of any vessel or other watercraft desiring to pass. The length of time that the draw has been open shall be computed from the time it is fully opened, and the length of time that the draw has been closed shall be computed from the time it ceases to move in closing.

(5) When a vessel or other watercraft intends to pass through the draw of either bridge, the master or pilot thereof shall, on approaching within signaling distance, signify his intention to pass through the draw by sounding two long blasts followed immediately by two short blasts. If the draw can be opened immediately, the draw tender shall reply by three long blasts. If a delay in opening the draw is permitted by the regulations in this paragraph and it is not to be opened immediately, the draw tender shall reply by two long blasts.

(6) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be navigated so as to hinder or delay the operation of the draw, but all passage over or through the bridge shall be prompt to prevent delay to either land or water traffic.

(7) The owner of or agency controlling each bridge shall maintain in good and efficient order the draw and the machinery and appliances for operating the same and for assisting vessels while passing through the draw, shall provide such draw tenders as may be necessary to open and close the draw promptly, and shall provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the draw to open.

(8) This paragraph shall not apply to vessels owned or leased by the United States, nor to vessels employed for police or fire protection by any town or municipality touching on the Merrimack River. All such United States and municipal vessels shall be passed without delay through the draw of either bridge during the periods specified in subparagraph (1) of this paragraph upon signaling by four long blasts, and at all other times as soon as possible after notice to the draw tender in person or by telephone.

(b) *Essex County highway bridge between Deer Island and Salisbury and drawbridges upstream therefrom.* (1) The owner of or agencies controlling these bridges will not be required to keep draw tenders in constant attendance.

(2) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, at least two hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge: *Provided*, That all vessels owned or leased by the United States, and all vessels employed for police or fire protection by any town or municipality touching on the Merrimack River, shall be passed through the draw as soon as possible after notice to the authorized representative in person or by telephone.

(3) Upon receipt of such advance notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(4) The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be read easily at any time, a copy of the regulations in this paragraph together with a notice stating exactly how the authorized representative may be reached.

(5) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

§ 117.60 Plum Island River, Mass.; bridge (highway).

(a) The owner of or the agency controlling the drawbridge shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draw.

(b) On every calendar day between April 1 and November 30, both dates inclusive, the draw shall be opened promptly for the passage of vessels during the daylight portions of the periods beginning 2 hours before and ending 2 hours after each high tide. For the purpose of this section, daylight is construed to begin 30 minutes before sunrise and to end 30 minutes after sunset, and high tide shall be deemed to occur 30 minutes later than the time of high tide for Portland, Maine, as given in the tide tables for the United States published by the Department of Commerce, United States Coast and Geodetic Survey.

(c) Persons requiring the opening of the draw at times other than those specified in paragraph (b) of this section shall, except in an emergency, give at least 3 hours' notice of the time at which such opening will be required. Said notice may be given in person, in writing, or by telephone to the draw tender while in attendance at the bridge or to a designated representative of the owner or agency controlling the bridge. Upon receipt of such notice said owner or agency shall cause a suitable draw tender to be on duty at the bridge at the time specified in the notice, and the bridge shall at such time and for a reasonable period thereafter be opened promptly for the passage of vessels.

(d) The owner of or agency controlling the bridge shall install and maintain at the bridge a telephone and shall keep conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can easily be read at any time a copy of the regulations in this section together with a notice stating exactly how the representative specified in this section may be reached.

(e) The owners of the bridge shall provide and keep in good legible condition two board gages painted white, with black figures not less than 6 inches high, to indicate the headroom clearance under the closed drawspan at all stages of the tide. The gages shall be so placed on the bridge that they will be plainly visible to the operator of a vessel approaching the bridge either up or down stream.

(f) Vessels which can pass under the bridge with a clearance of 1 foot or more should not signal for the opening of the draw. In case such a vessel gives the prescribed signal and the draw tender is uncertain as to whether the vessel can safely pass, he will open the draw, and if he finds that there would have been a clearance of 1 foot or more had the draw remained closed, he will report the matter immediately to the District Commander, giving the name of the vessel, the time of opening the draw, the headroom under the bridge as indicated by the gage at the time of opening the draw, and the approximate headroom required by the vessel.

(g) Pilots or masters of vessels are prohibited from signaling for or serving notice of passage unless it is necessary for the draw to be opened for the passage of the vessel. If notice or signal is given and the passage not effected at the proper time, report shall be made to the District Commander, by the draw tender.

(h) Automobiles, trucks, vehicles, vessels or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw, but all passage over the drawspan or through the draw opening shall be in a manner so as to expedite both land and water traffic.

(i) *Signals*—(1) *Call signals for opening draw.* (i) *Sound signal.* Three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes

of a bell sounded within a reasonable hearing distance of the bridge.

(ii) *Visual signal.* A white flag by day a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw. This signal is to be used in conjunction with sound signals when conditions are such that sound signals may not be heard.

(2) *Acknowledging signals by bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or if open must be closed immediately: Two long distinct blasts of a whistle, horn, or megaphone or by two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or if open must be closed immediately: A red flag by day, a red light by night swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels or other water craft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if opened must be closed immediately, will acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

**§ 117.64 Manchester Harbor, Mass.; Boston and Maine Railroad Bridge at Manchester.**

(a) The draw shall be opened promptly on signal for the passage of vessels from 9:00 a.m. to 1:00 p.m. and from 2:00 p.m. to 6:00 p.m. (local time) each day of the week from April 1 to November 1, inclusive.

(b) At times other than those specified in paragraph (a) of this section, advance notice of at least 2 hours is required for opening the draw between the hours of 6:45 a.m. and 3:45 p.m., and 5 hours for opening at times other than specified above. The notice is to be given to the Chief Dispatcher, Boston and Maine Railroad, Boston, Massachusetts.

(c) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative in paragraph (b) of this section may be reached.

**§ 117.65 Danvers River, Mass.; bridges (highway and railroad).**

(a) The corporations or persons owning or controlling the bridge shall provide the same with the necessary tenders and proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(b) The draw of each of the bridges shall, upon the signal prescribed in paragraphs (d) and (e) of this section being given, be opened promptly for the passage of vessels from 8:00 a.m. to 12:00 midnight each day of the year.

(c) Between 12:00 midnight and 8:00 a.m. each day of the year, the bridges shall be opened on advanced notice in person, or in writing, or by telephone to the draw tenders, either at the bridges during the time the operators are on duty or at the residences thereafter, except that in case of emergency, the draw shall be opened promptly upon notification. For this purpose, the bridge owners shall install and maintain telephones at the bridges and provide arrangements whereby the draw tenders can be reached by telephone or otherwise at any hour of the day or night, and notice of such arrangements shall be conspicuously posted on the bridges.

(d) If weather conditions are good and sound signals can be heard when a vessel approaches a drawbridge and desires to pass through the draw, the person in charge of said vessel shall cause to be sounded, within reasonable hearing distance of the bridge, three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell.

(1) When the draw of the bridge can be opened immediately, the draw tender shall reply by three distinct blasts of a whistle, horn, or megaphone, or by three loud and distinct strokes of a bell.

(2) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by two long distinct blasts of a whistle, horn, or megaphone, or by two loud and distinct strokes of a bell.

(e) When weather conditions prevent hearing the sound signals, signals shall be made from the vessel by swinging in circles at arm's length a flag.

(1) When the draw of the bridge can be opened immediately, the draw tender shall reply by raising and lowering in vertical plane a number of times a flag.

(2) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by swinging to and fro horizontally a number of times a flag.

(f) The draw shall be opened with the least possible delay upon receiving the prescribed signals: *Provided,* That the drawspan shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the operator of the drawspan.

(g) Trains, wagons, and other vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under a drawbridge shall be prompt, to prevent delay to either land or water traffic.

**§ 117.75 Boston Harbor, Mass., and adjacent waters; bridges.**

(a) The regulations in this section shall govern the operation of all drawbridges across Boston Harbor, Massachusetts, including the following waters in and adjacent thereto:

(1) Chelsea River.

(2) Mystic River.

(3) Malden River (excluding the Massachusetts Department of Public Works highway bridge at Medford Street, Malden).

(4) Little Mystic Channel.

(5) Charles River.

(6) Fort Point Channel (excluding therefrom the portion of Fort Point Channel lying above the easterly side of the highway bridge at Dorchester Avenue).

(7) Reserved Channel.

(8) Neponset River.

(9) Weymouth Fore River.

(10) Weymouth Back River.

(b) The owners of or agencies controlling the bridges shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels and for assisting vessels while passing through the draws. They shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the draws to open.

(c) Except as otherwise provided in paragraphs (g) to (i) of this section, the draw of each bridge shall, upon oral request or upon receiving the prescribed call signal, be opened promptly for the passage of any vessel or other watercraft not able to pass under the closed bridge: *Provided,* That the draw shall not be opened when a train or vehicle is approaching so closely that it cannot safely be stopped before reaching the draw: *Provided further,* That when any draw shall have been open for 10 minutes or longer it may be closed to permit any waiting trains, vehicles, or persons to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary it shall again be opened promptly for the passage of vessels or other watercraft if there be any such desiring to pass.

NOTE: The length of time a draw has been open shall be computed from the time that the draw begins to move in opening, and the length of time that a draw has been closed shall be computed from the time that the draw ceases to move in closing.

(d) *Signals*—(1) *Call signal for opening of draw.* Two long blasts followed immediately by two short blasts, sounded within signaling distance of the bridge: *Provided,* That the call signal for the City of Boston bridge across Chelsea River connecting Meridian Street, East Boston, and Pearl Street, Chelsea, shall be two long blasts followed immediately by two short blasts and one long blast: *Provided further,* That the call signal for those bridges across Mystic River, Charles River, and Fort Point Channel referred to in paragraphs (g), (h), and (i) of this section, to be given by vessels entitled to passage during closed periods under the provisions of paragraphs (f) to (i), inclusive, of this section, shall be four long blasts.

(2) *Acknowledging signals*—(i) *When draw can be opened immediately.* Three long blasts.

(ii) *When draw cannot be opened immediately.* Two long blasts.

(e) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(f) The general regulations contained in paragraphs (a) to (e), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraphs (g) to (l) of this section prescribed where local conditions require to govern the operation of certain bridges. The special regulations shall not apply to vessels owned or controlled by the United States Government or to vessels employed by the City of Boston or other municipality for police and fire protection. All such United States and municipal vessels shall be passed without delay through the draws of all bridges at any hour day or night.

(g) *Mystic River*—(1) *Bridges from mouth to and including Boston and Maine Railroad bridge between Somerville and Medford.* The draws of these bridges shall not be required to be opened for the passage of vessels whose draft is less than 18 feet between 7:45 and 9:00 a.m., 9:10 and 10:00 a.m., and 5:00 and 6:00 p.m., except on Sundays and on legal holidays observed in the locality: *Provided,* That any vessel or other watercraft proceeding either upstream or downstream which has passed any of these bridges shall be afforded continuous passage through the succeeding bridges.

(2) *Metropolitan District Commission highway bridge (General Lawrence Bridge) opposite Harvard Street, Medford.* The draw need not be opened for the passage of vessels, and paragraphs (b) to (f) of this section shall not apply to this bridge.

(h) *Charles River*—(1) *Bridges from mouth to and including Metropolitan District Commission Bridge at Charles River Dam.* The draws of all bridges, except the Charlestown Bridge and the Metropolitan Transit Authority Bridge, from the mouth to and including the Metropolitan District Commission bridge between Boston and Cambridge (at Charles River Dam) shall not be required to be opened for the passage of vessels between 6:15 and 9:10 a.m., and 4:15 and 7:40 p.m., except on Sundays and on legal holidays observed in the locality: *Provided,* That when high tide at Charlestown Navy Yard occurs between 6:15 and 9:10 a.m., the draws shall be opened within 45 minutes before or after high tide for a period of 10 minutes for the passage of all vessels or other watercraft whose draft is 12 feet or over if there be any such desiring to pass, the exact time of opening to be prescribed by the railroad companies, due regard being had for causing minimum interference with railroad schedules, highway traffic, and the interests of navigation, and the opening time of each bridge to be so fixed as to permit continuous passage through the next and following bridges located in direction of course of the vessels or other watercraft.

(2) *Charlestown Bridge.* The draw need not be opened for the passage of vessels, and paragraphs (b) to (f), of this section shall not apply to this bridge.

(3) *Metropolitan Transit Authority (East Cambridge Viaduct) Bridge.* The draw need not be opened for the passage of vessels, and paragraphs (b) to (f), of this section, shall not apply to this bridge. However, the operating machinery of the draw shall be maintained in an operable condition.

NOTE: The temporary special regulations contained in paragraphs (i) and (j) are on a trial basis and are subject to review and amendment at any time by the U.S. Coast Guard.

(i) *Fort Point Channel*—(1) *City of Boston highway bridges at Northern Avenue, Congress Street, and Summer Street.* The draws of these bridges shall not be required to be opened for the passage of vessels whose draft is less than 18 feet between 7:00 and 9:00 a.m. and 4:30 and 6:30 p.m., except on Sundays and legal holidays observed in the locality: *Provided,* That any vessel or other watercraft preceding either upstream or downstream which has passed any of these bridges shall be afforded continuous passage through the succeeding bridges.

(2) *Congress Street and Summer Street Bridges.* The draws of these bridges shall not be required to open for the passage of vessels between 4:00 p.m. and 9:30 a.m., Monday to Saturday, inclusive, except on 10 hours' advance notice. Between March 31 and November 1, the draws shall not be required to open for the passage of vessels before 9:30 a.m. and after 4:00 p.m. on Sundays, except on 10 hours' advance notice. Between November 1 and March 31, the draws shall not be required to open for the passage of vessels at any time on Sundays, except on 10 hours' advance notice.

(j) *Reserved Channel.* The draw of the Summer (L) Street Bridge shall not be required to be opened for the passage of vessels between 4:00 p. m. and 9:30 a. m., Monday to Saturday, inclusive, except on 10 hours' advance notice. Between March 31 and November 1, the draw shall not be required to open for the passage of vessels before 9:30 a.m. and after 4:00 p.m. on Sundays, except on 10 hours' advance notice. Between November 1 and March 31, the draw shall not be required to open for the passage of vessels at any time on Sundays, except on 10 hours' advance notice.

(k) *Dorchester Bay.* The draw of Dorchester Bay Highway Bridge on William T. Morrissey Boulevard (Old Colony Parkway) between Savin Hill and Commercial Point, Dorchester, Massachusetts, shall not be required to be opened for the passing of vessels from 7:30 a.m. to 9:00 a.m., and from 4:30 p.m. to 6:00 p.m. every day of the week except Saturdays, Sundays or legal holidays observed in the locality and except in case of emergency or during extreme storm conditions.

(l) *Neponset River.* (1) The New York, New Haven and Hartford Bridge and the highway bridges at Neponset Avenue and Granite Avenue, shall not be required to be opened for the passage of vessels from November 1 to April 30, inclusive, between the hours of 10:00 p.m. and 6:00 a.m., except on at least a 24-hour notice in advance of the time an opening is required.

(2) The 24-hour advance notice will not apply to vessels owned or operated by the United States nor to vessels employed for police and fire protection, nor in an emergency by any vessel when danger to life and/or property is involved. For the type of vessel specified, and in emergencies by any vessel, the owner or agency operating the bridge shall, upon request, arrange for the opening of the drawspan as soon as practicable after receipt of the request.

(3) The owners or agencies controlling the bridges shall keep conspicuously posted on both sides of the bridges, in a position where it can be easily read at any time, a copy of the regulations of this section together with a notice stating to whom the advance notice should be given and directions for communicating with such person.

### § 117.77 North River, Mass.; State of Massachusetts highway bridge between Scituate and Marshfield.

(a) The owner of or agency controlling the bridge will not be required to keep draw tenders in constant attendance at the bridge.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw during the period between May 1, and October 31, at least 4-hours advance notice of the time the opening is required shall be given to the authorized representative of or agency controlling the bridge. For the remainder of the year at least 24-hours advance notice for a desired opening shall be given. For this purpose the owner of the bridge shall provide arrangements whereby the draw tenders can be readily reached by telephone or otherwise at any time of the day or night.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge, in a position where it can easily be read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) Automobiles, trucks, vehicles, vessels, or other watercraft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw. All passage over the draw or through the draw opening shall be

in a manner to expedite both land and water traffic.

(f) The operating machinery of the draw shall be maintained in serviceable condition, and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

§ 117.80 Acushnet River, Mass.; State of Massachusetts bridge between New Bedford and Fairhaven.

(a) *Prompt opening required.* Except as otherwise provided in paragraph (b) of this section, the draw of the bridge shall, upon proper signal, be opened promptly for the passage of vessels unable to pass under the closed draw.

(b) *Exceptions.* (1) From 6:30 a.m. to 8:30 a.m., from 11:30 a.m. to 1:30 p.m., and from 4:00 p.m. to 6:00 p.m., on all days other than Sundays and legal holidays observed in the locality, the draw need not be opened for the passage of any vessels drawing less than 15 feet of water. The above periods of closure will not apply to vessels owned or operated by the U.S. Government, State or local authorities.

(2) During the period May 1 to October 1 between the hours of 9:00 p.m. and 5:00 a.m. (local time) and during the period October 1 to May 1, from one hour after sunset to one hour before sunrise, advance notice of two hours will be required for an opening. This advance notice will be given to the draw tender by telephone or otherwise. The owner of or agency controlling the bridge shall provide arrangements whereby the draw tender can be conveniently reached by telephone or otherwise at any hour of the night, and shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a position where it can be read easily at any time, a copy of the regulations of this section together with a notice stating exactly how the draw tender may be reached.

(c) *Signals*—(1) *By the vessel.* The signal for opening the draw promptly when required shall be three short blasts of a whistle or horn. When a vessel drawing more than 15 feet of water intends to pass through the draw during the period described in paragraph (b) (1) of this section, three short blasts followed by one long blast shall be sounded. When any United States, State or municipal vessel as described in paragraph (b) (1) of this section intends to pass through the draw, four long blasts are sounded.

(2) *By the bridge.* If the draw is to be opened promptly, the draw tender shall reply by one long blast of a whistle or horn. If the draw cannot be opened promptly, the draw tender shall reply by three long blasts and, in addition, a red flag or ball by day and a red light by night shall be conspicuously displayed on the bridge.

§ 117.81 Apponaganset River, Mass.; Padanarum Highway Bridge at South Dartmouth.

(a) The draw shall be opened promptly on signal for the passage of vessels between sunrise and 7:30 a.m., 9:30 a.m., and 11:30 a.m. 1:00 p.m., and 4:30 p.m., 6:30 p.m. and 1 hour after sunset, on all days from May 1 to October 31, inclusive, of each year.

(b) At all other times during the year when a bridge opening is desired a 6-hour advance notice must be given, in person, by telephone, or in writing, to the operator of the bridge or to the Selectmen of the Town of Dartmouth, Massachusetts. Upon receipt of such notice, the operator of the bridge, in compliance therewith, shall at the time specified in the notice and for a reasonable period thereafter be prepared to open the draw promptly on signal for the passage of the vessel.

(c) The advance notice required in paragraph (b) of this section shall not apply to vessels in an emergency, or to vessels operated by the United States and vessels employed for police or fire protection by any Town or municipality bordering on the Apponaganset River. The draw shall be opened promptly upon notification at any time of the day or night for such United States and municipal vessels, and for other vessels in an emergency.

(d) The call signal for opening the draw shall be three short blasts of a whistle or horn. If the draw can be opened immediately the call signal shall be acknowledged by one long blast of a whistle or horn. When the draw cannot be opened immediately the operator shall sound three long blasts and in addition a red flag or ball by day and a red light by night shall be conspicuously displayed on the bridge.

(e) Automobiles and other vehicles shall not be stopped or pedestrians loiter on this drawbridge for the purpose of delaying the opening of the draw, nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of the drawspan, but all passage over or through the bridge shall be prompt, to prevent delay to either land or water traffic.

(f) The owner of or agency controlling the bridge shall maintain in good and efficient order the drawspan and the mechanical appliances for operating the same and shall provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the drawspan to open.

(g) The owner of or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge, in a position where it can easily be read at any time, a copy of the regulations of this section together with a notice stating exactly how the operator may be reached by telephone or otherwise.

§ 117.85 Sakonnet River, R.I.; State of Rhode Island highway bridge and New York, New Haven & Hartford Railroad Co. bridge at Tiverton.

(a) The owner of or agency controlling each bridge shall maintain in good and efficient order the drawspan and the machinery and appliances for operating the same and for assisting vessels while passing through the draw. The owner of or agency controlling each bridge shall also provide and maintain at the drawspan such number of draw tenders or operators as may be necessary to open and close the same promptly; and shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the drawspan to open.

(b) The signal for opening the draw of each of these bridges shall be three short blasts of a whistle or horn. This signal shall be answered by one long blast of a whistle or horn on the bridge when the operation of opening is commenced, or, if the draw cannot be opened promptly, by three long blasts and in addition a red flag or ball by day and a red light by night shall be conspicuously displayed on the bridge.

(c) Except as otherwise provided in paragraphs (d) and (h) of this section the draw of each bridge shall be immediately opened upon receiving the prescribed signal for the passage of vessels at any hour of the day or night.

(d) Exceptions: (1) When a train which will entirely cross the railroad bridge before stopping has reached the distance signal of the bridge and is in motion toward the bridge, the train may continue across the bridge, but in no case, except as provided in subparagraph (2) of this paragraph, shall the opening of the bridge for a vessel be delayed more than four minutes after the signal is given.

(2) When the draw of either of the bridges shall have been open for 10 minutes or longer, it may be closed for the crossing of trains, cars, vehicles, or persons, if any be waiting to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary for the trains, cars, vehicles, or persons to cross, it shall again be opened promptly for the passage of all vessels if there be any such desiring to pass. The length of time that a draw shall have been open shall be computed from the time that the draw is fully open, and the length of time that a draw has been closed shall be computed from the time that the draw ceases to move in closing.

(3) The exceptions contained in this paragraph shall not apply to vessels owned or operated by the United States, vessels in distress, and vessels employed for police and fire protection by any town or municipality touching upon Sakonnet River. All such United States and municipal vessels, and vessels in distress, shall be passed through the draws of the bridges at any hour of the day or night.

(e) For every vessel that cannot pass a closed bridge the operation of the draw shall afford full horizontal and vertical clearance in the draw opening regardless of the size or requirements of the passing vessel.

(f) Trains, cars, vehicles, or persons shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be so handled or placed as to delay the opening or closing of the draw, but all passage over, under, or through a draw shall be prompt to prevent delay to either land or water traffic.

(g) The general regulations contained in paragraphs (a) to (f), inclusive, of this section shall apply to each bridge except as modified by the special regulation contained in paragraph (h) of this section. The special regulations shall not apply to vessels owned or operated by the United States, a vessel in distress, or to vessels employed for police or fire protection by any town or municipality touching upon Sakonnet River. All such United States and municipal vessels, and vessels in distress, shall be passed through the draws of the bridges during the closed period.

(h) State of Rhode Island highway bridge: From 7:10 a.m. to 7:40 a.m., Monday through Friday, inclusive, the draw of the highway bridge will not be required to be opened for the passage of vessels.

§ 117.87 Taunton River, Mass.; bridges.

(a) The signal for opening the draw of each of the drawbridges shall be three short blasts of a whistle or horn. This signal shall be answered by one long blast of a whistle or horn on the bridge when the operation of opening is commenced, or, if the draw cannot be opened promptly, by three long blasts and in addition a red flag or ball by day and a red light by night shall be conspicuously displayed on the bridge.

(b) Except as otherwise provided in this section, the draws of the bridges shall be immediately opened, upon receiving the prescribed signal, at all times during the day or night for the passage of foreign vessels and "vessels of the United States" as defined in R. S. 4311 (46 U. S. C. 251) unable to pass under the closed draws.

(c) When a train which will entirely cross a railroad bridge before stopping has reached the distance signal of the bridge and is in motion toward the bridge, the train may continue across the bridge, but in no case, except as provided in paragraph (f) of this section, shall the opening of the bridge for a vessel be delayed more than four minutes after the signal is given.

(d) Between 10:00 p.m. and 5:00 a.m. from May to October, inclusive, and between 6:00 p.m. and 6:00 a.m. from November to April, inclusive, the draw of the Bristol County highway bridge at Berkley shall be opened for the passage of all vessels which cannot pass the closed bridge upon notice given by telephone or otherwise to the operator at least 30 minutes in advance of the time the vessel desires to pass through the draw. The owner of or agency controlling the bridge shall provide arrangements whereby the draw tender can be reached by telephone or otherwise from the bridge, or through a public telephone exchange, and notice of such arrangements shall be kept conspicuously posted on the bridge.

(e) For all vessels or watercraft other than those described in paragraph (b) of this section which cannot pass the closed bridges, the draws shall, upon receiving the prescribed signal, be opened when two or more such vessels or other watercraft may be ready to pass through: *Provided*, That in no case shall the delay be more than 20 minutes.

(f) When the draw of any of the bridges shall have been open for 10 minutes or longer, it may be closed for the crossing of trains, cars, vehicles, or persons, if any be waiting to cross, and after being so closed for 10 minutes or for such shorter time as may be necessary for the trains, cars, vehicles, or persons to cross, it shall again be opened promptly for the passage of foreign vessels or "vessels of the United States," if there be any such desiring to pass. The length of time that a draw shall have been open shall be computed from the time that the drawspan is fully open, and the length of time that a draw has been closed shall be computed from the time that the drawspan ceases to move in closing.

(g) For every vessel that cannot pass the closed bridges the operation of the draw shall afford full horizontal and vertical clearance in the draw opening regardless of the size or requirements of the passing vessel.

(h) Trains, cars, vehicles, or persons shall not be stopped on any drawspan for the purpose of delaying the opening of the draw, nor shall any vessel or other watercraft be so handled or placed as to delay the opening or closing of any drawspan, but all passage over, under, or through a drawspan shall be prompt so as to reduce delays to water and land traffic to a minimum.

(i) The owner of or agency controlling each bridge shall maintain in good and efficient order the drawspan and the machinery and appliances for operating the same and for assisting vessels while passing through the draw. The owner of or agency controlling the bridge shall also provide and maintain at the drawspan such number of draw tenders or operators as may be necessary to open and close the same promptly; and shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary to vessels in mooring or making fast while waiting for the drawspan to open.

§ 117.90 Providence Harbor, R.I.; bridges.

(a) The regulations in this section shall govern the operation of the city of Providence highway bridge at Point Street across the upper Providence River and the New York, New Haven and Hartford Railroad Co. India Point Bridge at India Street, the State of Rhode Island Washington Bridge at Fox Point Boulevard, the New York, New Haven and Hartford Railroad Co. Tunnel Bridge, and the city of Providence Red Bridge at Waterman Street across Seekonk River.

(b) Except as otherwise provided in paragraphs (c) and (d) of this section the draw of each bridge across Seekonk River shall be opened promptly upon receiving the prescribed signal at all times during the day or night for the passage of vessels.

(c) Between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m. daily the draws of the highway bridges over Seekonk River, except the Washington Bridge as provided in paragraph (d) of this section, need not be opened for the passage of vessels other than loaded self-propelled cargo vessels and any assisting tugs: *Provided*, That the bridges, except the Washington Bridge as provided in paragraph (d) of this section, shall be opened promptly at all times for vessels owned or operated by the United States or the city of Providence desiring passage because of an emergency involving danger to life or property, upon sounding four distinct blasts of a whistle or horn.

(d) The owner of or agency controlling the Washington Bridge across Seekonk River need not open the draw for the passage of vessels.

(e) The call signal for opening of the draw of each bridge shall be three short blasts of a whistle or horn. If the draw can be opened immediately, the call signal shall be acknowledged by one long blast of a whistle or horn on the bridge. If the draw cannot be opened immediately, the call signal shall be acknowledged by three long blasts, and in addition a red flag or ball by day and a red light at night shall be conspicuously displayed on the bridge.

(f) *Point Street Bridge*. Between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m. daily the draw of the bridge need not be opened for the passage of vessels; at all other times at least 24 hours' advance notice is required, such notice to be given to the Director of Public Works, City Hall, Providence, R.I.: *Provided*, That the draw shall be opened at all times, upon request, for vessels owned or operated by the United States or the city of Providence desiring passage in an emergency involving danger to life or property. The owner of or agency controlling the bridge shall provide arrangements whereby the drawtenders can be reached readily by telephone or otherwise at any hour of the day or night, in case of emergency.

§ 117.95 Mystic River at Mystic, Conn.

(a) *The New York, New Haven and Hartford Railroad Company bridge*. (1) From April 1 to October 31, inclusive, at any time, day or night, the draw of this bridge shall be opened immediately upon receipt of the call signal for the passage of commercial vessels, vessels owned or operated by the United States Government, and vessels employed for police or fire protection by any town or municipality touching on the Mystic River, and as soon as practicable and in no case later than 20 minutes after receipt of the call signal for the passage of all other vessels which cannot pass the closed bridge: *Provided*, That the draw shall not be opened when an express passenger train, scheduled to pass beyond the bridge without stop, has entered the block in which the bridge is located, or when any other train which will entirely cross the bridge before stopping has reached the distance signal of the bridge, or when a passenger or mail train is actually ready to pass over it, but in any such case the opening of the bridge shall not be delayed more than eight minutes after the call signal is given.

(2) The call signal for opening the draw shall be one long blast and one short blast. When the draw is to be opened immediately the draw tender shall reply with one long blast. If the draw cannot be opened immediately the draw tender shall reply with three long blasts, and in addition a red flag or ball by day or a red light by night shall be conspicuously displayed on the bridge.

(3) From November 1 to March 31, inclusive, at any time between the hours of 5:00 a.m. and 9:00 p.m. the draw of this bridge shall be opened immediately upon receipt of the above-described call signal and subject to all conditions contained in subparagraph (1) of this paragraph. From 9:00 p.m. to 5:00 a.m., the draw of the bridge shall not be required to be opened except on an 8-hour notice in advance of the time an opening is required.

(4) The 8-hour advance notice will not apply to vessels owned or operated by the United States, nor to vessels employed for police or fire protection, nor in an emergency by any vessel when danger to life and/or property is involved. For the type of vessel specified, and in emergencies by any vessel, the owners or agency operating the bridge shall, upon request, arrange for the opening of the drawspan as soon as practicable after receipt of the request.

(5) The owners or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge, in a position where it can be easily read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative of the owner or agency may be reached.

(b) *Connecticut State Highway Department bridge.* (1) The owner or agency controlling the bridge shall provide the appliances and personnel necessary for the safe, prompt and efficient operation of the draw.

(2) The draw shall normally be opened on the following schedule when the signal, hereinafter prescribed for the opening of the draw, is received from an approaching vessel or other watercraft which cannot pass under the closed draw. This schedule shall not be construed to prevent the opening of the draw immediately for governmental, police or fire protection or commercial vessels or any vessels in case conditions of wind, tide or heavy volume of river traffic are such as to cause a hazard to vessels or to the bridge.

(3) Between the hours of 8:15 a.m. and 7:17 p.m. the draw need be opened only once an hour at 15 minutes after the hour for the passage of vessels other than vessels owned or operated by the Government of the United States, vessels employed for police or fire protection and commercial vessels or any vessel under conditions described in subparagraph (2) of this paragraph.

(4) From May 1 to October 31, inclusive, between the hours of 7:15 p.m. and 8:15 a.m. and from November 1 to April 30, inclusive, between the hours of 7:15 p.m. and 8 p.m. and between the hours of 4 a.m. and 8:15 a.m. the draw shall be opened on call for the passage of vessels owned or operated by the Government of the United States, vessels employed for police and fire protection and commercial vessels. The draw shall be opened as soon as practicable and in no case later than 20 minutes after receipt of the call signal for all other vessels which cannot pass the closed draw.

(5) From November 1 to April 30, inclusive, between the hours of 8 p.m. and 4 a.m. the draw shall be opened for the passage of vessels upon notice to the drawtender given at least 1 hour in advance of the time of the requested opening.

(6) All times listed are referred to local times at Mystic.

(7) The signal for opening the draw shall be given by one long blast and two short blasts of a horn or whistle. If the draw cannot be opened immediately when the signal is given, a red flag or ball by day or a red light by night shall be conspicuously displayed on the bridge.

(8) The signal for opening the draw shall be answered by a whistle on the bridge with one long blast when the opening is commenced, or by three long blasts repeated at regular intervals until acknowledged by the vessel when the bridge cannot be opened promptly or, if opened, must be closed immediately.

(9) A copy of the regulations in this paragraph shall be conspicuously posted on both the upstream and downstream sides of the bridge in such a manner that it can be easily read at any time.

### § 117.100 Thames River, Conn.; The New York, New Haven & Hartford Railroad Co. bridge between New London and Groton.

(a) The draw of this bridge shall be opened at any time, day or night, immediately upon receipt of the call signal for the passage of commercial vessels, vessels owned or operated by the United States Government, and vessels employed for police or fire protection by any town or municipality touching on the Thames River, and as soon as practicable and in no case later than 20 minutes after receipt of the call signal for the passage of all other vessels which cannot pass the closed bridge: *Provided*, That when a westbound train scheduled to cross the bridge without stop has passed Midway Station, or a Southbound train Groton Station, or an eastbound train New London Station, and is in motion toward the bridge, the draw shall not be opened for the passage of any vessel until the train has crossed the bridge.

(b) The call signal for opening the draw shall be three blasts. When the draw is to be opened immediately the draw tender shall reply with one blast. If the draw cannot be opened immediately the draw tender shall reply with four blasts, and in addition a red flag or ball by day or a red light by night shall be conspicuously displayed on the bridge.

### § 117.105 Shaws Cove, New London Harbor, Conn.; bridge of New York, New Haven & Hartford Railroad Co. at New London, Conn.

(a) Except as provided in subparagraphs (1) and (2) of this paragraph, the draw shall be immediately opened for the passage of foreign vessels and "vessels of the United States," as defined by section 4311 of the Revised Statutes (46 U.S.C. 251) at any time between 6 a.m. and 7 p.m. upon a signal given by one long and one short blast of a whistle or horn.

(1) *First exception.* Between 11 a.m. and 1:30 p.m. and between 3:15 p.m. and 4:30 p.m., the bridge may remain closed to all vessels, except in the case of fire above the bridge or other similar emergency, when the draw shall be immediately opened upon the prescribed signal being given.

(2) *Second exception.* When a westbound train scheduled to cross the bridge without stop has passed New London Station, or an eastbound train Waterford Station, and is in motion toward the bridge, the draw shall be opened for the above-named vessel as soon as the train has crossed the bridge, but in no case shall the opening of the draw for the vessels above-described be delayed more than 10 minutes.

(b) The draw shall be opened as soon as practicable for the passage of all other vessels which cannot pass the closed bridge, at any time between 6 a.m. and 7 p.m., when the above-prescribed signal is given, but in no case shall such vessel be delayed more than 20 minutes, except as provided in the first exception under paragraph (a) of this section.

(c) Between 7 p.m. and 6 a.m., the draw shall be opened for the passage of all vessels which cannot pass the closed bridge, upon notice given by telephone or otherwise to the draw tender or the operator in the signal tower controlling the bridge signals at least 1 hour in advance of the time the vessel desires to pass through the draw, except that in case of fire or similar emergency the draw shall be promptly opened upon notification. Arrangements shall be provided whereby the draw tender or signal operator on duty can be conveniently reached by telephone between 7 p.m. and 6 a.m., and notice of such arrangements shall be kept conspicuously posted on the bridge.

(d) In case the bridge cannot be immediately opened when the signal is given, a red flag or ball by day and a red light by night shall be conspicuously displayed.

(e) Signals for the opening of the draw shall be answered by a whistle or horn on the bridge with the same signal named in paragraph (a) of this section (one long and one short blast) when opening is commenced; and by a series of four short blasts, each of not more than 1 second duration, when the bridge cannot be promptly opened.

### § 117.110 Niantic River, Conn.; bridges of New York, New Haven & Hartford Railroad Co., and the State of Connecticut at Niantic, Conn.

(a) The owners of, or agencies controlling the above-named bridges shall provide the appliances and personnel necessary for the safe, prompt and efficient operation of the draw.

(b) The draw shall be opened promptly when the signal, prescribed in

paragraph (c) of this section for the opening of the draw, is received from an approaching vessel or other water craft which cannot pass under the closed draw except as provided in paragraph (c) of this section.

(c) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* Railroad Bridge, one long and two short blasts of horn or whistle. Highway Bridge, three short blasts of horn or whistle.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard. A white flag by day, and a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or, if open, must be closed immediately: Two long blasts of a horn or whistle, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard. Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately, or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels or other water craft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, shall acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day and a red light by night.

(4) *Exceptions*—(i) *For both bridges.* Between 8 p.m. and 4 a.m. during the period from April 1 to October 31 and 6 p.m. and 6 a.m. during the remaining months of the year the draw shall be opened for the passage of all vessels which cannot pass the closed bridges upon notice given by telephone or otherwise to the operators at least one hour in advance of the time the vessel desires to pass through. The owners of the bridges shall provide arrangements whereby the draw tenders may be reached by telephone or otherwise, and notice of such arrangements shall be kept conspicuously posted on the bridges.

(ii) *For the railroad bridge.* When a train scheduled to pass beyond the bridge without stop has entered the block in which the bridge is located the draw shall be opened as soon as the train has crossed the bridge, unless another train similarly scheduled and running in the opposite direction to the first train enters the block before the first train clears the bridge, in which case the draw shall be opened as soon as both trains have crossed the bridge. Further delay for train operation across the bridge is prohibited.

(d) A copy of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of the bridges in such a manner that it can be easily read at any time.

**§ 117.115 Connecticut River, Conn.; bridges.**

(a) The signal for opening the draw of each of the drawbridges shall be one long blast (of about five seconds' duration) of a whistle or horn. This signal shall be answered by one long blast of a whistle or horn on the bridge when the operation of opening is commenced, or, if the draw cannot be opened promptly, by a series of not less than four short, sharp blasts (each of not more than one second's duration) and in addition a red flag or ball by day and a red light by night shall be conspicuously displayed on the bridge.

(b) Except as provided in subparagraph (c) of this section, the draws of the bridges described in this section shall be promptly opened, upon the prescribed signal, at all times during the day or night, for the passage of foreign vessels and "vessels of the United States", as defined in section 4311 of the Revised Statutes (46 U. S. C. 251).

(c) *Exceptions*—(1) *Railroad bridge at Lyme.* When a westbound train scheduled to cross the bridge without stop has passed Lyme and Blackhall Station, or an eastbound train Saybrook Junction Station, and is in motion toward the bridge, the draw shall be opened for the vessels described in paragraph (b) of this section as soon as the train has crossed the bridge.

(2) *Railroad bridge at Middletown.* When a westbound train scheduled to cross the bridge without stop has passed Portland Station, or an eastbound train Middletown Station, and is in motion toward the bridge, the draw shall be opened for the vessels described in paragraph (b) of this section as soon as the train has crossed the bridge.

(d) For all other vessels which cannot pass the closed bridges the draws shall, upon the prescribed signal, be opened as soon as practicable, but in no case shall the delay be more than 20 minutes.

(e) For every vessel that cannot pass the closed bridge the operation of the draw shall afford full horizontal and vertical clearance in the draw opening, regardless of the size or requirements of the passing vessel.

**§ 117.120 New Haven Harbor, Quinnipiac and Mill Rivers, Conn.; bridges owned and operated by the State of Connecticut and city of New Haven.**

(a) The regulations in this section shall govern the operation of Chapel Street Bridge across Mill River, and Tomlinson Bridge, Ferry Street and Grand Avenue Bridges across Quinnipiac River.

(b) The owners of or agencies controlling the above-named bridges shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draws.

(c) The draw of each bridge shall be opened when the prescribed signal for the opening of the draw is received from an approaching vessel or other watercraft which cannot pass under the closed draw, except as hereinafter provided.

(d) *Closed periods.* The draws of the above-named bridges need not be opened between 7:30 and 8:30 a.m., 12:00 noon and 12:15 p.m., 12:45 and 1:00 p.m., and 4:45 and 5:45 p.m.

(e) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.*

Tomlinson Bridge, two short blasts of horn or whistle.

Chapel Street Bridge, three short blasts of horn or whistle.

Ferry Street Bridge, one short blast of horn or whistle.

Grand Avenue Bridge, one long blast of horn or whistle.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard. A white flag by day, and a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals*—(i) *By bridge operator*—(a) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or if open, must be closed immediately. Two long blasts of a horn or whistle, to be repeated at regular intervals until acknowledged by the vessel.

(b) *Visual signals.* Draw to open immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately, or if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(ii) *By the vessel.* Vessels or other watercraft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open, must be closed immediately, shall acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally, a red flag by day and a red light by night.

(f) *Posting of regulations.* A copy of the regulations of this section shall be conspicuously posted on both the upstream and downstream sides of the above-named bridges in such manner that it can be easily read at any time.

**§ 117.121 West River, Kimberly Avenue Bridge between New Haven and West Haven, Conn.**

(a) The owner of or agency controlling the bridge shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draw for the safe passage of vessels.

(b) From April 1 to November 30, inclusive, between the hours of 6:00 a.m. and 12:00 midnight, local time, the draw will be opened on signal, except between

7:30 a.m. and 8:30 a.m., 12:00 noon and 12:15 p.m., 12:45 p.m. and 1:00 p.m., and 4:45 p.m. and 5:45 p.m., during which times the draw will not need to be opened for vessel traffic. From December 1 to March 31, inclusive, at all hours of the day and night, and from April 1 to November 30, inclusive, between 12:00 midnight and 6:00 a.m., local time, the draw will be opened upon one hour advance notice given to the draw tender.

(c) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in such a manner that it can be easily read at any time, a copy of the regulations of this section, together with a notice stating exactly how the draw tender may be reached in an emergency and how he may be reached by telephone or otherwise.

(d) Signals:

(1) *Call signals for opening of draw*—(i) *Sound signals.* Three short blasts of the horn or whistle.

(ii) *Visual signals.* To be used in connection with sound signals when conditions are such that sound signals cannot be heard. A white flag by day, and a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals*—(i) *By bridge operator*—(a) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or if open, must be closed immediately: Two long blasts of a horn or whistle, to be repeated at regular intervals until acknowledged by the vessel.

(b) *Visual signals.* Draw to open immediately: A white flag by day or a green light by night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately, or if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(ii) *By the vessel.* Vessels or other watercraft having signaled for the opening of the draw and having reached a signal that the draw cannot be opened immediately, or if open, must be closed immediately, shall acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally, a red flag by day and a red light by night.

**§ 117.125 Housatonic River, Conn.; bridges (highway and railroad) between Milford and Stratford, Conn., known as the Washington Bridge, and bridge of New York, New Haven & Hartford Railroad Co.**

(a) *For the highway bridge.* (1) Except as provided for in subparagraph (2) of this paragraph, the draw shall be immediately opened at any hour of the day or night for the passage of foreign vessels and "vessels of the United States," as defined by section 4311, Revised Statutes (46 U.S.C. 251), upon a signal given by one long and one short blast of a horn or steam whistle.

(2) The draw of the bridge need not be opened, except in an emergency, between 7:00 a.m. and 9:00 a.m., Monday to Friday, inclusive, and between 4:00 p.m. and 5:45 p.m. every day throughout the year. At all other times including the period 7:00 a.m. and 9:00 a.m. on Saturdays, Sundays, and legal holidays, the draw shall, when the signal described in subparagraph (1) of this paragraph is given, be opened as soon as practicable for all other vessels which cannot pass the closed bridge, but in no case shall the delay be over 20 minutes.

(3) In case the bridge cannot be immediately opened when the signal is given, a red flag or ball by day or a red light by night shall be conspicuously displayed.

(4) Signals for the opening of the draw shall be answered by a whistle or Klaxon horn on the bridge with the same signal, one long and one short blast named in paragraph (a) of this section, when the operation of opening is commenced, or by a series of not less than four short sharp blasts, each of not more than 1 second duration, when the bridge cannot be promptly opened.

(b) *For the railroad bridge.* (1) Except as provided for in subdivision (i) of this subparagraph, the draw shall be immediately opened at any hour of the day or night for the passage of foreign vessels and "vessels of the United States", as defined by section 4311, Revised Statutes (46 U. S. C. 251), upon a signal given by one long and two short blasts of a horn or steam whistle.

(i) *Exception.* When a train scheduled to pass beyond the bridge without stop has passed the last station nearest the bridge and is in motion toward the bridge, the bridge shall be opened for the vessels named in subparagraph (4) of this paragraph as soon as the approaching train has been brought to a stop at the drawbridge signal.

(2) The draw shall, when the signal described in subparagraph (1) (i) of this paragraph is given, be opened as soon as practicable for all other vessels which cannot pass the closed bridge, but in no case shall the delay be over 20 minutes.

(3) In case the bridge cannot be immediately opened when the signal is given, a red flag or ball by day or a red light by night shall be conspicuously displayed.

(4) Signals for the opening of the draw shall be answered by a whistle or Klaxon horn on the bridge with the same signal, one long and two short blasts, named in paragraph (e) of this section, when the operation of opening is commenced, or by a series of not less than four short sharp blasts, each of not more than one second duration, when the bridge cannot be promptly opened.

**§ 117.130 Poquonock and Johnsons Rivers, Conn.; bridges (highway and railroad) at Bridgeport.**

(a) The regulations in this section are prescribed to govern the opening of certain drawbridges in the city of Bridgeport, Connecticut:

Poquonock River:
- Stratford Avenue Highway Bridge.
- New York, New Haven and Hartford Railroad Bridge.
- Congress Street Highway Bridge.
- East Washington Avenue Highway Bridge.

Johnsons River:
- Pleasure Beach Highway Bridge at end of Seaview Avenue.

(b) *The signals.* (1) The signals for opening the draws of the bridges shall be given by blast of a horn or steam whistle as follows:

For Stratford Avenue Highway Bridge, one long and one short blast.

For New York, New Haven and Hartford Railroad Bridge, three short blasts.

For Congress Street Highway Bridge, four short blasts.

For East Washington Avenue Highway Bridge, one long and two short blasts.

For Pleasure Beach Highway Bridge, one long and one short blast.

(2) In case the draw of any of the above bridges cannot be immediately opened when the signals are given, a red flag or ball by day and a red light by night shall be conspicuously displayed on the bridge.

(c) *The regulations.* (1) Except as hereinafter provided, the draws of the bridges shall be immediately opened upon the prescribed signal at all times of the day or night for the passage of foreign vessels and "vessels of the United States" as defined in section 4311 of the Revised Statutes (46 U.S.C. 251), and for any other vessels or watercraft which cannot pass the closed bridges the draws shall be opened at such time within 20 minutes after the prescribed signal as in the judgment of the bridge tender will cause the least interference with the land traffic over the bridge.

(2) *Exceptions.* Closed periods when the draws of the above highway bridges over the Poquonock River need not be opened:

(i) For vessels of any class:

6:45 a.m. to 7:15 a.m.
7:45 a.m. to 8:15 a.m.

(ii) Opened only for the passage of power-driven vessels other than yachts and pleasure craft, 50 feet or over in length or 25 tons or over net register:

11:45 a.m. to 1:15 p.m.

(iii) For vessels of any class, except when emergency condition exists, such emergency to be decided mutually by the Superintendent of Bridges or his authorized representative, and navigation interests involved, and is provisionally defined as the passage of boats that are unavoidably compelled to pass through the bridges during the period due to urgency of service or condition of tide:

4:30 p.m. to 6:10 p.m.

(iv) Pleasure Beach Highway Bridge for vessels of any class:

10:30 p.m. to 11:00 p.m.
11:15 p.m. to 11:45 p.m.

(v) Delay in opening the draw of the New York, New Haven, and Hartford Railroad Bridge for not more than 7

minutes after the giving of signal, is authorized when a train is actually ready to pass over the bridge.

(3) For every vessel that cannot pass the closed bridges, the operation of the draws shall afford full horizontal and vertical clearance of the draw opening regardless of the size or requirements of the passing vessel.

(4) There shall be conspicuously posted on both the upstream and downstream sides of the bridges in a manner that it can readily be read at any time a copy of the regulations of this section; a notice shall also be posted at the Stratford Avenue Bridge over the Poquonock River stating exactly how the Superintendent of Bridges, or his authorized representative, specified in subparagraph (2)(iii) of this paragraph may be reached.

§ 117.131 Poquonock River, Grand Street Highway Bridge and Yellow Mill Channel, Yellow Mill Highway Bridge at Stratford Avenue, Bridgeport, Conn.

(a) The owner of or agency controlling these bridges will not be required to keep drawtenders in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridges desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridges, except in case of emergency the draw shall be opened promptly upon notification. Advance notice shall be given either in person, by telephone, or otherwise to the mayor, city of Bridgeport, Bridgeport, Conn., or to such person as may be designated an authorized representative for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(c) The owner of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides of the bridges in such manner that it can be easily read at any time, a copy of the regulations of this section, together with a notice stating exactly how the drawtender may be reached in an emergency and how the representative specified in paragraph (b) of this section may be reached by telephone or otherwise.

§ 117.135 Saugatuck River, Conn.; bridge of New York, New Haven & Hartford Railroad Co., at Saugatuck, Conn.

(a) Except as otherwise provided in this section, the draw shall be opened as soon as practicable for the passage of vessels that cannot pass under the closed bridge, upon a signal given by three short blasts (each of about 2 seconds' duration) of a horn or steam whistle, between 5:00 a.m. and 9:00 p.m. from June 1 to September 30, inclusive, and between 8:00 a.m. and 4:00 p.m. from October 1 to May 31, inclusive. An eight-hour advance notice shall be required for opening the draw from October 1 to May 31, inclusive, between 5:00 a.m. and 8:00 a.m. and between 4:00 p.m. and 9:00 p.m. The draw may remain closed at all other times.

(1) *Exception.* When a train scheduled to pass beyond the bridge without stop has passed the last station nearest the bridge and is in motion toward the bridge, the bridge shall be opened as soon as the approaching train has been brought to a stop at the drawbridge signal.

(b) In case the bridge cannot be opened immediately when the signal is given, a red flag or ball by day or a red light by night shall be conspicuously displayed.

(c) Signals for the opening of the draw shall be answered by a whistle or Klaxon horn on the bridge with the same signal, three short blasts, described in paragraph (a) of this section, when the operation of the opening is commenced, or by a series of not less than four short, sharp blasts, each of not more than 1 second duration, when the bridge cannot be promptly opened.

§ 117.145 Norwalk River at Norwalk, Conn.; Washington Street Highway Bridge and the New York, New Haven & Hartford Railroad bridge.

(a) The owners of or agencies controlling the bridges described in this section shall provide the appliances and personnel necessary for the safe, prompt and efficient operation of the draw.

(b) The draw shall be opened promptly when the signal, prescribed in paragraph (c) (1) of this section for the opening of the draw, is received from an approaching vessel or other water craft which cannot pass under the closed draw except as provided in paragraph (d) of this section.

(c) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* Highway Bridge, three short blasts of horn or whistle. Railroad Bridge, one long and two short blasts of horn or whistle. Except that for vessels drawing at the time 14 feet and more the above signals shall be followed by one long blast of horn or whistle.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard. A white flag by day, and a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or, if open, must be closed immediately: Two long blasts of a horn or whistle, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately, or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels or other watercraft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, shall acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day and a red light by night.

(d) *Exceptions.* (1) The highway bridge: Closed periods, when the draw need not be opened except on Saturdays, Sundays, and holidays and except for vessels drawing at the time more than 14 feet of water:

Between 7:00 a.m. and 8:45 a.m.
Between 11:45 a.m. and 1:15 p.m.
Between 4:00 p.m. and 6:00 p.m.

(2) The railroad bridge: Closed periods when the draw need not be opened: When signal for opening the bridge is given between the hours of 7:00 a.m. and 9:00 a.m., or between 4:00 p.m. and 6:00 p.m. and low tide is predicted in the tide tables published by the United States Coast and Geodetic Survey to occur within 1 hour before or after the time when such signal is given, the opening of the bridge may be delayed not to exceed 20 minutes from the time such signal is given: *Provided, however,* That when a train scheduled to pass beyond the bridge without stop has passed the last station nearest the bridge and is in motion toward the bridge, the bridge need not be opened until the approaching train has been brought to a stop.

(e) A copy of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time.

§ 117.150 Mianus River, Conn.; bridge of New York, New Haven & Hartford Railroad Co. at Cosob, Conn.

(a) The signal for opening the draw of the bridge described in this section shall be given by three short blasts of a horn or steam whistle. In case the draw cannot be immediately opened when the signal is given, a red flag or ball by day or a red light by night shall be conspicuously displayed on the bridge.

(b) The signal for the opening of the draw shall be answered by three short blasts of a whistle or horn on the bridge when the operation of opening is commenced, or, if the bridge cannot be promptly opened, by a series of not less than four short, sharp blasts, each of not more than 1 second duration.

(c) (1) Except as provided in subparagraph (2) of this paragraph, the draw shall be immediately opened upon the prescribed signal at any time between 5 a.m. and 9 p.m. for the passage of foreign vessels and "vessels of the United States," as defined by section 4311 of the Revised Statutes (46 U. S. C. 251).

(2) *Exception.* When a train scheduled to pass beyond the bridge without stop has passed the last station nearest the bridge and is in motion toward the bridge, the bridge shall be opened for the vessels described in subparagraph (1) of

this paragraph as soon as the train has crossed the bridge.

(d) For all other vessels which cannot pass the closed bridge, the draw shall, upon the prescribed signals and between the hours of 5 a. m. and 9 p. m., be opened as soon as practicable, but in no case shall the delay be over 20 minutes.

**§ 117.155 Hutchinson River, N.Y.; bridges.**

(a) The owners of or agencies controlling these drawbridges shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draws.

(b) The bridges shall be opened promptly at any time, day or night, when the prescribed signal is given by an approaching vessel which cannot pass under the closed draw.

(c) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* By vessels of the United States or of the City of New York, four distinct blasts of a whistle, horn, or megaphone, or four loud and distinct strokes of a bell, and by all other vessels, three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within reasonable hearing distance of the bridge.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by the bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately or, if open, must be closed immediately: Two long distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. Draw to be opened immediately: A white flag by day, a green light by night, swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately or, if open, must be closed immediately, shall acknowledge such signal by one long blast followed by one short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

(d) Trains, automobiles, trucks, other vehicles, and vessels shall not be stopped or operated in such manner as to hinder or delay the operation of the bridges, but all passage over drawspans or through draw openings shall be such as to expedite both land and water traffic.

(e) A copy of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of each bridge in such manner that it can be easily read at any time.

**§ 117.156 Westchester Creek and Bronx River, N.Y.; city of New York Bridges at Bruckner Expressway.**

(a) The owner of or agency controlling the bridges shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draws for the passage of vessels.

(b) Vessels owned, controlled, or employed by the U.S. Government, State government, or by municipal departments shall be passed without delay through the draws of the bridges at any time, day or night, after giving a signal of four distinct blasts of a horn, whistle, or megaphone.

(c) All other vessels unable to pass under the closed bridges shall be passed through the draws of the bridges at any time, day or night, after giving a signal of three distinct blasts of a horn, whistle or megaphone, repeated at intervals when necessary until answered from the bridges, except between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m., Mondays through Fridays, inclusive.

(d) Upon receiving the signal from the vessel, the operators of the bridges, in case the draws can be opened immediately shall reply by three blasts of a horn, whistle, or megaphone. In case of accident to the machinery or other contingency necessitating delay in opening of the draws, the signal from the vessel shall be answered by the operators of the bridges by two blasts of a horn, whistle, or megaphone.

(e) Pedestrians and vehicles shall not be stopped on the bridges for the purpose of delaying their opening, nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of the drawspans, but all passage over, through, or under the bridges shall be prompt, to prevent delay to either land or water traffic.

(f) Clearance gages of a type to be approved by the Commandant, shall be provided and kept in good legible condition. Unless otherwise specified, such clearance gages shall consist of two board gages painted white with black figures not less than 9 inches high, which shall indicate the headroom clearances under the closed spans at all stages of the tide. These gages shall be so placed that they will be plainly visible to the operator of a vessel approaching the bridges either upstream, or downstream, and shall be illuminated at night and during periods of decreased visibility caused by fog, rain, or snow.

(g) The bridges shall not be required to open for craft carrying appurtenances unessential to navigation which extend above the normal superstructure nor for those vessels regularly and habitually navigating the waterways which may be or are equipped with hinged or removable stacks, masts and flagpoles which can be lowered to pass under the closed draws of the bridges. Upon request, the District Commander, will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting these waterways with a view to adjusting any differences of opinion in this regard between the vessel owner and the bridge owner.

**§ 117.160 Harlem River, N.Y.; bridges.**

(a) The drawbridges which leave a clear space, between the under sides thereof and the high water of spring tides, of 24 feet, shall not be opened except for vessels propelled by steam with or without vessels in tow; nor shall they be required to be opened at any times other than between 10:00 a.m. and 5:00 p.m.

(b) To the end that the draws of the bridges shall not be required to be opened or operated oftener than necessary between 10:00 a.m. and 5:00 a.m., the pilothouses, flagpoles, and smokestacks of all tugs propelled by steam, with or without vessels in tow, habitually using the river, shall not exceed 24 feet in height above the water line or, if exceeding that height, shall be reduced in height or hinged so that they can conveniently pass underneath the draws when closed.

(c) Any tug passing the draw of any of the bridges as often as once a day for 10 days of any month will be regarded as using the river "habitually" and shall conform to paragraph (b) of this section. A failure to comply with such requirement by any tug after one warning by the owner of or agency controlling any of the bridges shall be sufficient cause for a refusal to open the draw for the accommodation of such tug until such later time as may be convenient to the owner of or agency controlling the bridge.

(d) When a steam vessel wishes to pass a bridge within the time prescribed for opening the draw, it shall signify its intention by three blasts of the whistle. If the draw is ready to be opened, the signal shall be answered by three blasts of the whistle from the bridge; if the draw is not ready for opening, the signal shall be answered by two blasts from the bridge.

(e) The draw shall be opened with the least possible delay upon receiving the prescribed signal except when such signal is given to a railroad bridge five minutes or less before the scheduled arrival of an express passenger train. In such case the draw need not be opened until after the passage of the train unless the bridge tender has information that the train is delayed as much as five minutes.

(f) The draw of the low bridge at the mouth of Spuyten Duyvil Creek shall be opened at all times during the day and night when approached by boats desiring to pass it upon receiving the prescribed signal.

(g) Vessels owned, controlled, or employed by the United States or by the City of New York shall be passed without delay through the draw of any of the bridges at any time, day or night, after giving a signal of four blasts of the whistle.

**§ 117.165 Newton Creek, N.Y.**

(a) *City of New York highway bridge at Vernon Avenue.* The draw of this

bridge shall be opened promptly, upon signal, for the passage of all vessels unable to pass under the closed bridge at any time, day or night, except on weekdays between 6:20 and 6:30 a.m., 7:20 and 7:30 a.m., 7:50 and 8:00 a.m., 8:20 and 8:30 a.m., 12:00 noon and 12:10 p.m., 12:50 and 1:00 p.m., 5:10 and 5:20 p.m., and 5:50 and 6:00 p.m.

(b) *City of New York highway bridge across East Branch at Grand Street.* The draw of this bridge shall be opened promptly, upon signal, for the passage of all vessels unable to pass under the closed bridge at any time, day or night, except between 6:45 and 7:00 a.m., 7:15 and 7:30 a.m., 7:45 and 8:00 a.m., 4:30 and 4:45 p.m., and 5:00 and 5:15 p.m. on all days other than Sundays and holidays.

(c) *Signals.* Whenever a vessel unable to pass under either closed bridge approaches it, the signal of its desire for the draw to be opened shall be three blasts of a whistle or horn blown on the vessel. This signal shall be repeated at intervals until it is answered from the bridge. Upon receiving the signal from the vessel, the operator of the bridge, in case the draw can be opened immediately, shall reply by three blasts of a whistle or horn, or by three loud and distinct strokes of a bell. In case of accident to the machinery or other contingency necessitating delay in opening the draw, the signal from the vessel shall be answered by the operator of the bridge by two blasts of a whistle or horn or by two loud and distinct strokes of a bell.

**§ 117.175 Jamaica Bay and connecting waterways, New York.**

(a) *City of New York highway bridge across Mill Basin on Belt Parkway.* On Sundays from May 15 to September 30, inclusive, and on Memorial Day, Independence Day, and Labor Day, the draw of this bridge shall not be required to open for the passage of vessels between 12:00 noon and 9:00 p.m. (e.d.s.t.): *Provided,* That during the period from two hours before to one hour after the time of predicted high tide for the locality the bridge shall be opened promptly upon proper signal for the passage of vessels unable to pass under the bridge: *Provided further,* That the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States or by the City of New York.

NOTE: For the purpose of the regulations in this part, high tide at the bridge shall be deemed to occur 15 minutes later than the time of high tide for Sandy Hook as given in the tide tables for the United States, published by the United States Coast and Geodetic Survey, Department of Commerce. The time stated in the tables is eastern standard time and one hour should be added thereto to convert to eastern daylight saving time.

(b) *City of New York highway bridges across North Channel (Grassy Bay) at Jamaica Bay Boulevard, Shellbank Basin at Nolins Avenue, and Hawtree Basin at Nolins Avenue.* (1) On Sundays, holidays, and between 6:00 p.m. and 6:00 a.m., the draws of these bridges shall not be required to open for the passage of vessels: *Provided,* That the draws shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States or by the City of New York when operators are present, and when operators are not required to be present the draws shall be opened for the passage of such vessels with the least possible delay upon receipt of verbal or written notice: *Provided further,* That the draws shall be opened for the passage of other vessels unable to pass under a closed bridge on Sundays, holidays, or between 6:00 p.m. and 6:00 a.m., if at least 24 hours' advance notice of the time the opening is required is given, by telephone or otherwise, to the authorized representative of the owner of or agency controlling the bridge. In addition to the posting of a copy of the regulations, required by paragraph (h) of this section, a notice shall be conspicuously posted on both the upstream and downstream sides of these bridges in such manner that it can be easily read at any time stating exactly how the authorized representative may be reached.

(2) When two or more vessels are approaching from opposite directions and intend to pass a bridge, each vessel shall signal for the opening of the draw as prescribed in paragraph (f) of this section. The vessel running with the current shall have the right of way. At slack tide the vessel running in ebb current direction shall have the right of way. When vessels are approaching the bridge from the same direction each vessel shall signal independently for the opening of the draw and shall be navigated in accordance with the applicable pilot rules.

(c) [Reserved]

(d) *City of New York highway bridge across Beach Channel at Jamaica Bay Boulevard.* On Sundays and holidays from May 15 to September 15, inclusive, the draw of this bridge shall not be required to open for the passage of vessels between 12:00 noon and 9:00 p.m.: *Provided,* That during the period from two hours before to one hour after the time of predicted high tide for the locality the bridge shall be opened promptly upon proper signal for the passage of vessels unable to pass under the bridge: *Provided further,* That the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States or by the City of New York.

NOTE: For the purpose of the regulations in this part, high tide at the bridge shall be deemed to occur 35 minutes later than the time of high tide for Sandy Hook as given in the tide tables for the United States, published by the United States Coast and Geodetic Survey, Department of Commerce.

(e) *Requirements for operation of draws.* The owners of or agencies controlling the bridges shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draws. Except as otherwise provided in paragraphs (a) to (d) of this section, the draws shall be opened promptly when the prescribed signal for the opening of a draw is received from an approaching vessel which cannot pass under the closed bridge.

(f) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* By vessels of the United States or of the City of New York, four distinct blasts of a whistle, horn, or megaphone, or four loud and distinct strokes of a bell, and by all other vessels, three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within reasonable hearing distance of the bridge.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by the bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately or, if open, must be closed immediately: Two long distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. Draw to be opened immediately: A white flag by day, a green light by night, swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately or, if open, must be closed immediately, shall acknowledge such signal by one long blast followed by one short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

(g) *Land and water traffic.* Trains, automobiles, trucks, other vehicles, and vessels shall not be stopped or operated in such manner as to hinder or delay the operation of the bridges, but all passage over drawspans or through draw openings shall be such as to expedite both land and water traffic.

(h) *Posting of regulations.* A copy of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of each bridge in such manner that it can be easily read at any time.

**§ 117.180 Long Island Intracoastal Waterway; Nassau County highway bridges across Reynolds Channel at Long Beach and Atlantic Beach, N.Y.**

(a) The owner of or agency controlling these bridges shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draws.

(b) Except as provided in paragraph (c) of this section, the draws shall be opened promptly when the prescribed

signal for the opening of the draw is received from an approaching vessel which cannot pass under the closed draw.

(c) (1) *Atlantic Beach Bridge.* From May 15 to September 30, inclusive, of each year, on Saturdays and Sundays and on Memorial Day, Independence Day, and Labor Day between 11:00 a.m. and 9:00 p. m., and on weekdays between 4:00 p.m. and 7:00 p.m., openings of the draw will be made, only if necessary, every half-hour on the hour and on the half-hour: *Provided,* That during the period from two hours before to one hour after the time of predicted high tide the bridge shall be opened promptly upon proper signal for the passage of vessels unable to pass under the closed draw: *Provided further,* That the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States. The time specified is eastern daylight saving time or eastern standard time, whichever is in force.

NOTE: For the purpose of the regulations in this part, predicted high tide shall be deemed to occur ten minutes earlier than the time of predicted high tide for Sandy Hook as given in the tide tables for the United States published by the United States Coast and Geodetic Survey, Department of Commerce. The time stated in the tables is eastern standard time, and one hour should be added to convert to eastern daylight saving time.

(2) *Long Beach Bridge.* From May 15 to September 30, inclusive, of each year, on Saturdays and Sundays and on Memorial Day, Independence Day, and Labor Day between 3:01 p.m. and 7:59 p.m., openings of the draw will be made, only if necessary, every half-hour on the hour and on the half-hour: *Provided,* That the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States. The time specified is eastern daylight saving time or eastern standard time, whichever is in force.

(d) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* By vessels owned, controlled, or employed by the United States, four distinct blasts of a whistle, horn, or megaphone, or four loud and distinct strokes of a bell, and by all other vessels, three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within reasonable hearing distance of the bridge.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by the bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately or, if open, must be closed immediately: Two long distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. Draw to be opened immediately: A white flag by day, a green light by night, swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately or, if open, must be closed immediately, shall acknowledge such signal by one long blast followed by one short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

(e) Automobiles, trucks, other vehicles, and vessels shall not be stopped or operated in such manner as to hinder or delay the operation of the bridges, but all passage over drawspans or through draw openings shall be such as to expedite both land and water traffic.

(f) The owner of or agency controlling the bridges shall provide and keep in good legible condition on each bridge two board gages painted white, with black figures not less than eight inches high, to indicate the minimum headroom clearance under the closed drawspan at all stages of the tide. The gages shall be so placed on each bridge that they will be plainly visible to the operator of a vessel approaching the bridge either upstream or downstream.

(g) The bridges shall not be required to open for craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Military masts shall be considered as part of the normal superstructure.

NOTE: Upon request, the District Commander will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting the waterway with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

(h) A copy of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of each bridge in such manner that it can be easily read at any time.

**§ 117.185 Hudson River, N.Y.; bridges at Albany and Troy.**

(a) Except as provided in paragraph (h) of this section, the draws of each of the bridges shall be opened promptly when the prescribed signal for the opening of the draw is received from an approaching vessel which cannot pass under the closed draw.

(b) The draw of any bridge shall not be required to remain open for the passage of vessels for a period longer, consecutively, than 15 minutes. Upon being closed it may remain closed for a time sufficient to allow delayed land traffic to pass, but in no case for a period longer, consecutively, than 10 minutes if a vessel desires to pass, unless at the expiration of such period a train in motion having passed the derailing point is approaching the draw, which train shall be permitted to pass before opening of the draw: *Provided,* That no train shall be stopped on the bridge between the derailing points except in a case of great emergency, after which the draw shall be opened promptly for any vessel desiring to pass: *Provided further,* That these limitations shall not apply to any vessel of more than 500 tons burden, to any tug with a tow on a hawser, to single tows which require longer than 15 minutes to pass through the draw, or to vessels downbound during a freshet whose height exceeds an elevation determined upon by the District Commander.

(c) The length of time that a draw has been opened shall be computed from the time that the drawspan begins to move in opening, and the length of time that a draw has been closed shall be computed from the time that the drawspan ceases to move in closing.

(d) Vessels with tows shall not so approach a bridge as to attempt to pass the draw in succession without interval. They shall arrange their approach so as to cause no delay in closing the draw promptly for the relief of land traffic.

(e) The draw of a bridge shall not be required to be opened for the passage of vessels habitually using the river which have stacks, jack staffs, or flagstaffs exceeding 21 feet in height above the water line and which are otherwise capable of clearing the bridge when closed. If such vessels wish to pass the bridge the stacks, jack staffs, or flagstaffs must be so erected that they may be lowered to permit the passage under the bridge. Any tug or vessel passing the draw of a bridge as often as once a day for 10 consecutive days of any month shall be regarded as using the river habitually within the meaning of this paragraph. A failure to comply with such requirement by any tug or vessel after one warning by the owner of or agency controlling any of the bridges shall be sufficient cause for a refusal to open the draw for the accommodation of such tug or vessel until such later time as may be convenient to the owner of or agency controlling the bridge.

(f) Vessels which are owned or controlled by the United States or by the police or fire departments of any of the neighboring cities or villages shall be passed without delay through the draws of any of the bridges on identification of such vessels.

(g) *Signals*—(1) *Call signals for opening of draw.* By vessels bound north: Three long blasts of the whistle or horn. By vessels bound south: Three long blasts followed by one short blast of the whistle or horn. If a vessel desires to pass through more than one bridge the call signal shall be repeated for each bridge. Private signals of towing or steamboat companies which may be mistaken by a bridge tender for call signals shall not be used.

(2) *Acknowledging signals by the bridge operator*—(i) *All bridges.* If the draw is to be opened, three long blasts of a whistle or horn. If the draw cannot

be opened in time for the vessel to pass through safely, five short blasts of a whistle or horn.

(ii) *Additional visible signals to be displayed by the bridges at Albany.* The day signal shall be displayed at least 15 feet above the fixed day signal at the middle point of the drawspan and so as to be visible from both sides of the bridge. The night signal shall be displayed at least 15 feet above the fixed light at the center of the draw. The "fixed" signals referred to are those required by the regulations for lighting bridges prescribed by the United States Coast Guard (see Part 68 of this title). By day, if the draw is to be opened, the visible signal shall be a round ball not less than three feet in diameter and painted green, and if the draw is not to be opened, the visible signal shall be a lattice-work barrel-shaped sign five feet six inches high and four feet in diameter and painted red. By night, if the draw is to be opened, the visible signal shall be a green light from a standard marine lamp, and if the draw is not to be opened, the visible signal shall be a red light from a standard marine lamp.

(h) The general regulations contained in paragraphs (a) to (g), inclusive, of this section shall apply to all bridges except as modified by special regulations contained in this paragraph.

(1) *Dunn Memorial Bridge.* The draw will be opened for the passage of vessels except during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.: *Provided,* That the draw need not be opened during the period from December 16 to March 31, between 6:00 p.m. and 7:00 a.m. unless notice has been given before 4:30 p.m. of the time a vessel may be expected to pass through.

(2) *New York Central Passenger Bridge.* The draw need not be opened for the passage of vessels during the period from December 16 to March 31, unless notice has been given 24 hours in advance of the time a vessel may be expected to pass through.

(3) *New York Central Freight Bridge.* The draw need not be opened for the passage of vessels during the period from December 16 to March 31, unless notice has been given 24 hours in advance of the time a vessel may be expected to pass through.

(4) [Reserved]

(5) *Congress Street Bridge.* The draw will be opened for the passage of vessels except during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.: *Provided,* That the draw need not be opened during the period from December 16 to March 31, between 6:00 p.m. and 7:00 a.m. unless notice has been given before 4:30 p.m. of the time a vessel may be expected to pass through.

(6) *Troy-Green Island Bridge.* The draw need not be opened for the passage of vessels during the period from December 16 to March 31 of each year. From April 1 to December 15, inclusive, of each year, openings will be made for the passage of vessels except during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.: *Provided,* That the draw need not be opened between 6:00 p.m. and 7:00 a.m. unless notice has been given before 4:30 p.m. of the time a vessel may be expected to pass through.

(7) *112th Street Bridge.* The draw need not be opened for the passage of vessels during the period that the Federal Lock at Troy is inoperative: *Provided,* That provision is made for emergency operation of the bridge with the least possible delay upon receipt of oral or written notice. During the balance of the year, the bridge shall be opened for the passage of vessels except during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.: *Provided,* That the draw need not be opened between 6:00 p.m. and 7:00 a.m. unless notice has been given before 4:30 p.m. of the time a vessel may be expected to pass through.

NOTE: The time specified in all cases is eastern daylight saving or eastern standard time, whichever is in force.

**§ 117.190 Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.**

(a) The owners of or agencies controlling the bridges listed in paragraph (f) of this section will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

(1) Arm of Eastchester Bay; City of New York highway bridge between Rodman Neck and City Island. At least 24 hours' advance notice required.

(2) Bronx River; City of New York highway bridge at Westchester Avenue. At least 24 hours' advance notice required, except that the draw shall be opened for the passage of vessels owned, controlled or employed by the United States or by the City of New York, with the least possible delay upon receipt of oral or written notice.

(3) Bronx River; New York, New Haven and Hartford Railroad Company bridge, north of Westchester Avenue. The draw need not be opened for the passage of vessels and the special regulations contained in paragraphs (b) to (e) of this section shall not apply to this bridge.

(4) Flushing Creek; Whitestone Parkway Bridge and the City of New York highway and rapid transit bridge at Roosevelt Avenue. The draws need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(5) Coney Island Creek; City of New York highway bridge at Harway (Cropsey) Avenue. At least 24 hours' advance notice required, except that the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States or by the City of New York, upon reasonable notice.

(6) Coney Island Creek; City of New York highway bridge at Stillwell Avenue and New York City Transit Authority bridge near Stillwell Avenue. The draws of the bridges need not be opened for the passage of vessels, and special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(7) Jamaica Bay, North Channel; New York City Transit Authority bridge at Hamilton Beach, Borough of Queens, New York, New York. At least 24 hours' advance notice required, except that the draw shall be opened promptly at any time for the passage of vessels owned, controlled or employed by the United States or by the City of New York, upon reasonable notice.

(8) Richmond Creek; City of New York highway bridge at Richmond Avenue, Staten Island. At least 24 hours' advance notice required.

(9) *Peekskill (Annsville) Creek; New York Central Railroad Company bridge near Peekskill, N.Y.* The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(10) Wappinger Creek; New York Central System bridge at New Hamburg. During the period May 15 to October 15, inclusive, a draw tender will be on duty from 5:00 a.m. to 9:00 p.m. At all other times at least 12 hours' advance notice required. Notice may be given to the Chief Dispatcher, New York Central System, Albany, N.Y., or New York, N.Y.

(10-a) Hudson River; State of New York highway (Troy-Menands) bridge between Albany and Rensselaer Counties The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e) inclusive, of this section shall not apply to this bridge.

(11) Lake Champlain; Vermont Department of Highways bridge across Alburg Passage, between Alburg Tongue and North Hero Island, at South Alburg, Vt. At least one hour's advance notice required.

(12) Lake Champlain; Vermont Department of Highways bridge across entrance to Missisquoi Bay, between Alburg Tongue and Hog Island, at East Alburg, Vt. At least 24 hours' advance notice required.

(13) Tonawanda Creek; The New York Central Railroad Company bridge between Tonawanda and North Tonawanda. From December 16 to March 31, inclusive, at least 12 hours' advance notice required. From April 1 to December 15, inclusive, the bridge shall be left in full open position whenever a draw tender is not in attendance.

(14) Tonawanda Inner Harbor (Little River); the New York Central Railroad Company bridge between Island Street, North Tonawanda, and Tonawanda Island. At least 24 hours' advance notice required.

(15) Genesee River; New York Central Railroad Company bridge at mile 0.9 in Rochester Harbor. From December 16 to March 31, inclusive, at least 12 hours' advance notice required. From April 1 to December 15, inclusive, the draw shall be opened promptly for the passage of any vessel unable to pass under the closed bridge.

**§ 117.200 Newark Bay, Passaic and Hackensack Rivers, and their navigable tributaries; General Regulations.**

(a) The draws shall be opened promptly, upon signal, for the passage of vessels during the day or night, except as prescribed in paragraph (b), (c), or (f) of this section.

(b) During the hours between 7:30 and 10:00 a.m. and between 5:00 and 7:30 p.m. drawbridges shall not be required to remain open longer than 10 minutes nor shall the passage of any vessel be delayed for longer than 10 minutes except as provided in paragraph (f) of this section.

(c) The draw of any bridge used solely for the United States mail, passenger, and express trains need not be opened for a vessel reaching said draw less than 5 minutes before the scheduled arrival of any such train until such train passes, unless the bridge tender has notice that the train is delayed more than 5 minutes. The owners of bridges acting under this rule shall maintain a tug at the drawbridge to control and aid in the passage of vessels.

(d) When a vessel approaches within signaling distance of a bridge for passage, the master thereof shall signify his intention by three blasts of a whistle or horn. For those bascule bridges that have two separate and distinct drawspans the approaching vessel shall signal for an opening of the bridge in the customary manner by three blasts of a whistle or horn, and this shall be followed after a short interval with one blast, if it is desired that the drawspan on the starboard hand as the vessel approaches be opened, or by two blasts if it is desired that the one on the port hand be opened. The signal of the craft shall be immediately answered by the tender or operator of the bridge. If the draw is ready to be immediately opened, the answer shall be three blasts of a whistle or horn from the bridge. In case of delay in opening the draw, as is provided for in this section, or as may be necessary by accident to the machinery or other contingency, the signal from the vessel shall be answered by two long blasts of a whistle or horn from the bridge. In all cases when delay signals have been given, a signal of three blasts of a whistle or horn shall be given as soon as it is possible to open the draw.

(e) Upon hearing or perceiving the signals prescribed, the tenders or operators of a drawbridge, except as provided in paragraphs (b), (c) and (f) of this section, shall at once open the draw signaled for so as to allow the prompt passage of any vessel or craft: *Provided*, That the bridge may not be opened when there is a train, wagon, or vehicle at the time passing over said drawspan, or a train approaching so closely that it cannot be safely stopped before reaching the bridge, but it shall be opened as soon as the drawspan can be cleared. In case the opening of the draw will be delayed under the provisions of paragraph (c) of this section the tug stationed at the draw shall immediately go to the assistance of the vessel.

(f) Each tug, towboat, barge and other small craft regularly and habitually navigating the aforementioned waterways shall be subject to inspection and measurement by the District Commander to determine which vessels, if any, would, by reasonable reductions in heights of masts and/or stacks, be capable of passing under the closed draw of any bridge affording at least vertical clearance of 35 feet at mean high water. The District Commander will notify the owners of such vessels as can be so modified, of the date by which the modifications shall be completed. In the event of the failure of said owners to comply with such notification, the District Commander will authorize the above bridge owners to delay opening their bridges, for the passage of said vessels, until convenient to do so, but on no occasion for more than 45 minutes: *Provided, however*, That such vessel shall not be so delayed when it has in tow another vessel or craft of such height as to require the opening of the bridge, or when, because of the stress of weather, prompt opening is necessary.

(g) Trains, vehicles, vessels or other watercraft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw, but all passage over the drawspan or through the draw opening shall be in a manner to expedite both land and water traffic.

(h) The regulations in paragraphs (a) to (g) of this section apply only to commercial or pleasure vessels. Steamers or vessels employed or controlled by the United States Government, State government, or by municipal departments shall be passed without delay through the draws of said bridges at any hour of the day or night, upon giving four blasts of the whistle.

(i) Clearance gages of a type to be approved by the Commandant shall be provided by the owner of each bridge and be kept in good legible condition. Unless otherwise specified, such clearance gages shall consist of two board gages painted white with black figures not less than 9 inches high, which shall indicate the headroom clearances under the closed span at all stages of the tide. These gages shall be illuminated at night and during the time of fog, rain and snow. These gages shall be so placed that they will be plainly visible to the navigator of a vessel approaching the bridge either up or downstream.

**§ 117.210 Raritan River and Arthur Kill, and their navigable tributaries; bridges.**

(a) All drawbridges spanning Raritan River and Arthur Kill, and their navigable tributaries, shall be opened promptly upon signal, for the passage of vessels during the day or night, except as prescribed in paragraph (b) of this section.

(b) During the hours between 7:30 and 10 a. m. and between 5 and 7:30 p. m. drawbridges shall not be required to remain open longer than 10 minutes nor be permitted to remain closed longer than 10 minutes to the exclusion of vessels approaching for passage: *Provided*, That the draw of any bridge used solely for United States mail, passenger, and express trains need not be opened for a vessel reaching said draw less than 5 minutes before the scheduled arrival of any such train, until such train passes, unless the bridge tender has notice that the train is delayed more than 5 minutes: *Provided further*, That the owners of bridges acting under this rule shall maintain a tug at the drawbridge to control and aid in the passage of vessels.

(c) When a vessel approaches within signaling distance of a bridge for passage, the master thereof shall signify his intention by three blasts of a whistle or horn. The signal shall be answered by three blasts of a whistle or horn from the bridge unless, under paragraph (b) of this section a delay in opening is permitted, when the answer from the bridge will be two blasts of whistle or horn, and the tug stationed at the draw shall immediately go to the assistance of the vessel.

(d) Upon hearing or perceiving the signals prescribed, the tenders or operators of a drawbridge, except as provided in paragraph (b) of this section shall at once open the drawspans of the bridge for the prompt passage of any vessel or craft: *Provided*, That the bridge may not be opened when there is a train, wagon, or vehicle at the time passing over said drawspan, or a train approaching so closely that it cannot be safely stopped before reaching the bridge, but it shall be opened as soon as the drawspan may be cleared.

(e) Wagons, vehicles, and trains shall not be stopped on a drawbridge or on a drawspan for the purpose of delaying the operation of the drawbridge, nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of the drawspan, but all passage upon, through, or under a drawbridge shall be prompt, to prevent delay to either land or water communication.

(f) Paragraphs (a) to (e) of this section apply only to commercial or

pleasure vessels. Steamers or vessels employed or controlled by the United States Government or by municipal departments shall be passed without delay through the draws of said bridges at any hour of the day or night upon giving four blasts of the whistle.

**§ 117.215 Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J.; bridges.**

(a) The owners of or agencies controlling drawbridges shall provide the appliances and the personnel necessary for the safe, prompt and efficient operation of the draws.

(b) Drawbridges shall be opened promptly for the passage of any vessel or other watercraft unable to pass under the closed spans, except as hereinafter provided.

(c) *Signals*—(1) *Call signals for opening of draw.* (i) *Sound Signal.* Three distinct blasts of a whistle, horn or megaphone, or three loud and distinct strokes of a bell, sounded within a reasonable hearing distance of the bridge.

(ii) *Visual signal.* To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard. A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or, if open, must be closed immediately: Two long distinct blasts of a whistle, horn or megaphone, or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard. Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately, or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels or other water craft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, shall acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day and a red light by night.

(d) Trains, automobiles, trucks, and other vehicles, vessels or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of these drawbridges, but all passage over drawspans or through draw openings shall be so as to expedite both land and water traffic.

(e) The owners of or agencies controlling these bridges shall provide and keep in good legible condition two board gages painted white, with black figures not less than 8 inches high, to indicate the headroom clearance under the closed drawspan at all stages of the tide. The gages shall be so placed on the bridge that they will be plainly visible to the operator of the vessel approaching the bridge either up or downstream.

(f) These drawbridges shall not be required to open for craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Military masts shall be considered as part of the normal superstructure. Upon request, the District Commander in charge of the locality will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting those waterways, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

(g) Copies of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of the bridges in such manner that it can be easily read at any time.

(h) [Reserved]

(i) [Reserved]

(j) The general regulations contained in paragraphs (a) to (g), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in this paragraph.

(1) Lemon Creek, N.Y.; the City of New York highway bridge at Bayview Avenue, Borough of Richmond, Staten Island, New York. The draw need not be opened for the passage of vessels between the hours of 4:00 p.m. and 8:00 a.m. from November 1, to March 31, inclusive, and between the hours of 10:00 p.m. and 6:00 a.m. from April 1, to May 15, inclusive, and from October 16, to October 31, inclusive.

(2) Shark River, N.J. (i) For the purposes of the regulations in this paragraph, the Route 71, the New York and Long Branch Railroad Company and the Route 35 bridges, being less than 800 feet apart, shall be considered and operated as a unit. The owners thereof shall provide and install, for uninterrupted service, systems of electric signals on their respective bridges, so connected that the operator of any of the bridges may thereby simultaneously notify, by signal, the operators of all the other drawbridges of the desire of any vessel or other watercraft to pass through the draws. The operator of the first bridge to be passed by an approaching vessel or other watercraft shall be responsible for observing the approach of such vessel or other watercraft toward the bridge, for receiving and acknowledging the signal or notice for passing, and for communicating to the operators of the other bridges, the intention of such vessel or other watercraft to pass.

(ii) Except as otherwise provided in subdivisions (iii) and (iv) of this subparagraph from May 15, to September 30, inclusive, on Saturdays, Sundays, Memorial Day, Independence Day and Labor Day, between the hours of 9:00 a.m. and 9:00 p.m., and on weekdays, between the hours of 4:00 p.m. and 7:00 p.m., the lift span of the Route 71, the New York and Long Branch Railroad Company and the Route 35 bridges shall not be required to open except at half-hourly intervals on the hour and half-hour, for those vessels or other watercraft waiting to pass through the draws, provided that when once opened for the passage of any vessel or craft, the said bridge or bridges shall remain open sufficiently long to permit the passage of all vessels or craft which may be engaged in passing or which may be presenting themselves for passage.

(iii) The draws shall be opened promptly on signal for the passage of vessels in the event of emergencies.

(iv) The draws shall be opened promptly at any time for the passage of vessels owned, controlled or employed by the United States Government, the State government or municipal and local governments.

(3) Shrewsbury River (South Branch), N.J. (i) Monmouth County bridge between the Boroughs of Rumson and Sea Bright. From May 15 to September 30, inclusive, of each year, on Saturdays, Sundays, Memorial Day, Independence Day, and Labor Day, between the hours of 11 a.m., e.d.s.t., and 7 p.m., e.d.s.t., openings of the draw shall be made only if necessary, every half-hour on the hour and half-hour.

(ii) The draw shall not be opened for a sailboat unless it is propelled by auxiliary power or is towed by a powered vessel.

**§ 117.220 New Jersey Intracoastal Waterway and tributaries; bridges.**

(a) The New Jersey Intracoastal Waterway referred to in this section is defined as that waterway extending through the bays and thoroughfares on the eastern coast of New Jersey from Manasquan Inlet on the north to Cape May on the south, including Cape May Canal to Delaware Bay.

(b) When drawbridges are less than 1,000 feet apart they shall, for the purposes of this section, be considered and operated as a unit. The owners thereof shall provide and install, for uninterrupted service, systems of electric signals on their respective bridges, so connected that the operator of any bridge of the group may thereby simultaneously notify, by signal, the operators of all the other drawbridges of that group of the desire of the master of any vessel or other watercraft to pass through the draws. The operator of the bridge first in any group of bridges to be passed by an approaching vessel or other watercraft shall be responsible for observing the approach of such vessel or other watercraft toward that bridge, also for receiving the signal or notice for passing and for communicating, by means of the electric signals prescribed above, to the operators of the other bridges composing such group the

purpose of such vessel or other watercraft to pass.

(c) Whenever any vessel or watercraft approaches a bridge affected by this section, and under which it cannot pass, the lawful signal of the desire of the master of the vessel or craft to pass through the draw opening shall be three blasts of a whistle or horn blown on the vessel or craft. These drawbridges shall not be required to open for craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Upon request, District Commander will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting those waterways, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner. Appurtenances unessential for navigation shall include but not be limited to fishing outriggers, radio or television antennae, false stacks, and masts purely for ornamental purposes. Appurtenances unessential to navigation will not include flying bridges, sailboat masts, pile driver leads, spud frames on hydraulic dredges, or other items of equipment clearly necessary to the intended use of the vessel.

(d) The draws in each and every bridge or group of bridges shall, upon the signal prescribed in paragraph (c) of this section, be promptly opened at any and all hours of the day or night, except as provided in paragraphs (m) and (n) of this section, for the passage of any vessel, vessels, or other watercraft unable to pass safely beneath the draw when closed. For bridges crossing the New Jersey Intracoastal Waterway, failure of the draws to be fully opened within 4 minutes from the signal to open shall be considered a violation of the requirement for prompt opening, except as provided in paragraphs (m) and (n) of this section.

(e) If a car, train of cars, or other vehicle is, at the time of receiving the signal prescribed in paragraph (c) of this section, approaching any draw so closely that it cannot be safely stopped before reaching such draw, two blasts of a whistle or horn shall be blown on the bridge. As soon thereafter as such draw shall be cleared, such draw or all draws comprised in any group of bridges concerned shall be promptly opened, and three blasts of a whistle or horn blown on the bridge to indicate such clearance.

(f) After the draw or draws of any bridge or group of bridges shall have remained open for a period of 10 minutes or for such shorter period as may be necessary for the passage of vessels or other watercraft waiting to pass, the draw or draws may be closed for the crossing of cars, trains, vehicles, or individuals, if any be waiting to cross. After being so closed for a period of 10 minutes or for such shorter times as may be necessary, the draw or draws shall be again promptly opened for the passage of vessels or other watercraft, if there be any desiring to pass.

(g) No vehicle, car, locomotive, or train shall be stopped on the drawspan of any bridge subject to this section; nor shall any such bridges carrying railway or tramway tracks be used for switching purposes, except those bridges for which special regulations are prescribed in paragraph (m) of this section; nor shall locomotives or trains be stopped in bridge blocks of railroad bridges in such manner as to hinder or delay the operation of any draw, except in cases of urgent necessity. Vessels shall not be so moored nor maneuvered as to delay or hinder unnecessarily closing the draw of any bridge. All passages of vessels and other watercraft through or under the drawbridges and all passage of cars, locomotives, trains, and other vehicles over drawbridges shall be prompt and as rapid as practicable in order to avoid unnecessary delay to either land or water traffic.

(h) The owner or owners of each and every drawbridge covered by this section shall maintain in good and serviceable order the drawspan, together with the machinery and appliances required for operating the same, and the electric signal system prescribed in paragraph (b) of this section; shall provide such number of draw operators or tenders as may be found necessary to open and close the draws promptly; and shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary for vessels to moor or make fast while waiting for the drawspan to be opened.

(i) The length of time that a draw has been opened shall be computed from the time that the drawspan begins to move in opening, and the length of time that a draw has been closed shall be computed from the time that the drawspan ceases to move in closing.

(j) At each opening of a draw full horizontal and vertical clearances shall be provided, regardless of the size or requirements of the passing vessel or other watercraft.

(k) The owner or owners of each and every bridge covered by this section shall provide and maintain in good legible condition two board gages, with figures not less than 6 inches high, the figures painted black on a white background, or vice versa, to indicate the vertical clearance under the closed drawspan at all stages of the tide. The gages shall be so placed on the ends of the drawspan fender that they shall be plainly visible to the master of a vessel or other watercraft approaching such bridge either upstream or down-stream.

(l) The owner or owners of each and every bridge covered by this section shall cause to be kept a complete record of all openings of the draw and shall promptly report to the District Commander cases in which the drawspan has been required to remain open for an unreasonable length of time or to remain closed for more than 10 minutes after the prescribed signal to open the draw has been given.

(m) The provisions of paragraph (d) of this section shall be applicable to the bridge of the Pennsylvania-Reading Seashore Lines, over Beach Thorofare at Atlantic City, N. J., only between the hours of 11:00 p. m. and 6:00 a. m. daily. Between the hours of 6:00 a. m. and 11:00 p. m. this bridge shall be opened upon signal from any vessel or craft desiring to pass at any time during the periods from 20 to 30 minutes past each hour, but may remain closed during such periods if no vessel or craft give such signal, provided that when once opened for the passage of any vessel or craft the said bridge shall remain open sufficiently long to permit the passage of all vessels or craft which may be engaged in passing or which may be presenting itself for passage. Between such hours (6:00 a. m. and 11:00 p. m.) this bridge shall not be opened except as provided for in this paragraph.

(n) From June 1 to September 30, inclusive, the drawspan of the Albany Avenue bridge over Inside Thorofare at Atlantic City, N.J., shall be required to open only on the hour and half hour between 9 a.m. and 9 p.m., daily, except that between 4 p.m. and 6 p.m., daily, the drawspan shall not be required to open for the passage of vessels or craft. When once opened for the passage of any vessel or craft during these hours the said bridge shall remain open sufficiently long to permit the passage of all vessels or craft which may be engaged in passing or which may be presenting themselves for passage.

**§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.**

(a) The owners of or agencies controlling the bridges listed in paragraph (f) of this section will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

(1) Overpeck Creek, New York, Susquehanna and Western Railroad Company bridge and West Shore Railroad Company (New York Central System) bridge at Ridgefield Park. From January 1 to March 31, inclusive, the bridges need not be opened for the passage of vessels. From April 1 to December 31, inclusive, at least 2 hours' advance notice required, except from May 1 to November 30, inclusive, between the hours of 8 a.m. and 5 p.m., the bridges will be opened promptly upon signal for the passage of vessels, in accordance with the regulations contained in § 117.200.

(1-b) Hackensack River, New Jersey State Highway Department bridge at Little Ferry. At least six hours' advance notice required.

(2) Passaic River, Passaic and Bergen Counties highway bridges at Market Street and at West Eighth Street, Passaic. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e) of this section shall not apply to these bridges.

(2-a) Passaic River, Erie Lackawanna Railroad bridge between Newark and West Arlington. The draw need not be opened for the passage of vessels throughout the year, between the hours of 11 p.m. and 7 a.m., either e.d.s.t. or e.s.t., whichever is in force.

(3) Elizabeth River; The Central Railroad Company of New Jersey bridge and Union County bridges at Baltic Street, Summer Street, South Street, and Bridge Street, in the City of Elizabeth. The draws need not be opened for the passage of vessels and the special regulations contained in paragraphs (b) to (e) inclusive, of this section shall not apply to these bridges.

(4) Elizabeth River; Union County Bridge at South First Street in the City of Elizabeth. At least three hours' advance notice required.

(5) Woodbridge Creek; Middlesex County highway bridge and The Central Railroad Company of New Jersey bridge at Maurer. At least four hours' advance notice required.

(6) Shrewsbury River (South Branch) at junction of Parker Creek and Oceanport Creek; Monmouth County Gooseneck Highway Bridge. From November 1 to April 30, inclusive, at least four hours' advance notice required. At all other times and in all other respects the regulations contained in § 117.215 shall govern the operation of this bridge.

(7) Oceanport Creek; The New York and Long Branch Railroad Company bridge near Oceanport. At least four hours' advance notice required.

(8) Beaver Dam Creek; Ocean County highway bridge near Point Pleasant. At all times during January, February, March and December and between 4:00 p.m. and 8:00 a.m., during April, May, October and November, at least 24 hours' advance notice required. At all other times the regulations in § 117.220 shall govern the operation of this bridge.

(8-a) Bass River; New Jersey State Highway Department bridge on U.S. Route 9 at New Gretna. At all times during January, February, and December, and between 11 p.m. and 7 a.m. from March 1 to November 30, inclusive, at least 6 hours' advance notice required.

(9) Patcong Creek; Atlantic County highway bridge 0.5 mile upstream from the mouth. At least 24 hours' advance notice required.

(10) Tuckahoe River; New Jersey State Highway Department bridge at Tuckahoe. At least 24 hours' advance notice required.

(11) Great Channel; Cape May County Bridge Commission bridge between Stone Harbor and Nummy Island. From November 1 to April 30, inclusive, at least 24 hours' advance notice required.

(11-a) Cape Island Creek; Cape May County highway bridge. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(12) Maurice River; New Jersey State Highway Department bridge at Main Street, Millville. At least 24 hours' advance notice required.

(13) Manantico Creek; New Jersey State Highway Department bridge near Millville. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(14) Cohansey River; New Jersey State Highway Department bridge at Broad Street, Bridgeton. The draw need not be opened for the passage of vessels, and paragraphs (b) and (e), inclusive, of this section shall not apply to this bridge.

(15) Alloway Creek; Salem County highway bridges at Hancocks Bridge and at Upper Hancocks Bridge, and New Jersey State Highway Department bridge at Quinton. At least 24 hours' advance notice required.

(16) Oldmans Creek; New Jersey State Highway Department bridge near Nortonville, Pennsylvania-Reading Seashore Lines railroad bridge near Pedricktown, and Salem County highway bridge at Pedricktown. At least 24 hours' advance notice required.

(16-a) Raccoon Creek; Pennsylvania-Reading Seashore Lines railroad bridge at Bridgeport. At least four hours' advance notice required for opening this bridge during January, February and December between 10:00 p.m. and 6:00 a.m. on regular weekdays and at all times on Saturdays, Sundays and national holidays during these months.

(17) Woodbury Creek; Gloucester County highway bridge at National Park. At least 24 hours' advance notice required during December, January and February of each year.

(17-a) Cooper River; Pennsylvania Railroad Company bridge at North River Avenue, Camden County highway bridge at Federal Street and New Jersey State Highway Department bridge at Admiral Wilson Boulevard, Camden. At least four hours' advance notice required.

(18) Delaware River (back channel); The Pennsylvania Railroad Company bridge between Petty Island and Camden. At least 24 hours' advance notice required.

(19) Rancocas River; Burlington County highway bridge and Pennsylvania Railroad Company bridge between Riverside and Delanco, New Jersey State Highway Department bridge at Bridgeboro, and Burlington County highway bridge at Centerton. Between 11:00 p.m. and 7:00 a.m. each day of the year the draws of these bridges need not be opened for the passage of vessels. At least 24 hours' advance notice required for opening these bridges between 7:00 a.m. and 11:00 p.m. during January, February, March and December.

### § 117.227 Delaware and Schuylkill Rivers, N.J. and Pa., in vicinity of Philadelphia and Bristol; bridges.

(a) *Signals and lights*—(1) *Signals.* When at any time during the day or night any vessel, tug, or other watercraft unable to pass under a closed drawbridge, approaches it with the intention of passing through the draw, the signal for the draw to be opened shall be three blasts of a whistle or horn blown on the vessel or craft. If the drawspan is to be opened immediately when the signal is given on the vessel or craft, the bridgetender will reply with one blast of a whistle or horn indicating he is preparing to open the bridge. If at any time after signal from the vessel the drawbridge is not ready to be opened, the bridgetender will immediately sound four blasts of a whistle or horn. When the bridge is open and clear for vessel passage, the bridgetender will sound two blasts of a whistle or horn.

(2) *Lights.* The foregoing whistle or horn signals by the bridgetender will be supplemented by the following lights in the center of the drawspan, on both the upstream and downstream sides of the bridge:

(i) *Supplementary bridge operating lights—(a) Fixed amber light.* Bridge being prepared for opening. *(b) Flashing red light.* Bridge opening to be delayed.

(ii) *Fixed navigation lights required by the Coast Guard—(a) Fixed red light.* Bridge closed to navigation. Vessel unable to pass under closed drawspan must be kept under control so it can be stopped if necessary.

*(b) Fixed green light.* Bridge open to navigation. Vessel may proceed.

(iii) The fixed navigation lights referred to in subdivision (ii) of this subparagraph are those prescribed by the Coast Guard under Part 68 of this title. The supplementary bridge operating lights referred to in subdivision (i) of this subparagraph shall be of such visibility and placed at such locations as are satisfactory to the Coast Guard, so as not to conflict with the locations and intended purpose of the fixed lights. Supplementary bridge operating lights are not required for bridges across the Schuylkill River.

(b) *Opening the draw.* Upon hearing or perceiving the prescribed signal, the bridge tender shall immediately clear the drawspan and open the draw to its full extent for the passage of the vessel or other craft: *Provided,* That the draw of a railroad bridge need not be opened

when there is a train in the bridge block approaching the bridge with the intention of crossing, nor within 5 minutes of the known time of passage of a scheduled passenger, mail, or express train; but in no event, except in case of breakdown of the operating machinery, shall the opening of the draw be delayed more than 5 minutes in the case of a highway bridge nor more than 10 minutes in the case of a railroad bridge: *And provided further*, That the draw need not be opened for the passage of a tug or other craft equipped with a movable stack or mast which can readily be lowered so as to permit its passage under the closed draw, unless such craft has in tow a vessel which is unable to pass under the closed draw or by reason of stress of weather it is unsafe to lower such stack or mast.

(c) *Interference with operation.* Vehicles, streetcars, locomotives, and trains shall not be stopped on the drawspans, nor shall locomotives or trains be stopped in the bridge blocks of railroad bridges in such manner as to delay the operation of the draw, except in case of urgent necessity, nor shall vessels be moored to the bridge fenders or so maneuvered as to unnecessarily hinder or delay the closing of the draw, but all passages over, through, or under the bridges shall be prompt, to avoid delay to either land or water traffic.

(d) *Hinged stacks and masts.* Each tug, towboat, barge, and other small craft regularly and habitually navigating the Schuylkill River shall be subject to inspection and measurement by the District Commander to determine the exact height above the water surface of its pilot or deckhouses when such vessel is in its ordinary trim; and the District Commander is hereby empowered to decide in each case whether or not the vessel shall be equipped with hinged or removable stacks, masts, and flagpoles which can be lowered to enable the vessel to pass under the closed draw of any or all of the bridges. If the District Commander decides that such action should be taken, he shall notify the vessel owner and the bridge owner of his decision, specifying a reasonable time for making the alterations; and after the expiration of the time specified the draw need not be opened for the passage of such vessel unless it has in tow a vessel unable to pass under the closed draw or by reason of stress of weather it is unsafe to lower such stack or mast.

(e) *Operating machinery.* All drawbridges shall be equipped with adequate, quick-operating power machinery for opening and closing the draw, and this machinery shall at all times be kept in good and effective working condition and manned by competent operators.

(f) *Clearance gages.* The owners of each bridge shall provide and keep in good legible condition two board gages, painted white with black figures not less than six inches high, to indicate the headroom clearance under the closed span at all stages of the tide. These gages shall be so placed on the ends of the drawspan fenders that they will be plainly visible to the navigator of a vessel approaching the bridge either upstream or downstream.

(g) The general regulations contained in paragraphs (a) to (f), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraphs (h) and (i) of this section.

(h) *Pennsylvania Railroad Company bridge across Schuylkill River near Christian Street.* (1) The owner of or agency controlling this drawbridge will not be required to keep drawtenders in constant attendance. Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 2 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(2) Upon receipt of such advance notice the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on proper signal at the time specified in the notice for the passage of the vessel.

(3) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in subparagraph (1) of this paragraph may be reached by telephone or otherwise.

(i) *City of Philadelphia bridge across Schuylkill River at South Street.* (1) The draw need not be opened for the passage of vessels and paragraphs (a) to (e), inclusive, of this section shall not apply to the bridge.

(2) The owner of or agency controlling this bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations of this section.

CROSS REFERENCE: For Inland Waterway from Delaware River to Chesapeake Bay, Del. and Md. (Chesapeake and Delaware Canal); see § 207.100.

### § 117.228 Darby Creek, Pa., The Pennsylvania Railroad Co. and Reading Co. bridges near Essington.

(a) The owners of or agencies controlling these bridges will not be required to keep draw tenders in constant attendance.

(b) Between 11:00 p.m. and 7:00 a.m. each day from May 15 to October 15, inclusive, the draws of these bridges need not be opened for the passage of vessels.

(c) Between 7:00 a.m. and 11:00 p.m. each day from May 15 to October 15, inclusive, the bridges will be opened upon signal from an approaching vessel or vessels at 7:15 a.m., 10:30 a.m., 1:00 p.m., 3:00 p.m., 7:30 p.m., and 10:30 p.m. and at other times on signal during these hours if such openings will not unduly delay railroad operations. Any vessel which may have passed through one of these bridges shall be passed through the draw of the other bridge without delay. When once opened for the passage of any vessel or craft the said bridges shall remain opened sufficiently long to permit the passage through both bridges of all vessels or craft which may be engaged in passing and all accumulated vessels presenting themselves for passage.

(d) From October 16 to May 14, inclusive, whenever a vessel unable to pass under the closed bridges desires to pass through the draws, 24 hours' advance notice of the time opening is required must be given to the authorized representative of the owner of or agency controlling each of the bridges to insure prompt opening thereof at the time required. On receipt of such advance notice the authorized representative, in compliance therein, shall arrange for the prompt opening of the draw on proper signal at approximately the time specified in the notice.

(e) In an emergency, the drawspans of these bridges will be opened as soon as possible after notification.

(f) The owners of or agencies controlling these bridges shall provide and keep in good legible condition two board gages of a type to be approved by the Commandant to indicate the controlling minimum vertical clearance under both closed drawspans at all stages of the tide. These gages shall be so placed on the upstream and downstream ends of the right channel drawspan piers or fenders so that they will be plainly visible to the navigators approaching from either direction.

(g) The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with information as to whom notice should be given, as specified in paragraphs (d) and (e) of this section, when it is desired that the bridge be opened and directions for communicating with such person by telephone or otherwise.

(h) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

### § 117.229 Chester River, Pa.; the Reading Co. bridge at Front Street, Chester, Pa.

(a) Between 6 a.m. and 10 p.m., the draw shall be opened promptly on signal for a vessel desiring to pass through the bridge. From 10 p.m. to 6 a.m., the draw will remain closed and the bridge unattended.

(b) The owner of or agency controlling this bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of the regulations in this section.

§ 117.230 Brandywine River, Del.; bridges.

(a) *Seventh Street bridge, Wilmington, Del.* (1) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance.

(2) The owner of or agency controlling the bridge shall provide the appliances and the personnel necessary for the safe, prompt and efficient opening of the draw at any time during the day or night, except as provided in subparagraph (5) of this paragraph, for the passage of any vessel or other watercraft which cannot pass under the closed draw, when the following signal is received: Three blasts of a whistle or horn. When the draw of the bridge can be opened immediately, the draw tender shall reply by two blasts of a whistle or horn. When the draw of the bridge cannot be opened immediately or when the bridge is open and is to be closed immediately, the draw tender shall reply by one blast of a whistle or horn.

(3) Vehicles shall not be stopped on the drawspan, in such manner as to delay the operation of the draw except in case of urgent necessity, nor shall vessels be moored to the bridge fenders or so maneuvered as to unnecessarily hinder or delay the closing of the draw, but all passage over, through, or under the bridge shall be prompt to avoid delay to either land or water traffic.

(4) The owner of or agency controlling the bridge shall provide and keep in good legible condition two board gages painted white with black figures not less than 6 inches high, to indicate the headroom clearance under the closed span at all stages of the tide. These gages shall be so placed on the ends of the drawspan fenders that they will be plainly visible to the navigators of a vessel approaching the bridge from either direction.

(5) At least 24 hours' advance notice will be required for opening this bridge at all times during January, February, March and December and between 8:00 p.m. and 6:00 a.m. from April to November, inclusive.

(i) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(ii) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(iii) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this paragraph together with a notice stating exactly how the representative specified in subdivision (i) of this subparagraph may be reached.

(iv) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain the machinery is in proper order for satisfactory operation.

(b) *Pennsylvania Railroad bridge above Seventh Street and Highway bridges at Church Street and Sixteenth Street, Wilmington, Del.* (1) The draws of these bridges need not be opened for the passage of vessels.

(2) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides of the respective bridges, in such manner that it can easily be read at any time, a copy of the regulations in this paragraph.

§ 117.235 Christina River, Del.; bridges.

(a) The owners of or agencies controlling the bridges shall provide the appliances and the personnel necessary for the safe, prompt, and efficient opening of the draws at any time during the day or night for the passage of any vessel or other watercraft which cannot pass under the closed draws.

(b) Except as otherwise provided in paragraphs (g) and (h) of this section, the bridge tender upon hearing or perceiving the prescribed call signal shall immediately clear the drawspan and open the draw to its full extent for the passage of the vessel or other craft: *Provided*, That the draw of a railroad bridge need not be opened when there is a train in the bridge block approaching the bridge with the intention of crossing, nor within 5 minutes of the known time of passage of a scheduled passenger, mail, or express train; but in no event, except in case of breakdown of the operating machinery, shall the opening of the draw be delayed more than 5 minutes in the case of a highway bridge, nor more than 10 minutes in the case of a railroad bridge.

(c) (1) *Call signal for opening of draw.* Three blasts of a whistle or horn.

(2) *Acknowledging signal*—(i) *When the draw can be opened immediately.* Two blasts of a whistle or horn.

(ii) *When the draw cannot be opened immediately, or when it is open and is to be closed immediately.* One blast of a whistle or horn.

(d) Vehicles, street cars, locomotives, and trains shall not be stopped on the drawspan, nor shall locomotives or trains be stopped in the bridge blocks of railroad bridges in such manner as to delay the operation of the draws, except in case of urgent necessity, nor shall vessels be moored to the bridge fenders or so maneuvered as to unnecessarily hinder or delay the closing of the draw, but all passages over, through, or under the bridges shall be prompt, to avoid delay to either land or water traffic.

(e) The owners of, or agencies controlling, the bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than 6 inches high, to indicate the headroom clearance under the closed span at all stages of the tide. These gages shall be so placed on the ends of the drawspan fenders that they will be plainly visible to the navigators approaching from either direction.

(f) The foregoing general regulations contained in paragraphs (a) to (e), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraphs (g) and (h), of this section, prescribed to provide for closed or open periods when land or water traffic predominates and for the operation of a particular bridge on advance notice.

(g) (1) The owners of or agencies controlling the bridges listed in subparagraph (6) of this paragraph will not be required to keep draw tenders in constant attendance.

(2) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(3) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(4) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations together with a notice stating exactly how the representative specified in subparagraph (2) of this paragraph may be reached.

(5) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain the machinery is in proper order for satisfactory operation.

(6) The bridges to which the special regulations in this paragraph apply, the periods when draws need not be operated and advance notice required, are as follows:

(i) *Pennsylvania Railroad Company bridge at Mile 4.12, Reading Company bridge at Mile 4.15 and Pennsylvania Railroad Company bridge at Mile 5.38.* Between 8:00 p. m. and 6:00 a. m. the draws need not be opened for the passage of vessels. Between 6:00 a. m. and 8:00 p. m., at least 24 hours' advance notice required.

(ii) Delaware State Highway Department bridge at Newport. At least 24 hours' advance notice required.

(h) *Closed periods.* The Third Street, Walnut Street and Market Street bridges shall not be required to open for the passage of vessels between 7:00 a. m. and 8:00 a. m. and between 4:30 p. m. and 5:30 p. m., except on Sundays and legal holidays: *Provided*, That any vessel which has passed through one or more of these three bridges immediately prior to a closed period and will require passage through the other bridge or bridges in order to continue to its destination shall be passed through the draw or draws of such bridge or bridges without

delay: *Provided further*, That in time of flood or other emergency the closed periods may be suspended or modified by the District Commander.

**§ 117.236 Appoquinimink River, Del.; Delaware State Highway Department bridge at Fennimores, Del.**

(a) The owner of this bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of the bridge.

(c) Upon receipt of such advance notice, the authorized representative shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

**§ 117.237 St. Jones River, Del.; Delaware State Highway Department bridges at Barkers Landing and at Lebanon.**

(a) The owner of or agency controlling these bridges will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridges desires to pass through the draws, at least 24 hours' advance notice of the time opening is required must be given to the authorized representative of the owner of or agency controlling the bridges to insure prompt opening thereof at the time required.

(c) On receipt of such advance notice the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on signal at approximately the time specified in the notice.

(d) The owner of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations of this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

**§ 117.237a Mispillion River, Del.; Delaware State Highway Department bridge at Washington Street, Milford.**

(a) The owner of or agency controlling this bridge will not be required to keep draw tenders in attendance from 8:00 p.m. to 8:00 a.m.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw from 8:00 p.m. to 8:00 a.m., at least 24 hours' advance notice of the time opening is required must be given to the authorized representative of the owner of or agency controlling the bridge to insure prompt opening thereof at the time required.

(c) On receipt of such advance notice the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on signal at approximately the time specified in the notice.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

**§ 117.237b Lewes and Rehoboth Canal, Del.; Delaware State Highway Department bridges at Rehoboth.**

(a) The owner of or agency controlling these bridges will not be required to keep draw tenders in attendance from 5:00 p.m. to 7:00 a.m.

(b) Whenever a vessel unable to pass under the closed bridges desires to pass through the draws from 5:00 p.m. to 7:00 a.m., at least 24 hours' advance notice of the time opening is required must be given to the authorized representative of the owner of or agency controlling the bridges to insure prompt opening thereof at the time required.

(c) On receipt of such advance notice the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draws on signal at approximately the time specified in the notice.

(d) The owner of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representatives specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

**§ 117.240 Navigable waters discharging into the Atlantic Ocean south of Delaware Bay (including the Lewes and Rehoboth Canal, Del.), and into the Gulf of Mexico (including coastal waterways contiguous thereto and tributaries to such waterways and the Lower Atchafalaya River, La.), except the Mississippi River and its tributaries and outlets; bridges.**

(a) Corporations or persons owning or controlling a drawbridge shall provide the same with the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(b) If the weather conditions are good and sound signals can be heard when a vessel approaches a drawbridge and desires to pass through the draw, three distinct blasts of a whistle or horn shall be sounded or three calls through a megaphone shall be made from the vessel when within reasonable hearing distance of the bridge.

(1) When the draw of the bridge can be opened immediately, the drawtender shall reply by three distinct blasts of a whistle or horn, by three calls through a megaphone, or by three loud and distinct strokes of a bell.

(2) When the draw of the bridge cannot be opened immediately or when the bridge is open and is to be closed immediately, the drawtender shall reply by four or more short, distinct blasts of a whistle or horn, by four or more calls through a megaphone, or by four or more loud and distinct strokes of a bell (danger signal).

(c) When weather conditions prevent hearing the sound signals when a vessel approaches a drawbridge and desires to pass through the draw, signals shall be made from the vessel by swinging in circles at arm's length a lighted lantern at night and a flag by day.

(1) When the draw of the bridge can be opened immediately, the drawtender shall reply by raising and lowering in vertical plane a number of times a lighted lantern at night and a flag by day.

(2) When the draw of the bridge cannot be opened immediately or when the bridge is open and is to be closed immediately, the drawtender shall reply by swinging to and fro horizontally a number of times a lighted lantern at night and a flag by day.

(d) When a vessel wishes to pass two or more bridges close together or crossing a section of the waterway less than 500 feet in length, signals as prescribed above shall be given from the vessel for opening the first bridge, followed at an interval of about five seconds by the same signals for the second bridge, and so on, thus giving, at intervals of about five seconds, separate signals for each bridge the vessel desires to pass.

(e) When two or more vessels are approaching a bridge at nearly the same time from the same or opposite directions with the draw opened or closed, each of these vessels shall signal independently for the opening of the draw, and the drawtender shall reply as prescribed and in turn to the signal of each vessel.

(f) Where bridges are less than 500 feet apart, the signals to govern the movements of the approaching vessel shall be given from the bridge nearest the vessel. If the bridge can be opened immediately, the bridgetender shall await the reply signals from the other bridges and then give the signal circumstances require. If the nearest bridge cannot be opened immediately, the prescribed signal shall be given the approaching vessel at once to be followed as soon as possible by the signal from that bridge that the draws are about to open.

(g) The draw shall be opened with the least possible delay upon receiving the prescribed signal: *Provided*, That the drawspan shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the operator of the drawspan.

(h) When a bridgetender is about to close a draw, he shall sound four or more short, distinct blasts of a whistle or horn, four or more calls through a megaphone, or four or more loud and distinct strokes of a bell (danger signal).

(i) Trains, wagons, and other vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall watercraft be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under a drawbridge shall be prompt, to prevent delay to either land or water traffic.

(j) The following provisions shall not relieve the owner of or agency controlling a drawbridge from opening the draw for the passage of vessels in accordance with paragraphs (a) through (i) of this section.

(1) A vessel shall not require the opening of the draw when such opening is needed only to provide additional clearance for appurtenances unessential to navigation of the vessel, or for appurtenances essential to navigation but which may be altered by hinging, telescoping, collapsing, or otherwise, so as to require no greater clearance than the highest fixed and essentially unalterable point of the vessel.

(2) Appurtenances unessential to navigation shall include but not be limited to fishing outriggers, radio antennae which are or can reasonably be made flexible or collapsible, television antennae, false stacks, and masts purely for ornamental purposes. Appurtenances unessential to navigation shall not include radar antennae, flying bridges, sailboat masts, piledriver leads, spud frames on hydraulic dredges, drilling derricks, derrick substructures and/or buildings, cranes on drilling or construction vessels, or other items of permanent and fixed equipment clearly necessary to the intended use of the vessel.

(3) Owners of or agencies controlling drawbridges shall report to the District Commander in charge of the locality the names of any vessels causing bridge openings considered to be in violation of this paragraph. The District Commander may at any time cause an inspection to be made of any craft so reported and is empowered to decide in each case whether or not the appurtenances are unessential to navigation. If the District Commander decides a vessel has apurtenances unessential to navigation, he shall notify the vessel owner of his decision, specifying a reasonable time for making necessary alterations. If the vessel owner is aggrieved by the decision of the District Commander, he may within 30 days after receipt of the request to perform necessary alterations appeal the decision to the Commandant in writing. If the Commandant rules that an appurtenance is unessential to navigation, the District Commander shall again specify to the vessel owner a reasonable time for making necessary alterations to the appurtenance, and after the expiration of the time specified, any operation of the vessel in such a manner as to require drawbridge openings shall be deemed in violation of the regulations of this paragraph unless the necessary alterations shall have been made.

(4) The provisions of subparagraphs (1), (2) and (3) of this paragraph shall not be applicable to ocean or coastwise vessels engaged in foreign or domestic commerce.

(k) Clearance gages, of a type to be approved by the Commandant, shall be installed on the upstream and downstream sides of each drawbridge by and at the expense of the owner of or agency controlling the bridge and such gages shall be kept in good repair and legible condition.

NOTE: The special regulations contained in §§ 117.237(b) and 117.245 to 117.491, prescribed where local conditions require to govern the operation of certain bridges, supplement the general regulations contained in § 117.240.

### § 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(a) The owners of or agencies controlling certain bridges will not be required to keep draw tenders in constant attendance. The bridges to which this section applies are listed, and the special regulations applicable in each case are set forth, in paragraphs (f) to (j) inclusive, of this section. At all times not covered by the regulations in this section, and in all other respects, the regulations contained in § 117.240 shall govern the operation of these bridges.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain the machinery is in proper order for satisfactory operation.

(f) *Waterways discharging into Chesapeake Bay.* (1) Susquehanna River, Md.; The Pennsylvania Railroad Company bridge at Perryville. At least 24 hours' advance notice required.

(2) *Bohemia River, Md.; Maryland State Roads Commission bridge at Cayots.* From May 30 to September 30, inclusive, except on Saturdays, Sundays, State and Federal holidays, between sunrise and sunset, and from October 1 to May 29, inclusive, except between the hours of 7:00 p. m. on Fridays and 7:00 a. m. on Mondays, inclusive, the draw will not be required to be opened except upon 3 hours' advance notice. From October 1 to May 29, inclusive, between the hours of 7:00 p. m. on Fridays and 7:00 a. m. on Mondays, inclusive, the draw will not be required to be opened except upon advance notice given prior to 7:00 p. m. on Friday. From May 30 to September 30, inclusive, between sunrise and sunset on Saturdays, Sundays, State and Federal holidays, the regulations contained in § 117.240 shall govern operation of this bridge.

(3) Bush River, Md.; The Pennsylvania Railroad Company bridge at Bush River. From June 1 to September 30, inclusive, the draw will be required to be opened not more than two times each day on Saturdays and Sundays only between 10:00 a. m. and 5:00 p. m., on receipt of at least 24 hours' advance notice from the duly authorized representative of the Bush River Boat Club. At all other times the draw need not be opened for the passage of vessels. The notice posted in accordance with paragraph (d) of this section shall state exactly how the representative of the Bush River Boat Club may be reached.

(4) Chester River, Md.; Maryland State Roads Commission bridge at Chestertown. From October 1 to March 31, inclusive, and between 6 p. m. and 6 a. m. from April 1 to September 30, inclusive, at least six hours' advance notice required. Between 6 a. m. and 6 p. m. from April 1 to September 30, inclusive, the regulations contained in § 117.240 shall govern operation of this bridge.

(5) Bear Creek, Md.; The Baltimore County Revenue Authority highway toll bridges between Dundalk and Sparrows Point, Miles 1.3 and 1.8. Between the hours of 12 midnight and 8:00 a.m., inclusive (except Saturdays, Sundays, and the national and State legal holidays between April 16 and November 15 inclusive), at least one-half hour advance notice required.

(5–a) Bear Creek, Md.; the Baltimore County highway bridge at Wise Avenue. At least 4 hours' advance notice required.

(6) Colgate Creek, Md.; City of Baltimore highway bridge at Baltimore. At least 5 hours' advance notice required.

(7) [Reserved]

(8) Dorseys Creek, Md.; United States Naval Academy highway and railroad bridges; Maryland State Roads Commission bridge and Baltimore and Annapolis Railroad Company bridge at Annapolis. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(9) Weems Creek, Md.; Anne Arundel County highway bridge at West Annapolis. From October 1 to April 30, inclusive, and between sunset and sunrise from May 1 to September 30, inclusive, at least five hours' advance notice required.

(10) South River, Md.; Maryland State Roads Commission bridge at Edgewater. From December 1 to March 31, inclusive, the draw will not be required to be opened except upon at least 3 hours' advance notice for openings between 10:00 a.m. Monday and 7:30 p.m. Friday, inclusive, such notice to be given between 7:00 a.m. and 4:30 p.m. Monday through Friday; and the draw will not be required to be opened from 7:30 p.m. Friday until 10:00 a.m. Monday except upon advance notice given between 7:00 a.m. and 4:30 p.m. Monday through Friday. From April 1 to November 30, inclusive, the regulations contained in § 117.240 shall govern operation of this bridge.

(11) [Reserved]

(12) Choptank River, Md.; the Pennsylvania Railroad Co. bridge at Denton. The draw shall, upon signal, be opened for the passage of vessels from May 30 through September 30, inclusive, between sunrise and sunset. Between sunset and sunrise from May 30 through September 30, inclusive, and during all hours between October 1 and May 29, inclusive, the draw will be opened upon 4 hours advance notice.

(13) Marshyhope Creek, Md.; Maryland State Roads Commission bridge at Brookview. The draw need not be opened for the passage of vessels and paragraphs (b) to (d), inclusive, of this section shall not apply to this bridge. Paragraph (e) of this section shall apply to this bridge only to the extent that the operating machinery of the draw shall be maintained in a serviceable condition.

(13–a) Nanticoke River, Del.; Pennsylvania Railroad Company bridge at Seaford. From May 1, to September 30, inclusive, between the hours of 8:00 p.m. and 8:00 a.m., the draw will not be required to be opened. From October 1, to April 30, inclusive, the draw will not be required to be opened except on 4 hours' advance notice. From May 1, to September 30, inclusive, between the hours of 8:00 a.m. and 8:00 p.m., inclusive, the regulations contained in § 117.240 shall govern operation of this bridge.

(14) Broad Creek River, Del.; Delaware State Highway Department bridges at Bethel, and at Poplar Street and U.S. Route 13A, Laurel. Between the hours of 5:00 p.m. and 7:00 a.m., at least four hours' advance notice required. Pennsylvania Railroad Company bridge at Laurel. At least four hours' advance notice required. Delaware State Highway Department bridge at Delaware Avenue, Laurel. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(15) Patuxent River, Md.; Maryland State Roads Commission bridge at Benedict. Between 6:00 p. m. and 6:00 a. m. (local time), advance notice required, to be given verbally or by telephone to the Toll Captain at the Administration Building at the east end of the bridge before 6:00 p. m. The owner of or agency controlling the bridge shall keep a complete record of all openings of the draw in such form as may be prescribed by the District Commander, and shall report to him all cases where the draw has been required to be kept open for an unreasonable length of time.

(16) [Reserved]

(16–a) Wicomico River (North Prong), Maryland; Maryland State Roads Commission bridges at Main Street and U.S. Route 50. The draws need not be opened for the passage of vessels between the hours of 8:00 a.m. and 9:00 a.m., 12 noon and 1:00 p.m., and 4:30 p.m. and 5:30 p.m.

(16–b) Wicomico River (South Prong), Md.; County Commissioners of Wicomico County bridge at Camden Avenue, Salisbury. The draw need not be opened for the passage of vessels and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(16–c) Wicomico River (South Prong), Maryland; County Commissioners of Wicomico County bridge at South Division Street. The draw need not be opened for the passage of vessels and paragraphs (b) to (e) inclusive, of this section shall not apply to this bridge.

(17) Pocomoke River, Md.; Maryland State Roads Commission bridge at Snow Hill. At least five hours' advance notice required.

(18) Onancock River (Warrington Branch), Va.; highway bridge at Onancock. At least three hours' advance notice required.

(19) Kinsale Creek, Va.; Virginia Department of Highways bridge at Kinsale. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(20) Great Wicomico River, Va.; Virginia Department of Highways bridge at Tipers Ferry. Between 6:00 p. m. and 6:00 a. m., advance notice required to be given to the draw tender on duty at the bridge before 6:00 p. m.

(21) [Reserved]

(22) Cat Point Creek, Va.; Virginia Department of Highways bridge near Warsaw. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(22–a) *Mattaponi River, Va.;* Virginia Department of Highways bridge on Route 629 at Walkerton. At least 24 hours' advance notice required: *Provided,* That the draw tender service shall be increased on 30 days notice in writing from the District Commander; the degree of such service to be determined by the said District Commander.

(23) Chuckatuck Creek, Va.; Virginia Department of Highways bridge on U.S. Route 17 at Eclipse. Between 7:00 a.m. and 3:00 p.m., daily, except Sundays, the regulations contained in § 117.240 shall govern the operation of this bridge. At all other times, 4 hours' advance notice required, provided that if an emergency exists, the advance notice may be given without time limit.

(24) Elizabeth River, Eastern Branch, Va.; City of Norfolk highway bridge (Campostella Bridge) at Norfolk. Between 7:35 a. m. and 7:50 a. m., on week days only, the draw need not be opened except for the passage of tugs with tows.

(25) Elizabeth River, Western Branch, Va.; Atlantic Coast Line Railroad Company bridge at Bruce. Between 1:00 a.m. and 6:00 a.m., from April 1 to October 31, inclusive, at least 8 hours' advance notice required. Any vessel operator intending to make a return passage through the bridge during this period shall notify the bridge tender prior to 6:00 a.m. of the time he desires to make the return passage and the draw shall be opened at the specified time. From November 1 to March 31, inclusive, at least 4 hours' advance notice required.

(26) Elizabeth River, Western Branch, Va.; Virginia Department of Highways bridge at Hodges Ferry. At least eight hours' advance notice required.

(27) Baines Creek, Va.; Atlantic Coast Line Railroad Company bridge at Portsmouth. At least 24 hours' advance notice required.

(28) Nansemond River, Western Branch, Va.; Virginia Department of Highways bridge at Reid's Ferry. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(28–a) Nansemond River, Va.; Virginia Department of Highways bridge on U.S. Route 460 at Suffolk. At least 12 hours' advance notice required.

(29) *Appomattox River, Va.; Seaboard Air Line Railroad Company bridge near Hopewell.* At least 24 hours' advance notice required, such notice to be given to the Seaboard Air Line Railroad Agent at Hopewell, Virginia: *Provided,* That a drawtender shall be placed in constant attendance, on 30 days' notice in writing from the District Commander.

(g) *Waterways discharging into Atlantic Ocean between Chesapeake Bay and Charleston*—(1) Pasquotank River, N. C.; Norfolk Southern Railway Company bridge at Elizabeth City: from 3:30 p. m. to 11:30 p. m., the bridge will be operated in full open position. Between 11:30 p. m. and 3:30 p. m., the regulations prescribed in § 117.240 shall govern the operation of the drawspan.

(2) Kendrick (Mackay) Creek, N. C.; Norfolk Southern Railway Company

bridge at Mackeys. The draw need not be opened for the passage of vessels, and paragraphs (b) to (d), inclusive, of this section shall not apply to this bridge: *Provided*, That the bridge owner will restore attendance, when, in the opinion of the Commandant, U.S. Coast Guard, vessel traffic warrants service.

(3) Scuppernong River, N.C., North Carolina State Highway Commission bridge at Columbia.

(i) The owner of, or agency controlling the bridge will not be required to keep a bridge tender in constant attendance between the hours of 7:00 p.m. and 7:00 a.m.

(ii) Whenever, in the event of an emergency, a vessel requires passage through the drawspan between the hours stated in subdivision (i) of this subparagraph the authorized representative of the owner of, or agency controlling the bridge shall be given at least six (6) hours' advance notice of the time the opening is desired.

(3-a) Scuppernong River, N. C.; North Carolina State Highway and Public Works Commission bridges at Creswell and Cross Landing. At least 24 hours' advance notice required.

(3-b) Blackwater River, Va.; Virginia Department of Highways bridge on Route 189 at South Quay. At least 24 hours' advance notice required.

(4) *Pamlico and Tar Rivers, N.C., North Carolina State Highway Commission bridges at Washington and near Grimesland.* At least 24 hours' advance notice required: *Provided*, That the bridge owner will restore constant attendance when, in the opinion of the District Commander, river traffic warrants additional service.

(5) Neuse River, N.C.; Atlantic and East Carolina Railway Company bridge at Kinston and drawbridges upstream therefrom. At least 24 hours' advance notice required.

(6) Trent River, N.C.; Atlantic Coast Line Railroad Company bridge at Pollocksville, and drawbridges upstream therefrom. At least 24 hours' advance notice required.

(7) Newport River, N.C.; Atlantic and East Carolina Railway Company bridge at Newport. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(8) New River, N.C.; Atlantic Coast Line Railroad Company bridge at Jacksonville. At least 24 hours' advance notice required.

(9) Smiths Creek, N.C.; North Carolina State Highway and Public Works Commission bridge in Wilmington. At least 24 hours' advance notice required.

(10) Northeast River, N.C.; Atlantic Coast Line Railroad Company bridge at Castle Hayne. Between 7:30 a.m. and 4:30 p.m. Monday through Friday of each week, the draw will be opened for the passage of vessels on signal. At all other times, the draw will be closed and the bridge unattended: *Provided*, That the draw will be opened for tugs with tows upon 24 hours' advance notice.

(11) Kingston Lake, S. C.; South Carolina State Highway Department bridge near Conway. At least 24 hours' advance notice required.

(12) Pee Dee River, S. C.; Seaboard Air Line Railway Company bridge near Poston. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(13) Pee Dee River, S. C.; South Carolina State Highway Department bridge near Georgetown (Pee Dee River drawspan of the Lafayette Bridge). At least 12 hours' advance notice required.

(14) Black River, S. C.; South Carolina State Highway Department bridge near Georgetown. At least 12 hours' advance notice required. South Carolina State Highway Department bridge at Brown's Ferry near Rhems. At least 24 hours' notice required. The agency controlling the above bridges shall arrange for its representative to be reached at the same place that the representative for the Lafayette Bridge (Great Pee Dee River) may be reached in order that one notice may suffice to secure the prompt opening of any or all of these bridges.

(15) Santee and Congaree Rivers, S. C.; drawbridges upstream from South Carolina State Highway Department bridge near Lanes. At least 24 hours' advance notice required.

(16) Wando River, S. C.; South Carolina State Highway Department bridge near Cainhoy. At least 12 hours' advance notice required.

(17) Cooper River, S. C.; Seaboard Air Line Railway Company bridge near Cordesville. At least 24 hours' advance notice required: *Provided*, That a draw tender shall be placed in constant attendance on 10 days' notice in writing from the District Commander.

(18) Ashley River, S.C.; South Carolina State Highway Department bascule bridges at mile 2.4 and mile 2.5 above the mouth of the river at Charleston. Between 7:00 a.m., and 9:00 a.m., Monday through Friday, and between 4:00 p.m., and 7:00 p.m., daily, at least 12 hours' advance notice required: *Provided*, That the draw shall be opened at any time for a vessel in an emergency involving danger to life and property. Such emergency shall be indicated by four blasts of the signalling device.

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* (1) Rantowles Creek, S.C.; Atlantic Coast Line Railroad Company bridge near Rantowles. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(2) Edisto River, S.C.; Seaboard Air Line Railway Company bridge near Fenwick. At least 24 hours' advance notice required.

(3) Ashepoo River, S.C.; South Carolina State Highway Department bridge at Brickyard Ferry near Bennetts Point. At least 24 hours' advance notice required. Any vessel navigating Ashepoo River with the intention of making repeated trips shall notify the authorized representative of the owner of or agency controlling the bridge of the expected frequency of such trips. The bridge shall then be maintained in readiness to open promptly upon signal from the vessel without any further notice. Repeated trips shall be understood to mean trips not more than 24 hours apart.

(4) Ashepoo River, S.C.; Seaboard Air Line Railway Company bridge near Fenwick. At least 96 hours' advance notice required: *Provided*, That a draw tender shall be placed in constant attendance on 10 days' notice in writing from the District Commander.

(5) Harbor River, a tidal estuary in St. Helena Sound, S. C.; South Carolina State Highway Department bridge on State Highway No. 285 at Hunting Island. At least 24 hours' advance notice required.

(6) Combahee River, S.C.; Seaboard Air Line Railway Company bridge near Wiggins and South Carolina State Highway Department bridge near Sheldon. At least 12 hours' advance notice required.

(7) North Wimbee Creek, S.C.; Seaboard Air Line Railway Company bridge near Lobeco. At least 24 hours' advance notice required.

(8) Coosaw River (Whale Branch), S. C.; Charleston and Western Carolina Railway Company bridge near Seabrook and the South Carolina State Highway Department bridge on State Highway No. 28 between Beaufort and Yemassee near Lobeco. From 8:00 p. m. Saturday to 6:00 a. m. Monday and from 8:00 p. m. to 6:00 a. m. on all other days, at least 24 hours' advance notice required.

(9) Battery Creek, S.C.; South Carolina State Highway Department bridge between Beaufort and Parris Island. At least 24 hours' advance notice required.

(10) Broad River, S.C.; South Carolina State Highway Department bridge near Beaufort. At least 24 hours' advance notice required.

(11) Broad River, S.C.; Seaboard Air Line Railway Company bridge near Whale Branch. At least 24 hours' advance notice required.

(12) Savannah River, S.C., and Ga.; Charleston & Western Carolina Railway Company bridge near Augusta, Ga. At least three hours' advance notice required.

(13) Ogeechee River, Ga. The Atlantic Coast Line Railroad Company bridge near Richmond Hill (Ways Station). At least 15 days' advance notice required.

(14) Ogeechee River, Ga. The State Highway Department of Georgia bridge near Richmond Hill. The draw need not not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(15) Altamaha River, Ga.; all drawbridges except the Atlantic Coast Line Railroad Company bridge at Doctortown. At least 24 hours' advance notice required. The Atlantic Coast Line Railroad Company bridge at Doctortown. At least seven days' advance notice required: *Provided*, That the bridge owner will restore constant attendance, when in the opinion of the District Com-

mander, river traffic warrants additional service.

(16) Oconee River, Ga.; drawbridges downstream from Central of Georgia Railroad Company bridge at Oconee. At least 24 hours' advance notice required.

(17) Oconee River, Ga.; Central of Georgia Railway Company bridge at Oconee. At least seven days' advance notice required. Paragraph (e) of this section shall not apply to this bridge.

(18) Ocmulgee River, Ga.; all drawbridges. At least 24 hours' advance notice required.

(19) Satilla River, Ga.; Seaboard Air Line Railroad bridge at Woodbine. At least 24 hours' advance notice required.

(20) [Reserved]

(21) St. Marys River, Ga. and Fla.; State Road Department of Florida and Seaboard Air Line Railway Company bridges at Kingsland, Ga. At least 48 hours' advance notice required.

(22) Nassau Sound Fla.; Fernandina Port Authority bridge on Toll Road No. 105 between Fernandina and Jacksonville. From one hour after sunset to one hour before sunrise, the times of sunset and sunrise being as published by the United States Hydrographic Office for latitude 30° north, the draw need not be opened for the passage of vessels.

(23) Clapboard Creek and Broward River (Cedar Creek), Fla.; bridges on Heckscher Drive. At least 12 hours' advance notice required.

(23-a) Broward River, Fla.; Atlantic Coast Line Railroad Co. bridge near Heckscher Drive, Duval County. At least 24 hours' advance notice required.

(24) Trout River, Fla.; Seaboard Air Line Railroad Company bridge at Panama. Between 10:00 p.m. and 6:00 a.m., at least 12 hours' advance notice required. At all other times the regulations contained in § 117.240 shall govern the operation of this bridge.

(25) [Reserved]

(26) Kissimmee River, Fla.; State Road Department of Florida bridge 0.5 mile above the mouth of the river on State Road 78, C. H. Carlton bridge 2.7 miles above the mouth, State Road Department of Florida bridge 19.5 miles above the mouth on State Road 70, and Seaboard Air Line Railroad bridge 37 miles above the mouth at Fort Basinger. At least 48 hours' advance notice required.

(27) Kissimmee River, Fla.; State Road Department of Florida bridge near Basinger (at Fort Bassenger). At least 96 hours' advance notice required. Paragraph (e) of this section shall not apply to this bridge.

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* (1) Caloosahatchee Canal, Fla.; Atlantic Coast Line Railroad Company bridge at Moore Haven. Between 10:00 p. m. and 6:00 a. m., the draw need not be opened for the passage of vessels.

(2) Orange River, Fla.; State Road Department of Florida bridge 0.9 mile above mouth and Seaboard Air Line Railway Company bridge 2.25 miles above mouth, near Fort Myers. At least 24 hours' advance notice required, except during a hurricane alert issued by the United States Weather Bureau affecting the area adjacent to Caloosahatchee and Orange Rivers when a draw tender shall be constantly on duty and the bridge opened at any time for the passage of vessels giving the usual signal.

(3) Myakka River, Fla.; railroad drawbridge near Charlotte Beach. At least 36 hours' advance notice required.

(3-a) Gasparilla Sound, Fla.; Seaboard Air Line Railroad Company bridge between the mainland and Gasparilla Island. Between the hours of 6:00 p.m. and 6:00 a.m. the following day, the southerly swingspan in the bridge need not be opened for the passage of vessels.

(4) Coffee Pot Bayou, St. Petersburg, Fla.; highway bridge at foot of Poplar Street. At least one hour's advance notice required.

(5) Pithlachascotee River, Fla.; State Road Department of Florida bridge 1.3 miles above mouth at New Port Richey. At least six hours' advance notice required, except during a hurricane alert issued by the United States Weather Bureau affecting the area when a draw tender shall be constantly on duty and the bridge opened promptly on signal.

(6) Suwannee River, Fla.; Atlantic Coast Line Railroad Company bridge at Old Town. At least five days' advance notice required.

(6-a) St. Marks River, Fla.; Florida State Road Department bridge over St. Marks River on U.S. Highway 98 at Newport. At least 48 hours' advance notice to be given to State Road Department Maintenance Office, Tallahassee, Fla.

(7) Flint River, Ga.; Seaboard Air Line Railway Company bridge and Atlantic Coast Line Railroad Company bridge at Bainbridge. At least 24 hours' advance notice required.

(8) Chattahoochee River, Ga. and Ala; State of Alabama Highway Department bridge on U.S. Highway 84 and Atlantic Coast Line Railroad Company bridge at Alaga, Ala., Central of Georgia Railway Company bridge at Columbia, Ala., and Seaboard Air Line Railway Company bridge near Omaha, Ga. At least 6 hours' advance notice required.

(9) [Reserved]

(10) Choctawhatchee River, Fla.; State Road Department of Florida bridge on State Road No. 10 approximately 14 miles east of Freeport. At least 12 hours' advance notice required.

(11) Bayou Chico, Florida. Escambia County bridge in Pensacola. Between 7:30 a.m. and 8:30 a.m., 3:30 p.m. and 4:30 p.m., and 5:00 p.m. and 5:30 p.m., except Saturdays, Sundays and national holidays, the draw need not be opened for the passage of vessels: *Provided*, That the draw shall be opened at any time for the passage of a tow: *And provided further*, That the draw shall be opened at any time for the passage of a vessel in an emergency involving danger to life or property which shall be indicated by four blasts of the signalling device.

(12) Alabama River, Ala.; St. Louis-San Francisco Railway Company bridge at Yellow Bluff, near Coy. At least 48 hours' advance notice required.

(13) Coosa River, Ala.; Seaboard Air Line Railway Company bridge at Lock. At least 24 hours' advance notice required.

(14) Coosa River, Ala.; Louisville and Nashville Railroad Company bridge at Gadsden. At least six hours' advance notice required.

(15) Tombigbee River, Ala.; Southern Railway Company bridge near Epes. At least 24 hours' advance notice required, to be given to the railroad company's station agent at Epes between 8:00 a. m. and 4:00 p. m. on any day except Saturdays and Sundays, either by telephone maintained on the bridge by the railroad company for the purpose or in any other manner convenient to the operator of the vessel.

(16) Tensaw River, Alabama. State of Alabama Highway Department bridge over the Tensaw River on U.S. Highway No. 90 near Mobile, Alabama. The draw need not be opened for the passage of vessels, and paragraphs (b) and (e), inclusive, of this section shall not apply to this bridge.

(17) Tensaw River, Alabama; Louisville and Nashville Railroad Company bridge near Mobile. Between 12:00 midnight and 8:00 a. m., the draw will not be required to open except in an emergency for the passage of fire boats and patrol boats operated by the Maritime Administration for security of vessels within the Mobile Reserve Fleet Anchorage extending above and below the bridge: *Provided*, That during periods of severe storms or hurricanes from the time the United States Weather Bureau sounds an "Alert" for the area until the "all clear" is sounded or for such period as the Fleet Superintendent, Mobile Reserve Fleet, may request, draw tenders will be constantly on duty and the draw opened on signal for the passage of vessels. The notice posted in accordance with paragraph (d) of this section shall state exactly how the draw tender may be reached.

(18) Bayou Sara, Ala.; Louisville and Nashville Railroad Company bridge near Satsuma. Between 6 a.m. and 10 p.m., daily, the bridge will be opened on signal for the passage of vessels. Between 10 p. m. and 6 a. m., daily, at least 4 hours' advance notice required, except during hurricane alerts for the area when a draw tender will be on duty and the bridge opened on signal for the passage of vessels. The notice posted in accordance with paragraph (d) of this section shall state exactly how the draw tender may be reached by telephone or otherwise between 10 p.m. and 6 a.m.

(19) Three Mile Creek, Ala.; State of Alabama Highway Department bridge at Mobile. Between 7:00 a.m. and 9:00 a.m. and between 4:30 p.m. and 6:30 p.m. daily the draw need not be opened for the passage of vessels. At all other times, at least 12 hours' advance notice required.

(20) *Three Mile Creek, Alabama.* Southern Railway Company bridge at Mobile. On Sundays, legal holidays, and

between 4:00 p.m. and 8:00 a.m. on all other days, the draw need not be opened for the passage of vessels, except in the event of emergency. At all other times, and in all other respects the regulations contained in § 117.240 shall govern the operation of this bridge. Whenever in the event of an emergency, a vessel is required to pass through the drawspan on Sunday, legal holidays, or between 4:00 p.m. and 8:00 a.m., the draw shall be opened promptly upon receipt of notice by the drawtender, who is domiciled in the immediate vicinity of the bridge. The notice posted in accordance with paragraph (d) of this section shall state how the drawtender may be reached.

(21) West Pearl River, La.; New Orleans and Northeastern Railroad Company bridge at Pearl River Station. At least six hours' advance notice required.

(22) [Reserved]

(23) Bayou Lacombe, La.; Louisiana Department of Highways bridge at Lacombe. At least 48 hours' advance notice required.

(23-a) Lake Pontchartrain, La.; Louisiana Department of Highways and Southern Railway System bridges near New Orleans. At least 48 hours' advance notice required for opening the south drawspan except in case of an emergency, the drawspans shall be placed in operation not later than 12 hours after notice of the emergency and shall be kept in condition for immediate operation until the emergency is over.

(24) Bayou Bienvenue, La.; Louisiana Department of Highways bridge near Chalmette. At least 24 hours' advance notice required.

(25) Amite River, La.; Louisiana Department of Highways bridge near French Settlement. At least 48 hours' advance notice required.

(26) Bayou Colyell, La.; Louisiana Department of Highways bridge near Port Vincent. At least 48 hours' advance notice required.

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.* (1) Bayou Plaquemine, La.; The Texas and Pacific Railway Company and the Louisiana Department of Highways bridges at Plaquemine. The draws need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(2) Bayou Terrebonne, La.; State of Louisiana, Department of Highways bridge near Presque Isle. At least 24 hours' advance notice required.

(3) Bayou Lafourche, La.; Texas and New Orleans Railroad Co. bridge at Lafourche. At least 48 hours' advance notice required.

(4) Bayou Lafourche, La.; The State of Louisiana, Department of Highways bridge at Thibodaux and all bridges above. The draws need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(5) Grand Bayou, La.; State of Louisiana Department of Highways bridge near Paincourtville. At least 24 hours' advance notice required.

(6) Bayou Black, La.; Morgan's Louisiana and Texas Railroad and Steamship Company bridge at Southdown. At least 24 hours' advance notice required.

(7) Bayou Black, La.; Louisiana Department of Highways bridge near Gibson, and the Terrebonne Parish Police Jury and Southdown, Incorporated, bridges (6) between Gibson and Houma. At least 24 hours' advance notice required.

(8) Little Bayou Black, La.; Texas and New Orleans Railroad Company bridge at Southdown. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive of this section shall not apply to this bridge.

(9) Bayou Grosse Tete, La.; The Texas and Pacific Railway Company bridge at Grosse Tete, and Louisiana Department of Highways bridge near Rosedale. At least 48 hours' advance notice required.

(10) Bayou Teche, La.; Louisiana Department of Highways bridge at Ruth. At least 48 hours' advance notice required.

(11) Bayou Teche, Louisiana: State of Louisiana, Department of Highways, and Southern Pacific Lines (Morgan's Louisiana and Texas Railroad and Steamship Company) bridges at Breaux Bridge, at least 48 hours' advance notice required.

(12) Stumpy Bayou, La.; Louisiana Department of Highways bridge near Weeks Island. At least six days' advance notice required.

(13) Bayou Courtableau, La.; Texas and New Orleans Railroad Company bridge at Washington. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(14) Vermilion River, La.; Louisiana Department of Highways bridge near Lafayette. At least 48 hours' advance notice required.

(15) [Reserved]

(16) Bayou Plaquemine Brule, La.; Texas and New Orleans Railroad Company bridge near Midland. At least 24 hours' advance notice required.

(17) Bayou Nezpique, La.; Louisiana Department of Highways bridge near Jennings. At least 48 hours' advance notice required.

(18) Bayou Choupique, La.; Louisiana Department of Highways bridges near Calcasieu. At least 48 hours' advance notice required.

(19) Bayou Lacassine, La.; State of Louisiana, Department of Highways, bridge near Hayes. At least 24 hours' advance notice required.

(20) Bayou Lacassine, La.; Texas and New Orleans Railroad Company bridge near Hayes. At least 24 hours' advance notice required.

(21) Bayou D'Inde, La.; Louisiana Department of Highways bridge. At least 48 hours' advance notice required.

(22) Bayou D'Inde, La.; railroad bridge of Defense Plant Corporation, Cities Service Refining Corporation, Agent. At least 72 hours' advance notice required.

(23) [Reserved]

(24) Houston River, La.; The Kansas City Southern Railway Company bridge near Lake Charles. At least 24 hours' advance notice required.

(25) English Bayou, La.; Louisiana Department of Highways bridge near Lake Charles. At least 48 hours' advance notice required.

(26) Sabine River, La. and Tex.; Texas and New Orleans Railroad Company bridge near Echo, Tex., Kansas City Southern Railway Company bridge near Ruliff, Tex., and Louisiana Department of Highways bridge between Starks, La., and Deweyville, Tex. At least 24 hours' advance notice required.

(27) Cow Bayou, Tex.; Orange County highway bridge on Round Bunch Road and Texas Highway Department bridge at Bridge City. At least 6 hours' advance notice required.

(28) Neches River, Tex.; Gulf, Colorado and Santa Fe Railway Company bridge at Evadale. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(29) Taylors Bayou, Tex.; Texas and New Orleans Railroad Company bridge and Texas Highway Department bridge at West Port Arthur. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(30) Trinity River, Tex.; Texas and New Orleans Railroad Company bridge at Liberty, Missouri Pacific Railroad Company bridges near Kenefick and at Riverside, and Gulf, Colorado and Santa Fe Railway Company bridge near Romayor. The draws needs not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(31) Buffalo Bayou, Tex.: (i) Texas and New Orleans Railroad Company bridge at the head of Houston Turning Basin, Houston, and drawbridges upstream therefrom to, but not including, the Houston Belt & Terminal Railway Company bridge near Shiloh Street, Houston. At least 24 hours advance notice required.

(ii) Houston Belt & Terminal Railway Company bridges near Shiloh Street and at Mary Street, Houston. The draws need not be opened for the passage of vessels and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(32) [Reserved].

(33) Clear Creek, Tex.; Texas and New Orleans Railroad Company bridge at Seabrook. The draw will be maintained in the open position for the passage of vessels except when it is necessary to close the draw for the passage of trains. A draw tender shall be in constant attendance when the draw is closed. Paragraphs (b) to (d), inclusive, of this section shall not apply to this bridge.

(34) Chocolate Bayou, Tex.; Missouri Pacific Railroad Company bridge near

Liverpool. The draw is fixed in the closed position to navigation. Paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(35) Freeport Harbor, Tex.; Missouri Pacific Railroad Company bridge between Freeport and Velasco. At least 24 hours' advance notice required.

(36) Brazos River, Tex.; (i) Texas Highway Department bridge near Freeport. At least 12 hours' advance notice required.

(ii) Missouri Pacific Railroad Company bridge at Brazoria. The draw is fixed in the closed position to navigation. Paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(37) Colorado River, Tex.; Texas Highway Department bridge near Wadsworth. At least 24 hours' advance notice required.

(38) Lavaca River, Tex.; Missouri Pacific Railroad Company and Texas Highway Department bridges near Vanderbilt. At least 48 hours' advance notice required, except in emergencies, when the draws will be opened as soon as possible after the receipt of notice.

(39) Nueces Bay, Tex.; Texas Highway Department bridge between Corpus Christi and Portland. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(40) Laguna Madre, Tex.; Padre Island Causeway (Nueces County) swing barge bridge across Humble Oil and Refining Company channel. Between 4:00 p.m. and 7:00 a.m., at least 1 hour advance notice required: *Provided*, That the regulations of this section may be temporarily suspended by the District Commander, for such periods as he may determine to be necessary upon notice to Nueces County.

(41) Arroyo Colorado, Tex.; Texas Highway Department bridge at Rio Hondo. At least 12 hours' advance notice required.

**§ 117.270 Cambridge Harbor, Md.; bridge.**

(a) The draw shall be promptly opened at any time for the passage of vessels unable to pass under the closed bridge, except during the following hours (eastern standard time) when it need not be opened: From 8 p.m. to 6 a.m.; from 12 noon to 12:10 p.m.; from 12:50 p.m. to 1 p.m.; and for 20 minutes before the scheduled time of departure from Cambridge of any regularly scheduled passenger train on the Pennsylvania Railroad.

(b) With the exceptions noted in paragraph (a) of this section, vessels have the right of way over vehicles or persons using the bridge.

(c) Whenever a vessel unable to pass under the closed bridge approaches it, the signal of a desire for the draw to be opened shall be three blasts of a whistle or horn blown on the vessel. This signal shall be repeated at intervals until it is answered from the bridge. Upon receiving the signal from the vessel, the tender or operator of the bridge, in case the draw can be operated immediately, shall reply by three blasts of a whistle or horn. In case of accident to the machinery or other contingency necessitating delay in opening the draw, the signal from the vessel shall be answered by the tender or operator of the bridge by one blast of a whistle or horn.

(d) The owner of the bridge shall post and maintain a copy of the regulations in this section in a conspicuous place at each end of said bridge.

**§ 117.280 Miles River, Md.; bridge (highway) at Easton, Md.**

(a) Between sunrise and sunset the draw of the above-mentioned bridge shall be promptly opened for the passage of any vessel unable to pass under the closed bridge.

(b) Whenever a vessel unable to pass under the closed bridge approaches it, the signal of a desire for the draw to be opened shall be three blasts of a whistle or horn blown on the vessel. Upon receiving the signal from the vessel the tender or operator of the bridge, in case the bridge can be opened immediately, shall reply by three blasts of a whistle or horn. In case, however, of accident to the machinery or other contingency involving unavoidable delay in the opening of the draw, the signal shall be answered by one blast of a whistle or horn.

(c) A vessel wishing to pass the bridge between sunset and sunrise and unable to pass under the closed draw will request that the bridge be opened by notifying the draw tender of the time at which it is desired to pass and the draw of the bridge shall be opened as soon as practicable after the receipt of notice.

(d) A copy of the regulations in this section will be conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time, together with a notice stating exactly how the draw tender, when not on duty at the bridge, may be reached.

(e) The operating machinery of the draw shall be kept in serviceable condition and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is kept in proper condition for satisfactory operation.

**§ 117.285 Oak Creek, tributary of Miles River, Md.; bridge of the Baltimore, Chesapeake and Atlantic Railroad Co. at Royal Oak, Md.**

(a) During the period from June 1 to September 30, inclusive, the draw shall be opened promptly at any time during the day or night for the passage of any vessel unable to pass under the closed bridge. During the period from October 1 to May 31, inclusive, the hours for opening the draw shall be from sunrise to sunset.

(b) Whenever a vessel unable to pass under the closed bridge approaches it, the signal of a desire for the draw to be opened shall be three blasts of a whistle or horn blown on the vessel. This signal shall be repeated at intervals until it is answered from the bridge. Upon receiving the signal from the vessel the tender or operator of the bridge, in case the draw can be opened immediately, shall reply by three blasts of a whistle or horn. In case of accident to the machinery or other contingency necessitating delay in opening the draw, the signal from the vessel shall be answered by the tender or operator of the bridge by one long blast of a whistle or horn.

(c) A copy of the regulations in this section shall be posted in a conspicuous place on each side of the bridge.

**§ 117.290 Kent Island Narrows, Md.**

(a) *Bridge (highway) of Maryland State Roads Commission.* (1) Between the hours of 1 hour before sunrise and 1 hour after sunset the draw shall be promptly opened for all vessels desiring to pass through it whose masts permanently remain standing or which have masts that may be unstepped but which are 20 feet or more in height and 5 inches or more in diameter at butt.

(2) Whenever a vessel of the kind described in subparagraph (1) of this paragraph shall approach the bridge and desire to pass through the draw, the signal therefor shall be three blasts of a whistle or horn blown on the craft, and when such signal is given the draw shall be opened forthwith if no person or vehicle is then in the way, and immediately upon the person or vehicle then on the bridge, if any, passing out of the way, and before any person or vehicle not then on the bridge shall be allowed to come upon it.

(3) If the draw is ready to be opened immediately when the signal is given on the craft, the signal shall be answered immediately by three blasts of a whistle or horn blown on the bridge, and if the draw is not ready to be opened immediately, by reason of persons or vehicles being on the bridge as aforesaid, or by reason of accident to the machinery or other contingency involving unavoidable delay in opening the draw, the signal for the craft shall be answered immediately by one blast of a whistle or horn blown on the bridge.

**§ 117.305 Baltimore Harbor, Md.; bridge (highway) at Hanover Street across Middle Branch of Patapsco River.**

(a) When, at any time between the hours of 5 a.m. and 6:30 a.m., 9:30 a.m. and 4 p.m., and 6 p.m. and 9 p.m., a vessel, tug, or any watercraft unable to pass under the bridge approaches it, the signal of intention to pass through the draw and for the draw to be opened shall be three blasts of a whistle or horn blown on the craft. When such signal is given, the bridge shall be immediately cleared, no vehicle or person not then on the drawspan shall be allowed to come upon it, and the draw shall be opened forthwith.

If the draw is ready to be opened immediately, the draw operator shall answer immediately by three blasts of a whistle or horn blown on the bridge; and if the draw is not ready to be opened immediately, he shall answer by one short blast of a whistle or horn blown on the bridge.

(b) The draw shall not be required to open to vessels between 6:30 a. m. and

9:30 a. m. and between 4 p. m. and 6 p. m., except in cases involving the passage of fire boats, police boats, and craft similarly engaged in emergency operations. An attendant shall be kept on duty during these periods.

(c) When a vessel, tug, or any watercraft unable to pass under the bridge desires to pass through the draw at any time between the hours of 9 p. m. and 5 a. m., notice of such intention shall be given to the superintendent of the bridge by telephone or otherwise, either at the bridge before 9 p. m. or at his residence thereafter. If the notice is given between the hours of 5 a. m. and 9 p. m., or if at least one-half hour has elapsed since it was given, the draw shall be promptly opened at the time specified in the notice on signal given and answered as hereinbefore prescribed.

(d) The owner of the bridge shall keep conspicuously posted thereon, in such manner that it may be easily read at any time, a notice stating how the superintendent may be reached and shall arrange for ready telephonic communication with him at any time between 9 p. m. and 5 a. m., either from the bridge or from its immediate vicinity.

§ 117.310 Severn River, Md.; bridge (highway) near Annapolis, Md.

(a) The leaves of the draw shall be promptly raised to their full height so as to provide full horizontal clearance through the bridge at any time during the day or night for all vessels desiring to pass through it whose masts are 15 feet or more in height or for any vessels whose hulls, deckhouses, or cargoes are of such height that they will not pass under the bridge when it is closed.

(b) Vessels have the right of way over vehicles or persons using the bridge.

(c) A vessel approaching the bridge and desiring to pass through the draw shall signal by three blasts of a whistle or horn. The signal shall be answered by three blasts of a whistle or horn that can be heard three-fourths of a mile from the bridge, and the draw shall be opened forthwith. In case, however, of accidents to the machinery or other contingency involving unavoidable delay in opening the draw, the signal shall be answered by one blast of a whistle or horn.

§ 117.311 Spa Creek, Md.; highway bridge at Annapolis.

(a) The owner of or agency controlling the bridge shall not be required to open the draw between the hours of 7:30 a.m. and 9:00 a.m. and between the hours of 4:30 p.m. and 6:00 p.m., Monday through Friday, inclusive, except on State and Federal holidays: *Provided*, That the draw shall be opened at any time for the passage of a vessel in an emergency involving danger to life or property, which shall be indicated by four blasts of a whistle, horn or megaphone.

(b) Whenever any emergency vehicle sounds an alarm for the purpose of crossing the bridge toward a fire or other emergency situation involving life or property, the bridgetender shall, if the draw is open, close the same as soon as practicable; and after the draw is closed, or if it is closed at the time, keep it closed until such emergency vehicle has crossed the bridge.

(c) The owner of or agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time.

(d) In all other respects, the regulations contained in § 117.240 of this part shall govern the operation of this bridge.

§ 117.325 Potomac River at Washington, D.C.; drawbridges.

The draws of the bridges need not be opened for the passage of vessels.

§ 117.330 Anacostia River, Washington, D.C.; bridges.

(a) *Pennsylvania Railroad Company Freight Bridge No. 134.35.* (1) During the period from April 1 to September 30, inclusive, on Saturdays, Sundays, and legal holidays, the lift span shall be opened on signal. During the same period, on weekdays between the hours of 10:00 a.m. and 8:00 p.m., the lift span shall be opened on signal on the hour for the passage of two or more vessels or other watercraft: *Provided*, That in no case shall the delay to a single vessel be more than 30 minutes.

(2) During the period from April 1 to September 30, inclusive, on weekdays between the hours of 8:00 p.m. and 10:00 a.m., and from October 1 to March 31, inclusive, on Saturdays, Sundays, and legal holidays between the hours of 10:00 a.m. and 6:00 p.m., the lift span shall be opened on signal on the hour for the passage of any vessel or other watercraft: *Provided*, That when once opened the bridge shall remain open sufficiently long to permit the passage of all vessels or other watercraft which may be in sight of the bridgetender and expected to desire a passage of the bridge. The time referred to shall be eastern standard or eastern daylight time, whichever is in effect locally.

(3) At all other times not covered, at least two hours' advance notice is required to be given to the designated representative of the owner of or agency controlling the bridge. The notice shall contain the name or number of the vessel and the expected time of its arrival at the bridge.

(4) Vessels employed or controlled by the United States Government, the District of Columbia and agencies of the State of Maryland shall be passed without delay through the draw of said bridge at any hour of the day or night upon giving the proper signal.

(5) Clearance gages, of a type approved by the Commandant, shall be provided by the owners of the bridge. These gages shall be so set and maintained on the upstream and downstream fenders of the bridge as to show accurately and clearly the distance between the water surface and the lowest point of the closed lift span.

(6) The bridge shall not be required to be opened for the passage of vessels habitually using the waterway and carrying appurtenances such as radio antenna or flag staffs which as determined by the District Commander, can readily be removed, lowered or hinged, and which are otherwise capable of clearing the bridge when closed. Habitual users are defined as any vessel passing the bridge as often as seven (7) times in a 30-day period.

(7) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can easily be read at all times, a copy of the regulations in this paragraph, together with a notice stating a local telephone number where the representative specified in subparagraph (3) of this paragraph may be reached.

(c) *District of Columbia highway bridge at South Capitol Street.* (1) Between the hours of 6:00 a.m. and 9:00 a.m., and between the hours of 3:30 p.m. and 6:30 p.m., daily, the draw need not be opened for the passage of navigation, except that in the case of an emergency the draw will be opened for the passage of U.S. Government owned vessels, regardless of the hour.

(2) The draw will occasionally be closed to navigation, without advance notice, to permit uninterrupted transit of dignitaries across the bridge.

(3) At all times not covered by the regulations in this paragraph, and in all other respects, the regulations contained in § 117.240 shall govern the operation of this bridge.

(4) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations of this paragraph.

§ 117.340 Rappahannock River, Va.; all bridges.

(a) The corporations or persons owning or controlling a drawbridge shall provide the same with the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw and shall maintain the fender system in good condition for the passage of vessels.

(b) If the weather conditions are good and sound signals can be heard when a vessel approaches a drawbridge and desires to pass through the draw, three distinct blasts of a whistle, horn, or megaphone shall be sounded from the vessel when within reasonable hearing distance of the bridge.

(1) When the draw of the bridge can be opened immediately, the draw tender shall reply by three distinct blasts of a whistle, horn, or megaphone or by three loud and distinct strokes of a bell.

(2) When the draw of the bridge cannot be opened immediately or when the bridge is open and is to be closed immediately, the draw tender shall reply by two long distinct blasts of a whistle, horn, or megaphone or by two loud and distinct strokes of a bell.

(c) When weather conditions prevent hearing the sound signals when a vessel approaches a drawbridge and desires to

pass through the draw, signals shall be made from the vessel by swinging in circles at arm's length a lighted lantern at night and a flag by day.

(1) When the draw of the bridge can be opened immediately, the draw tender shall reply by raising and lowering in vertical plane a number of times a lighted lantern at night and a flag by day.

(2) When the draw of the bridge cannot be opened immediately or when the bridge is open and is to be closed immediately, the draw tender shall reply by swinging to and fro horizontally a number of times a lighted lantern at night and a flag by day.

(d) When a vessel wishes to pass two or more bridges close together signals as prescribed above shall be given from the vessel for opening the first bridge, followed at an interval of about 5 seconds by the same signals for the second bridge, and so on, thus giving at intervals of about 5 seconds, separate signals for each bridge the vessel desires to pass.

(e) When two or more vessels are approaching the bridge at nearly the same time from the same or opposite directions with the draw opened or closed, each of these vessels shall signal independently for the opening of the draw, and the draw tender shall reply as prescribed and in turn to the signal of each vessel.

(f) Where bridges are less than 500 feet apart, the signals to govern the movements of the approaching vessel shall be given from the bridge nearest the vessel. If that bridge can be opened immediately, the bridge tender shall await the reply signals from the other bridges and then give the signal circumstances require. If the nearest bridge cannot be opened immediately, the prescribed signal shall be given the approaching vessel at once, to be followed as soon as possible by the signal from that bridge that the draws are about to open.

(g) The draw shall be opened with the least possible delay, upon receiving the prescribed signal: *Provided*, That the drawspan shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the operator of the drawspan.

(h) When a bridge tender is about to close a draw, he shall sound two distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell.

(i) Trains, vehicles, vessels or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draws, but all passage over the drawspans or through the draw openings shall be in a manner to expedite both land and water traffic.

(j) Any vessel with or without tows requiring the opening of the draw of a bridge on which only one draw opening is protected by a fender system, shall pass through the opening so protected.

(k) A copy of the regulations in this section will be conspicuously posted on both upstream and downstream sides of the bridges in such manner that it can be easily read at any time.

**§ 117.343 Milford Haven, Va.; Virginia Department of Highways bridge between the mainland and Gwynns Island.**

(a) The draw of the bridge shall not be required to be opened for the passage of vessels, habitually using the waterway and carrying appurtenances unessential for navigation (such as patent tong masts, flagstaffs, radio antennas, etc.), which are otherwise capable of clearing the bridge when closed: *Provided*, That vessels engaged in commercial oystering or haul seine fishing shall be passed promptly at any time during the respective legal oystering or haul seine fishing seasons.

(b) Any vessel passing through the bridge as often as once a day for 5 consecutive days of any month will be regarded as a habitual user within the meaning of this section. Failure of any vessel to comply with the regulations after one warning by the person controlling the bridge shall be sufficient cause for refusal to open the draw for the future passage of the vessel.

**§ 117.349 Eastern Branch of Elizabeth River, Va.; Elizabeth River Tunnel Commission bridge between Norfolk and Berkley.**

(a) *Sound signals.* To be used if weather conditions are such that sound signals can be heard:

(1) *Call signal for opening of draw.* When a vessel approaches the bridge and desires to pass through the draw, three distinct blasts of a whistle, horn or megaphone or three loud and distinct strokes of a bell shall be sounded from the vessel when within reasonable hearing distance of the bridge.

(2) *Acknowledging signals*—(i) *When the draw must be cleared of traffic and prepared for opening.* The draw tender shall reply with two distinct blasts of a whistle, horn or megaphone or by two loud and distinct strokes of a bell. The vessel shall be checked and standby for either the signal in subdivision (ii) or subdivision (iii) of this subparagraph.

(ii) *When the draw is clear of traffic and can be opened immediately.* The draw tender shall reply with three distant blasts of a whistle, horn or megaphone or by three loud and distinct strokes of a bell.

(iii) *When the draw cannot be opened for an indefinite period or when it is open and must be closed immediately.* The draw tender shall reply with four or more distinct blasts of a whistle, horn or megaphone or four or more loud and distinct strokes of a bell, to be followed by the signal in subdivision (ii) of this subparagraph when the draw is to be opened.

(b) *Visual signals.* To be used if weather conditions are such that sound signals may not be heard.

(1) *Call signal for opening of draw.* When a vessel approaches the bridge and desires to pass through the draw signals shall be made from the approaching vessel by swinging in vertical circles at arm's length a lighted lantern at night and a flag by day.

(2) *Acknowledging signals*—(i) *When the draw must be cleared of traffic and prepared for opening.* The draw tender shall reply by swinging in vertical circles at arm's length a lighted lantern at night and a flag by day. The vessel shall be checked and standby for either the signal in subdivision (ii) or subdivision (iii) of this subparagraph.

(ii) *When the draw is clear of traffic and can be opened immediately.* The draw tender shall reply by raising and lowering in a vertical plane a number of times a lighted lantern at night and a flag by day.

(iii) *When the draw cannot be opened for an indefinite period or when it is open and must be closed immediately.* The draw tender shall reply by swinging to and fro horizontally a number of times a lighted lantern at night and a flag by day, to be followed by the signal in subdivision (ii) of this subparagraph when the draw is to be opened.

(c) *Posting of regulations in this section.* The owner of or agency controlling the bridge shall keep a legible copy of the regulations in this section posted conspicuously on both the upstream and downstream sides of the bridge.

**§ 117.350 Albemarle and Chesapeake Canal (AIWW), Va.; U.S. Government bridge at Great Bridge.**

(a) The agency operating the bridge shall not be required to open the drawspan for pleasure craft between the hours of 7:30 a.m. and 8:30 a.m. and between the hours of 5 p.m. and 6 p.m., Monday through Friday, State and Federal holidays excepted. All commercial water traffic and all vessels of the United States shall be passed at all times. Other vessels shall be passed during restricted hours if life or property are endangered.

(b) Mooring facilities are provided for pleasure craft awaiting passage during the hours of restricted operation. These vessels shall be allowed to pass whenever the drawspan is opened for commercial or Federal traffic.

(c) During all other hours not specifically noted in this section, the drawspan of the bridge shall be opened for any vessel requiring passage.

(d) Signs shall be posted on both the upstream and downstream sides of the bridge regarding the hours of restricted operation in such a manner that they can easily be read at any time.

**§ 117.355 Bogue Sound (Atlantic Intracoastal Waterway), N.C.; North Carolina State Highway Commission bridge at Atlantic Beach.**

(a) During the period from June 15 to Labor Day, inclusive, on Saturdays and Sundays, and on Independence Day, the owner of or agency controlling this bridge will not be required to open the drawspan for the passage of vessels between the hours of 12 noon and 6:00 p.m., e.s.t., except at 2:00 p.m. and 4:00 p.m. when the bridge shall be opened to allow all accumulated vessels to pass, and except as provided in paragraphs (b) and (c) of this section.

(b) The drawspan shall be opened promptly upon the prescribed signal being given for the passage of towboats with tows, freight boats, and vessels owned or operated by the United States.

(c) The draw shall be opened promptly for the passage of any vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn or similar device.

(d) The owner of or agency controlling the bridge shall erect and maintain on both sides thereof, signs acceptable to the District Commander setting forth the salient features of the special regulations of this section.

**§ 117.370 Wappoo Creek (Atlantic Intracoastal Waterway), S.C.; South Carolina State Highway Department bridge (State Route 700) at Charleston.**

(a) The owner of or agency controlling the bridge shall not be required to open the draw between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m. daily, excluding Sundays and Federal holidays, except as provided in paragraph (b) of this section.

(b) The draw shall be opened promptly upon the prescribed signal being given for the passage of tugboats, freight boats, commercial fishing boats, vessels owned and operated by the United States, and boats or vessels in distress.

(c) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof the salient features of the regulations in this section.

**§ 117.404 Tybee (Bull) River, Ga.; highway bridge on U.S. Highway 80 between Savannah Beach and Thunderbolt.**

(a) The owner or agency controlling the bridge may keep the drawspan closed to navigation between 7:00 a.m. and 10:00 a.m. and between 4:00 p.m. and 7:00 p.m., except on the hour, when the bridge shall be opened to allow all accumulated vessels to pass, with the exception that during the period 1 April to 30 September, both dates inclusive, on Saturdays the drawspan will remain closed to navigation between 7:00 a.m. and 10:00 p.m., except on the hour, when the bridge will be opened to allow all accumulated vessels to pass, and on Sundays, July 4 and Labor Day the drawspan will remain in closed position between 6:00 a.m. and 10:00 p.m.

(b) The draw shall be opened at any time to allow the passage of a tow, common carrier, Coast Guard vessel, or vessel in distress.

(c) The owner of or agency controlling the bridge shall keep a copy of the regulations of this section conspicuously posted on both the upstream and downstream sides of the bridge in such a manner that it can be easily read at any time.

**§ 117.408 Back River, Ga.; drawbridge in the causeway between Brunswick and St. Simons Island.**

(a) The owner of or agency controlling the bridge shall not be required to open the drawspan between the hours of 6 a.m. and 9 a.m. and between the hours of 4 p.m. and 6 p.m., daily, except on the hour when the bridge shall be opened to allow all accumulated vessels to pass, and except as provided in paragraph (b) of this section.

(b) The draw shall be opened to allow the passage of a vessel in distress, a commercial tow or a Government vessel at any time upon sounding by the vessel of four blasts of a whistle or horn.

(c) The owner of or agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides of the bridge in such a manner that it can be easily read at any time.

**§ 117.430 St. Johns River, Fla.; Main Street, Acosta and Fuller Warren bridges, Jacksonville.**

(a) Between 7:30 a.m. and 9:00 a.m., and between 4:30 p. m. and 6:00 p. m., on all days other than Sundays and legal holidays, the draws need not be opened for the passage of vessels: *Provided*, That the draws shall be be opened at any time for the passage of a vessel in an emergency involving danger of life or property, which shall be indicated by four blasts of a whistle, horn, or megaphone.

(b) In all other respects, the regulations contained in § 117.240 of this part shall govern the operation of these bridges.

**§ 117.430a St. Johns River, Fla.; Florida State Road Department bridge between Sanford and Osteen.**

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in attendance or to open the drawspan between the hours of 7:00 p.m. and 7:00 a.m. except on 12 hours' advance notice to be given to the authorized representative of the owner of the bridge. Regular draw tender service will be maintained between 7:00 a.m. and 7:00 p.m.

(b) The owner of or the agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that they can easily be read at any time, signs setting forth the salient features of the regulations and stating exactly how the authorized representative specified in paragraph (a) of this section may be reached for opening the bridge.

**§ 117.431 Ortega River, Fla.; Florida State Road Department bridge (Roosevelt Boulevard) near Jacksonville.**

(a) Except as otherwise provided in paragraphs (b), (c), and (d) of this section, the owner of or agency controlling the bridge shall not be required to open the drawspan for the passage of vessels between 6:30 a.m. to 9:00 a.m., and between 3:30 p.m. and 5:00 p.m. except that during these closure periods the bridge shall be opened on the hour and half-hour to allow any accumulated vessels to pass.

(b) The regulations in this section shall not be in force or effect on Saturdays, Sundays, or the following legal holidays:

New Year's Day.
Washington's Birthday.
Memorial Day (May 30).
Independence Day.
Labor Day.
Veterans Day (November 11).
Thanksgiving Day.
Christmas Day.

(c) The regulations in this section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of the bridge at any time on giving the usual signal.

(d) The draw shall be opened at any time for the passage of a vessel in an emergency caused by rough weather or otherwise to an extent sufficient to endanger life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(e) The owner of, or the agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides thereof in such manner that it can be easily read at any time.

**§ 117.431a Black Creek, Fla.; Florida State Highway Department bridge on State Road 15 (U.S. Highway 17) and Atlantic Coast Line Railroad Co. bridge near Doctors Inlet.**

(a) The owners of or agencies controlling the bridges shall not be required to keep draw tenders at the bridges between the hours of 7 p.m. and 10 a.m. each day. Regular draw tender service will be maintained between the hours of 10 a.m. and 7 p.m.

(b) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides of the bridges, in such manner that they can be easily read at any time, signs setting forth the salient features of the regulations in this section.

**§ 117.432 Matanzas River (Intracoastal Waterway), Fla.; Bridge of Lions (State Road No. A1A) in St. Augustine.**

(a) Except as otherwise provided in paragraph (b) of this section, the owners or agency controlling the bridge shall not be required to open the drawspan for the passage of vessels between 7:30 a.m. and 8:15 a.m. and between 5:00 p.m. and 5:45 p.m., Monday through Friday of each week.

(b) The drawspan shall be opened promptly at any time to allow the passage of tugboats with tows, vessels owned or operated by the United States, and vessels in distress. Such vessels desiring to pass shall so indicate by four blasts of a whistle or similar device.

(c) The owners of or agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time.

**§ 117.432a Matanzas Pass, Fla., Florida State Road Department bridge (State Road 865) at Fort Myers Beach.**

(a) The owner of or agency controlling the bridge shall not be required to

open the drawspan between the hours of 4:30 p.m. and 6 p.m. except on the hour and half-hour when the draw shall be opened to allow all accumulated vessels to pass.

(b) The drawspan shall be opened at any time upon a signal of 4 short blasts of a whistle or horn or similar device to allow the passage of a tow or vessel in distress.

(c) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in such manner that they can easily be read at any time, signs setting forth the salient features of the regulations of this section.

**§ 117.434 Oklahoma River, Haines Creek, and Dead River, Fla.; Bridges over Oklawaha River on State Road S-316 at Eureka, State Road 40 at Delks Bluff (Colbys Landing), State Road 464 at Moss Bluff, and State Road 42 at Starkes Ferry, and over Haines Creek on State Road 44 near Lisbon.**

(a) The owner of or agency controlling these bridges will not be required to keep a draw tender at the bridges between the hours of 7:00 p.m. and 7:00 a.m. Operators of vessels unable to pass under the bridges in closed position shall give the authorized representative of the owner of the bridges by telephone at least 3 hours' advance notice for passages between 7:00 p.m. and 7:00 a.m. Regular draw tender service will be maintained between 7:00 a.m. and 7:00 p.m.

(b) Seaboard Coastline Railroad Company bridge near Tavares: The owner of or agency controlling the bridge will not be required to open the drawspan between 10:00 p.m. and 6:00 a.m. the following day.

(c) The owner of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides of the bridges, in such a manner that they can easily be read at any time, copies of the regulations together with a notice stating exactly how the representatives specified in paragraph (a) of this section may be reached for opening the bridges.

**§ 117.435 Indian River (Intracoastal Waterway), Fla.: automatic operation of Florida East Coast Railway bridge near Jay Jay north of Titusville.**

(a) The bridge will not be manned by a regular attendant.

(b) The bascule span will normally be in the open position, displaying flashing green signals, to allow the movement of water traffic.

(c) When a train approaches the bridge, the navigation signals will go to flashing red, and a horn starts four blasts, pauses and then continues four blasts, etc.

(d) After an eight (8) minute time delay, the bridge will lower and lock providing the scanning equipment reveals nothing under the bridge.

(e) After the train has cleared, the bridge will raise and the signals will return to flashing green for navigation.

(f) Train crews can hold the bridge down by pushing a hold button, and the bridge will remain down for a period of eight (8) minutes or while the approach track circuit is occupied.

**§ 117.435a Banana River, Fla.; NASA Causeway Bridge near Orsino.**

(a) Any authorized vessel or person requiring the drawspan to be opened for the passage of navigation shall give the NASA Security Office by telephone at least 4 hours' advance notice of the time at which such opening will be required.

(b) The owner of or operator of the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that they can easily be read at any time, copies of the regulations together with a notice stating exactly how the Security Office specified in paragraph (a) of this section may be reached for opening the drawspan.

**§ 117.436 Indian River, Fla.; Florida State Road Department bridges at Titusville, Cocoa, Eau Gallie, Melbourne, and the National Aeronautics and Space Administration bridge at Addison Point.**

(a) Except as provided in paragraphs (b) and (c) of this section, the owner of or agency controlling the bridges at Titusville, Addison Point, Cocoa, Eau Gallie and Melbourne shall not be required to open the drawspans between 6:45 a.m. and 7:45 a.m. and between 4:15 p.m. and 5:45 p.m., Monday through Friday of each week.

(b) The draws shall be opened promptly upon the prescribed signal being given for the passage of towboats with tows and vessels owned or operated by the United States.

(c) The draws shall be opened promptly for the passage of a vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or similar device.

(d) The owner of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this section.

**§ 117.436a Loxahatchee River at Jupiter, St. Lucie River (Okeechobee Waterway) at Stuart and St. Lucie Canal (Okeechobee Waterway) at Port Mayaca, Fla.; automatic operation of Florida East Coast Railway bridges.**

(a) The bridges will not be manned by a regular attendant.

(b) The spans will normally be in open position, displaying flashing green signals, to allow the movement of water traffic.

(c) When a train approaches one of the bridges the navigation signals will go to flashing red, and a horn starts four blasts, pauses and then continues four blasts, etc.

(d) After an eight (8) minute time delay, the bridge will lower and lock providing the scanning equipment reveals nothing under the bridge.

(e) After the train has cleared, the bridge will raise and the signals will return to flashing green for navigation.

(f) Train crews can hold the bridge down by pushing a hold button, and the bridge will remain down for a period of eight (8) minutes or while the approach track circuit is occupied.

**§ 117.437 Canaveral Harbor Barge Canal, Fla.; Florida State Road Department bridges, State Road A1A on Merritt Island and State Road 401 at Canaveral Harbor, Fla.**

(a) The owner of or operator of the bridges shall not be required to maintain constant bridgetender service between the hours of 10 p.m. and 6 a.m. daily.

(b) Upon advance notice of at least 3 hours to the authorized representative of the owner of the bridges, the drawspans will be opened for passage of commercial craft between the hours of 10 p.m. and 6 a.m. daily.

(c) The owner of or operator of the bridges shall not be required to open the drawspans between the hours of 6:45 a.m. and 7:45 a.m. and 4:15 p.m. and 5:45 p.m., Mondays through Fridays, except as follows:

(1) The drawspans shall be opened promptly upon the prescribed signal being given for the passage of towboats with tows and vessels owned or operated by the United States.

(2) The drawspans shall be opened promptly for the passage of a vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or similar device.

(d) The owner of or operator of the bridges shall keep conspicuously posted on both the upstream and downstream sides of the bridges, in such manner that they can easily be read at any time, copies of the regulations in this section together with notices stating exactly how the authorized representative in paragraph (b) of this section may be reached to open the bridges.

**§ 117.439 St. Lucie Canal, Fla.; Seaboard Air Line Railroad Co. bridge near Indiantown.**

(a) The owner of or agency controlling the bridge shall not be required to keep a drawtender in constant attendance or to open the drawspan between the hours of 10 p.m. and 6 a.m. except as provided in paragraph (b) of this section.

(b) Owners and operators of vessels unable to pass under the bridge in a closed position are urged to schedule their trips to pass the bridge between the hours of 6 a.m. and 10 p.m. The drawspan will be opened between the hours of 10 p.m. and 6 a.m., however, for the passage of commercial tows when it can be shown that the passage could not be scheduled during regular hours of operation without extreme inconvenience and added cost: *Provided*, That at least 3 hours' advance notice of the time at which such opening will be required is given to the Chief Dispatcher, Seaboard Air Line Railroad Co., Jacksonville, Fla.

(c) The owner of or agency controlling the bridge shall keep conspicuously

posted on both sides of the bridge, in such manner that they can easily be read at any time, signs setting forth the salient features of the regulations and the current telephone number of the authorized representative specified in paragraph (b) of this section, and shall keep the District Commander and the Locktender at St. Lucie Lock notified of the current telephone number.

**§ 117.439a St. Lucie Canal, Fla.; the Martin County bridge on State Road 76A near the Arundel Shops (Palm City Farms).**

(a) The owner of or agency controlling the bridge shall not be required to keep a drawtender in constant attendance or to open the drawspan between the hours of 10 p.m. and 6 a.m., except upon 3 hours' advance notice for the passage of commercial tows. Regular drawtender service will be maintained between the hours of 6 a.m. and 10 p.m.

(b) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that they can easily be read at any time, signs setting forth the salient features of the regulations and stating exactly how the representative currently designated to receive the advance notice for opening the bridge may be reached.

**§ 117.439b Lake Worth (Intracoastal Waterway), Fla.; Singer Island bridge at Riviera Beach.**

(a) The owner of or agency controlling the bridge shall not be required to open the drawspan between the hours of 8 a.m. and 6 p.m., daily, except on the hour and half-hour when the bridge shall be opened to allow all accumulated vessels to pass, and except as otherwise provided in paragraph (b) of this section.

(b) The drawspan shall be opened to allow the passage of a vessel in distress, a cruise boat operating on regular schedule, a commercial tow, or a vessel owned and operated by the United States at any time upon sounding by the vessel of four blasts of a whistle or horn.

(c) The owner of or agency controlling the bridge shall place conspicuously on both sides of the bridge signs of such size that they can be easily read at any time, clearly indicating the nature of the regulations.

**§ 117.440 Lake Worth (Intracoastal Waterway), Fla.; Flagler Memorial and Royal Park bridges, Palm Beach, Florida.**

(a) During the period 15 November to 30 April, both dates inclusive, the owners of or agencies controlling these bridges will not be required to open the drawspans between the hours of 7:30 a. m. and 9:30 a. m., and between the hours of 4:30 p. m. and 6:30 p. m., except that the drawspan of the Flagler Memorial Bridge shall be opened on the hour and half-hour and the drawspan of the Royal Park Bridge shall be opened 15 minutes before and 15 minutes after the hour to allow all accumulated vessels to pass, and except as provided in paragraph (b) of this section.

(b) The draws shall be opened to allow the passage of a vessel in distress or of a commercial tow at any time upon the sounding by the vessel of four blasts of a whistle or horn.

(c) The owner of or agencies controlling the bridges shall place conspicuously on both sides of each bridge signs of such size that they can be easily read at any time, clearly indicating the nature of the regulations.

**§ 117.442 Hillsboro Inlet, Fla.; State Road Department of Florida highway bridge (State Road No. A1A) near Pompano Beach, Fla.**

(a) During the period 1 December to 30 April, both dates inclusive, except as otherwise provided in paragraphs (b) and (c) of this section, the owner of or agency controlling the bridge shall not be required to open the drawspan between the hours of 7:00 a.m. and 7:00 p.m., except on the hour and half-hour when the drawspan shall be opened to allow all accumulated vessels to pass, and except that from 7:30 a.m. to 8:30 a.m., from 11:45 a.m., to 1:30 p.m., and from 4:45 p.m. to 5:30 p.m., the bridge will be opened at any time upon request.

(b) The regulations in this section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of the bridge at any time on giving the usual signal.

(c) The draw of the bridge shall be opened at any time for the passage of a tow or of a vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(d) The owner of or agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides thereof, in such a manner that it can be easily read at any time.

**§ 117.443 Intracoastal Waterway, Fla.; State Road Department of Florida highway bridge at Atlantic Boulevard in Pompano Beach, Fla.**

(a) During the period November 1 to May 31, both dates inclusive, except as provided in paragraphs (b) and (c) of this section, the owner of or agency controlling this bridge shall not be required to open the drawspan between the hours of 7:00 a.m. and 6:00 p.m., both inclusive, except on the hour and the half-hour.

(b) The draw shall be opened promptly upon the prescribed signal being given for the passage of towboats with tows and vessels owned or operated by the United States.

(c) The draw shall be opened promptly for the passage of a vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or similar device.

(d) The owner of or agency controlling the bridge shall erect and maintain on both sides thereof, signs acceptable to the District Commander setting forth the salient features of the special regulations of this section.

**§ 117.446 New River Sound and Stranahan River (Intracoastal Waterway), Fort Lauderdale, Fla., bridges.**

(a) *East Las Olas Boulevard Bridge across New River Sound.* During the period November 15 to May 15, both dates inclusive, except as provided in paragraph (c) of this section, the owner of or agency controlling this bridge will not be required to open the drawspan between the hours of 7 a.m. and 6 p.m., except on the hour and half-hour when the bridge shall be opened to allow all accumulated vessels to pass.

(b) *Sunrise Boulevard Bridge across New River Sound.* During the period November 15 to May 15, both dates inclusive, except as provided in paragraph (c) of this section, the owner of or agency controlling this bridge will not be required to open the drawspan between the hours of 7:15 a.m. and 6:15 p.m., except on the quarter-hour and three-quarter hour when the bridge shall be opened to allow all accumulated vessels to pass.

(c) The draws of the bridges listed in paragraphs (a) and (b) of this section shall be opened at any time upon a signal of 4 short blasts of a whistle, horn or similar device to allow the passage of a tow or vessel in distress.

(d) The owner of or agency controlling the bridges shall place signs, of a size and description designated by the District Commander, at each side of these bridges and at a distance of one-half mile above and below each bridge indicating the nature of the regulations.

(e) *Southeast 17th Street bridge across Stranahan River (Intracoastal Waterway).* (1) During the period November 15 to May 15, both dates inclusive, except as provided in subparagraphs (2) and (3) of this paragraph, the owner of or agency controlling this bridge will not be required between the hours of 7 a.m. and 7 p.m. to reopen the bridge for waterway traffic for a period of 15 minutes after each closure. The owner of or agency controlling the bridge will display on both sides thereof a time clock acceptable to the District Commander which will indicate to approaching waterway traffic the number of minutes remaining before the bridge will be available for opening.

(2) Upon receipt of the proper signal the draw shall be opened at any time to allow the passage of a tug with a tow, a vessel owned and operated by the United States or a vessel in distress. The proper signal for such an opening shall be indicated by four blasts of a whistle, horn, or similar device.

(3) The owner of or agency controlling the bridge shall erect and maintain conspicuously on both sides thereof signs acceptable to the District Commander, setting forth the salient features of the regulations in this paragraph.

**§ 117.446a Intracoastal Waterway, Fla.; Hollywood Boulevard bridge, Hollywood, Fla.**

(a) During the period November 15 to May 15, inclusive, the owner of or agency controlling the Hollywood Boulevard bridge will not be required to open the

drawspan between the hours of 10:00 a.m. and 6:00 p.m., except on half-hour intervals, on the hour and half-hour when the bridge shall be opened to allow all accumulated vessels to pass, and except as provided in paragraph (c) of this section.

(b) During the period May 16 to November 14, inclusive, on Saturdays, Sundays, Memorial Day, Independence Day, Labor Day and Veterans Day, the owner of or agency controlling the bridge will not be required to open the drawspan between the hours of 9:00 a.m. and 7:00 p.m., except on the hour and half-hour when the bridge shall be opened to allow all accumulated vessels to pass, and except as provided in paragraph (c) of this section.

(c) Upon receipt of the proper signal the draw shall be opened at any time to allow the passage of a tow, sailing vessel, vessel in distress, and cruise boats operating on regular schedule. The proper signal for such openings shall be indicated by four blasts of a whistle, horn or similar device.

(d) The owner or agency controlling the bridge shall keep a copy of the regulations of this section conspicuously posted on both the upstream and downstream sides thereof in such manner that it can be easily read at any time.

**§ 117.446b Intracoastal Waterway, Fla.; Hallandale bridge at Hallandale, Fla.**

(a) During the period November 15, to May 15, both dates inclusive, the owner or agency controlling this bridge will not be required to open the drawspan between the hours of 10:15 a.m., and 6:15 p.m., except on half-hour intervals, on the quarter-hour and three quarter-hour when the bridge shall be opened to allow all accumulated vessels to pass, and except as provided in paragraph (b) of this section.

(b) Upon receipt of proper signal the draw shall be opened at any time to allow the passage of a tow, sailing vessel, vessel in distress, and cruise boats operating on regular schedule.

(c) The owner of or agency controlling this bridge shall erect and maintain, on both sides thereof, signs acceptable to the District Commander, setting forth the salient features of the special regulations of this section.

**§ 117.446c New River and South Fork of New River, Fort Lauderdale, Fla.; bridges.**

(a) *Andrews Avenue bridge over New River.* Except as provided in subparagraphs (2) and (3) of paragraph (b) of this section, the owner of or agency controlling this bridge will not be required to open the drawspan for an upbound boat when the nearby Florida East Coast Railroad bridge is in a down position.

(b) *Southwest 12th Street bridge over South Fork of New River.* (1) During the period November 15 to May 15, both dates inclusive, except as provided in subparagraphs (2) and (3) of this paragraph, the owner of or agency controlling this bridge will not be required to open the drawspan for the passage of waterway traffic between the hours of 7 a.m. and 9 a.m. and 4 p.m. and 6 p.m., Monday through Friday, except on the hour and half-hour when the bridge shall be opened to allow any accumulated vessels to pass.

(2) Upon receipt of the proper signal the draw shall be opened at any time to allow the passage of a tug with a tow, a vessel owned and operated by the United States, a vessel in distress, or a cruise boat operating on regular schedule. The proper signal for such an opening shall be indicated by four blasts of a whistle, horn, or similar device.

(3) The owner of or agency controlling the bridge shall erect and maintain conspicuously on both sides thereof signs acceptable to the District Commander, setting forth the salient features of the regulations in this paragraph and paragraph (a) of this section.

(c) *State Road No. 84 bridge at Mile 4.4 over South Fork of New River.* The owner of or agency controlling this bridge will not be required to keep a draw tender constantly on duty. An advance notice of at least 24 hours will be required to open the drawspan.

**§ 117.446d Indian Creek, Fla.; bridge at 63d Street, Miami Beach.**

(a) During the period from December 1 to April 1, inclusive, the owners of or agencies controlling the bridge shall not be required to open the drawspan between 11 a.m. and 6 p.m. except that the drawspan shall be opened each hour on the hour for sufficient time to pass any vessels awaiting passage, and except as provided in paragraph (b) of this section.

(b) The drawspan shall be opened promptly for passage of a vessel in an emergency involving danger to life or property, cruise boats operating on regular schedules and vessels owned and operated by the United States. The proper signal for such openings shall be indicated by four blasts of a whistle, horn or similar device.

(c) The owner of or agency controlling the bridge shall keep a copy of the regulations of this section conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time.

**§ 117.447 Biscayne Bay, Fla.; State Road Department of Florida highway bridge (MacArthur or 13th Street Causeway) and Dade County Port Authority highway bridge (Venetian or 15th Street Causeway), Miami, Fla.**

(a) During the period from November 1 to April 30, both dates inclusive, the owners of or agencies controlling these bridges shall not be required to open the west drawspans of the MacArthur and Venetian Causeways between 7:00 a.m. and 9:00 a.m. or between 4:30 p.m. and 6:30 p.m., except that both drawspans shall be opened on the half hour and even hour for sufficient time to pass any vessels awaiting passage.

(b) During the period from November 1 to April 30, both dates inclusive, the owner of or agency controlling Venetian Causeway shall not be required to open the east drawspan between 7:15 a. m. and 8:45 a. m. or between 4:45 p. m. and 6:15 p. m., except that the drawspan shall be opened at 7:45 a. m. and 8:15 a. m., 5:15 p. m. and 5:45 p. m. for sufficient time to pass any vessels awaiting passage.

(c) Any of the drawspans shall be opened at any time when required by a tow, or in an emergency. An emergency shall be indicated by four blasts of the signalling device.

(d) Officers of the Police Departments of Miami and Miami Beach shall be stationed at the respective draws and at the ends of the causeways during the above hours to regulate traffic in conjunction with the bridge tenders.

(e) Boat owners shall cooperate insofar as possible to facilitate the operation of the draws of the bridges.

(f) Signs indicating the nature of the regulations will be placed by the State Road Department and the Dade County Port Authority where and as directed by the District Commander.

**§ 117.447a Biscayne Bay, Fla.; Dade County Bridge (Rickenbacker Causeway), Miami, Fla.**

(a) Except as otherwise provided in paragraphs (b), (c), and (d) of this section, the owner or agency controlling the bridge shall not be required to open the drawspan for the passage of vessels from 4:00 p.m. to 5:00 p.m. and from 5:15 p.m. to 6:00 p.m. on Saturdays, Sundays and the following legal holidays:

New Year's Day.
Independence Day.
Labor Day.
Veterans Day (November 11).
Thanksgiving Day.
Christmas Day.

(b) The regulations in this section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of the bridge at any time on giving the usual signal.

(c) During the display of small craft warnings or warnings for winds of greater force by the United States Weather Bureau affecting the area, the bridge shall be opened for the passage of vessels giving the usual signal at any time.

(d) The draw of the bridge shall be opened at any time for the passage of a tow or of a vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(e) The owner of or agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both sides thereof, in such manner that it can be easily read at any time.

**§ 117.448 Miami River, Fla.; highway bridges from mouth to and including city of Miami bridge at Northwest 27th Avenue, Miami.**

(a) Except as otherwise provided in paragraphs (b), (c), and (d) of this section, the owners of or agencies controlling these bridges shall not be required to open the drawspans for the passage of vessels from 7:30 a.m. to 9:00 a.m. and

from 4:30 p.m. to 6:00 p.m. on all days other than Sundays and the following legal holidays: New Year's Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

(b) This section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of any bridge at any time on giving the usual signal.

(c) During the existence of a hurricane alert duly issued by the United States Weather Bureau affecting the Miami area, all of the bridges shall be opened for the passage of vessels giving the usual signal at any time.

(d) The draw of any bridge shall be opened at any time for the passage of a vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(e) The owners of or agencies controlling the bridges shall keep a copy of the regulations of this section conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time.

(f) This section shall remain in full force and effect until revoked or modified by the Commandant.

**§ 117.449 Miami River, Fla.; Seaboard Air Line Railroad Co. bridge, Miami.**

The owner of or agency controlling the bridge will be required to provide bridge tender service only between the hours of 8:30 a.m. and 5:30 p.m., Monday through Friday. At all other times the draw will be opened for the passage of vessels upon three hours' advance notice.

**§ 117.462 Caloosahatchee River, Fla.; Florida State Road Department bridge (Edison Bridge) at Fort Myers.**

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, the owner of or agency controlling the bridge shall not be required to open the drawspan between the hours of 4:30 p.m., and 5:30 p.m., daily except on Sundays and the following legal holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

(b) The regulations in this section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of the bridge at any time on giving the usual signal.

(c) The draw of the bridge shall be opened at any time for the passage of a tow or of a vessel in an emergency involving danger of life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that they can easily be read at any time, signs setting forth the salient features of the regulations in this section.

**§ 117.463 Manatee River, Fla.; State Road Department of Florida bridge near Bradenton.**

(a) Between 7 a.m. and 9 a.m. and between 4 p.m. and 6 p.m., the draw need not be opened for the passage of vessels, except as provided in paragraph (b) of this section.

(b) The draw shall be opened promptly on signal for the passage of (1) Government owned or operated vessels, (2) any vessel during the existence of a hurricane alert issued by the United States Weather Bureau and affecting the area, and (3) any vessel in an emergency involving danger of life or property. An emergency shall be indicated by four blasts of a whistle, horn, or megaphone blown on the vessel.

(c) At times other than those specified in paragraph (a) of this section, and in all other respects the regulations contained in § 117.240 shall govern the operation of this bridge.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge, in such manner that it can easily be read at any time, a copy of the regulations of this section.

**§ 117.465 Hillsborough River, Tampa, Fla.**

(a) *City of Tampa highway bridges at Platt and Krause Streets and State Road Department of Florida highway bridge at Lafayette Street.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, the owners of or agencies controlling these bridges shall not be required to open the draws for the passage of vessels between 8:30 a. m. and 9:30 a. m. and between 5:00 p. m. and 6:15 p. m. on all days except Sundays.

(2) The draws shall be opened at any time to allow the passage of vessels owned or operated by the United States and vessels in distress. A vessel owned or operated by the United States or a vessel in distress desiring to pass either bridge shall so indicate by four blasts of a whistle or similar device.

(3) The owners of or agencies controlling the bridges shall keep a copy of the regulations in this paragraph conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time.

(b) *City of Tampa highway bridge at West Columbus Drive (Michigan Avenue).* (1) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance between 10:00 p.m. and 6:00 a.m.

(2) Persons requiring the opening of the draw of the bridge between 10:00 p.m. and 6:00 a.m. shall, except in an emergency, give one hour's advance notice of the time at which such opening will be required. Such notice may be given in person, in writing, or by telephone to the authorized representative of the owner of or agency controlling the bridge. Upon receipt of such notice, the authorized representative shall cause a draw tender to be on duty at the bridge at the time specified in the notice, and the bridge shall at such time and for a reasonable period thereafter be prepared to open promptly for the passage of vessels.

(3) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this paragraph, together with a notice stating exactly how the representative specified in subparagraph (2) of this paragraph may be reached.

(c) *State Road Department of Florida highway bridge at West Hillsborough Avenue.* (1) The owner of or agency controlling this bridge shall not be required to keep a draw tender in constant attendance between 10:00 p. m. and 6:00 a. m.

(2) Whenever, in the event of an emergency, a vessel, unable to pass under the closed bridge, is required to pass through the drawspan between 10:00 p. m. and 6:00 a. m., at least one hour's advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge. Upon receipt of such notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(3) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this paragraph, together with a notice stating exactly how the representative specified in subparagraph (2) of this paragraph may be reached.

(d) *City of Tampa highway bridge at West Sligh Avenue.* (1) The owner of or agency controlling this bridge shall not be required to keep a draw tender in constant attendance between 6:00 p.m. and 7:00 a.m.

(2) Whenever, in the event of an emergency a vessel, unable to pass under the closed bridge, is required to pass through the drawspan between 6:00 p.m. and 7:00 a.m., at least one hour's advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge. Upon receipt of such notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(3) The owner of or agency controling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this paragraph, together with a notice stating exactly how the representative specified in subparagraph (2) of this paragraph may be reached.

**§ 117.466 Clearwater Harbor, Fla.; the City of Clearwater bridge (Memorial Causeway), Clearwater, Fla.**

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, the owner or agency controlling the bridge shall not be required to open the drawspan for the passage of vessels on Saturdays, Sundays, Memorial Day, Independence Day and Labor Day between the hours of 4:30 p.m. and 7:00 p.m., except that the drawspan shall be opened at 5:15 p.m., 6:00 p.m., and 6:45 p.m. to allow all accumulated vessels to pass.

(b) The regulations in this section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of the bridge at any time on giving the usual signal.

(c) The draw of the bridge shall be opened at any time for the passage of a tow or of a vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(d) The owner of or agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time.

**§ 117.491 Mobile River and Chickasaw Creek, Ala.; Alabama State Highway bridge across Mobile River and Louisville & Nashville Railroad Co. bridge across Chickasaw Creek at Mobile, Ala.**

(a) *Sound signals for vessels.* (1) For vessels proceeding up or down Mobile River and requiring an opening of the highway bridge only, the vessel will give a signal of three long blasts.

(2) For vessels coming down Mobile River and intending to proceed up Chickasaw Creek, requiring an opening of the railroad bridge, the vessel will give a signal of one long blast, followed after a one minute interval by three long blasts.

(3) For vessels coming up Mobile River and intending to proceed up Chickasaw Creek, requiring an opening of both bridges, the vessel will give a signal of three long blasts, a one minute interval, and one long blast followed by three long blasts.

(4) The owners of or agencies controlling the bridges shall keep a legible copy of these regulations posted conspicuously on both the upstream and downstream sides of the bridges.

**§ 117.555 Mississippi River and its navigable tributaries and outlets, including the Atchafalaya River, La., above Grand Lake; bridges.**

(a) The owner of or the agency controlling a drawbridge crossing a navigable water of the United States shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draw.

(b) The draw shall be opened promptly when the signal prescribed in paragraph (d) of this section for the opening of the draw is received from an approaching vessel or other water craft which cannot pass under the closed draw, excepting when an approaching train is so close that it cannot be stopped safely before reaching the bridge or an approaching passenger or mail train is within sight or hearing of the bridge operator.

(c) Trains, vehicles, vessels, or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw, but all passage over the draw span or through the draw opening shall be in a manner to expedite both land and water traffic.

(d) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* The general signal shall be one long blast of a whistle, horn, or siren, or one loud and distinct stroke of a bell, repeated at intervals until the acknowledging signal hereinafter prescribed is received from the bridge operator, except when a vessel or other water craft is about to leave a point between two drawbridges and within sight or hearing of them to pass through the draw downstream or in the direction of the ebb current, the signal shall be followed after a brief interval by an additional blast or distinct stroke of a bell.

(ii) *Visual signal.* A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw. This signal is to be used in conjunction with sound signals when conditions are such that sound signals may not be heard.

(2) *Acknowledging signals by bridge operation*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or if open must be closed immediately: Four or more short and rapid blasts of a whistle, horn, or siren, or four sharp and rapid strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* The system of visual signals (hereinafter described) to be used in each individual case will be subject to the approval of the District Commander. They will be used in conjunction with sound signals when conditions are such that sound signals alone are insufficient. Draw to be opened immediately: Green light (or a white flag during daylight hours) swung up and down vertically a number of times in full sight of the vessel, or three flashing green lights so located as to be visible to approaching vessels, or during daylight hours three cylinders or balls so located as to be visible to approaching vessels. Draw cannot be opened immediately, or if open must be closed immediately: A red light (or a red flag during daylight hours) swung to and fro horizontally in full sight of the vessel, or during daylight hours one cylinder or ball so located as to be visible to approaching vessels.

(3) *Acknowledging signals by the vessel.* Vessels or other watercraft having signaled for the opening of a draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, will acknowledge said signal by one long blast followed by a short blast or by swinging to and fro horizontally a red flag by day or a red light at night.

(e) A vessel approaching to pass two or more bridges less than 800 feet apart shall signal the first bridge as prescribed in paragraph (d) of this section and give the same signals for the second bridge after an interval of about 10 seconds, and so on, thus giving at intervals of about 10 seconds separate signals for each bridge to be passed. The operator of each bridge shall reply as prescribed in paragraph (d) of this section.

(f) When two or more vessels are approaching to pass a drawbridge from opposite directions, the person in charge of each vessel shall signal for the opening of the draw as prescribed in paragraph (d) of this section. The vessel running with the current shall have the right of way. At slack tide the vessel running in ebb current direction shall have right of way. The bridge operator shall reply as prescribed in paragraph (d) of this section.

(g) When vessels are approaching a bridge span or a draw from the same direction, each vessel shall signal independently for the opening of the draw and shall be navigated in accordance with the pilot rule applicable to the waterway governing such vessels.

(h) Special supplemental regulations may be prescribed to provide for closed or open periods when land or water traffic predominates and to provide for intermittent attendance of bridge operators on bridges across streams where water traffic is minor or at times nonexistent. Owners of or the agency controlling bridges for which such special supplemental regulations are prescribed will be required to keep a copy thereof posted in a conspicuous place on both the upstream and downstream sides of the bridges.

NOTE: The special regulations contained in §§ 117.560 to 117.620, inclusive, prescribed where local conditions require to govern the operation of certain bridges, supplement the general regulations contained in § 117.555.

**§ 117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

(a) The owners of or agencies controlling certain bridges will not be required to keep draw tenders in constant attendance. The bridges to which this section applies are listed, and the special regulations applicable in each case are set forth, in paragraphs (f) and (g) of this section.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) Lower Mississippi River. (1) Tante Phine Pass, La.; Tide Water Associated Oil Company bridge near Venice. At least 24 hours' advance notice required.

(2) Red River, La.; State of Louisiana Department of Highways bridge at Moncla. At least 48 hours' advance notice required.

(2-a) Red River, La.; State of Louisiana, Department of Highways bridge at Fulton Street in Alexandria. At least 24 hours' advance notice required.

(3) Red River, La.; Louisiana and Arkansas Railway Company bridge, Rapides Parish highway bridge, and Missouri Pacific Railroad Company bridge, at Alexandria. At least four hours' advance notice required.

(4) Red River, La.; State of Louisiana Department of Highways bridges at Boyce, at Grand Ecore, and at Coushatta and St. Louis Southwestern Railway Company bridge at Shreveport. At least 48 hours' advance notice required.

(5) Red River, Ark.; St. Louis Southwestern Railway Company bridge at Garland City. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(6) Red River, Ark.; Missouri Pacific Railroad Company bridge at Fulton. At least 24 hours' advance notice required.

(7) Red River, Ark.; Arkansas Highway Department and Kansas City Southern Railway Company bridges at Index. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(8) Little River, Ark.; St. Louis-San Francisco Railway Company bridge near Redbluff. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(9) Caddo Lake, La.; The Kansas City Southern Railway Company bridge near Mooringsport. At least 24 hours' advance notice required.

(10) Little River, La.; Louisiana and Arkansas Railway Company bridge at Archie. During normal river stages, at least 12 hours' advance notice required. During high-water periods a draw tender shall be maintained in constant attendance when so directed by the District Commander.

(11) Tensas River, La.; Missouri Pacific Railroad Co. bridge at Clayton. From May 1 to December 31, inclusive, during normal river stages, at least 12 hours' advance notice to be given to the Dispatcher, Missouri Pacific Railroad Co., Little Rock, Ark. During high-water periods a draw tender shall be maintained in constant attendance when so directed by the District Commander.

(12) Tensas, La.; State of Louisiana Department of Highways bridges at Clayton and near New Light. At least 48 hours' advance notice required.

(13) Macon Bayou, La.; State of Louisiana Department of Highways bridge near Winnsboro. At least 24 hours' advance notice required.

(14) Boeuf River, La.; State of Louisiana Department of Highways bridge near Mason. At least 48 hours' advance notice required.

(15) Ouachita River, Ark.; Chicago, Rock Island and Pacific Railroad Company bridge at Calion. During periods when the river is in pool stage, at least 24 hours' advance notice required. Notice shall be given to the Dispatcher, Chicago, Rock Island and Pacific Railroad Company, Little Rock, Arkansas. Any vessel passing through the bridge requiring an open span for such passage and intending to return through it within 24 hours shall inform the draw tender of the probable time of its return, and the draw shall be opened promptly on signal from the vessel on the return trip without any further notice. The District Commander will notify the Dispatcher at Little Rock, one day in advance when a bridge tender will be required in constant attendance. For the purpose of the regulations of this section, pool stage is defined as 21 feet or less on the upper gage at Lock and Dam No. 8. A copy of the notice posted in accordance with paragraph (d) of this section shall also be conspicuously posted at all Ouachita River locks.

(16) Ouachita River, Ark.; St. Louis Southwestern Railway Company bridge near Camden. At least 48 hours' advance notice required.

(17) Yazoo River, Miss.; the Yazoo and Mississippi Valley Railroad Company bridge at Redwood, Mississippi State Highway Department bridge at Yazoo City, and The Yazoo and Mississippi Valley Railroad Company bridge at Home Park. During normal river stages, at least three hours' advance notice required. During high-water periods a draw tender shall be maintained in constant attendance when so directed by the District Commander. Copies of the notice posted in accordance with paragraph (d) of this section shall also be conspicuously posted at the mouth of Yazoo Canal, Vicksburg, and at Satartia for the Redwood Bridge, at Satartia and Belzoni for the Yazoo City Bridge, and at Yazoo City and Belzoni for the Home Park Bridge.

(18) Yazoo River, Miss.; Columbus and Greenville Railway Company bridge at Fort Loring. At least four hours' advance notice required.

(19) Big Sunflower River, Miss.; Columbus and Greenville Railway Company bridge near Baird. At least four hours' advance notice required.

(20) Arkansas River, Ark.; Missouri Pacific Lines drawbridge at Yancopin. During normal river stages at least 24 hours' advance notice required except between midnight Friday and midnight Sunday when at least 48 hours' advance notice is required. Notice to be given to the Missouri Pacific Lines Dispatcher, Wynne, Arkansas. During high water periods when so directed by the District Commander, a draw tender shall be in constant attendance and the bridge shall be operated in accordance with regulations contained in § 117.555.

(21) Arkansas River, Ark.; St. Louis Southwestern Railway Company bridge at Rob Roy. During normal river stages, at least 24 hours' advance notice required. During high-water periods a draw tender shall be maintained in constant attendance when so directed by the District Commander.

(22) Arkansas River, Ark.; Arkansas Highway Department bridge near Pine Bluff. At least 4 hours' advance notice required to be given to the District Engineer, Arkansas Highway Department, Pine Bluff, Arkansas.

(23) Arkansas River, Ark.; The Chicago, Rock Island and Pacific Railway Company Bridge at McClean Street, Little Rock. At least 48 hours' advance notice required to be given to the Chicago, Rock Island and Pacific Railway Company Dispatcher, Little Rock, Arkansas.

(24) Arkansas River, Ark.; Arkansas Highway Department bridges near Morrilton and at Dardanelle. At least 72 hours' advance notice required to be given to the District Engineer, Arkansas Highway Department, Russellville, Arkansas.

(25) Arkansas River, Ark.; Arkansas Highway Department and St. Louis-San Francisco Railway Company bridges at Van Buren and Missouri Pacific Railroad Company bridge at Fort Smith. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(26) White River, Ark.; Missouri Pacific Railroad Company bridge near Benzal. At least 24 hours' advance notice required for openings Monday through Friday and at least 48 hours' advance notice required for openings on Saturday and Sunday to be given to the Dispatcher, Missouri Pacific Railroad Company, Monroe, Louisiana. Whenever any vessel passing through the bridge intends to return through it within 24 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without further notice.

(27) White River, Ark.; St. Louis Southwestern Railway Lines bridge at Clarendon. The draw shall be opened promptly on signal between the hours of 7:30 a. m. and 7:30 p. m. from 1 December to 30 June, inclusive, and at all other times at least 12 hours' advance notice required to be given to the Dispatcher, St. Louis Southwestern Railway Lines, Pine Bluff, Arkansas. Whenever any vessel passing through the bridge in-

tends to return through it within 12 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without further notice.

(28) White River, Ark.; Arkansas State Highway bridge at DeValls Bluff. At least 12 hours' advance notice required for openings to be given to Division Maintenance Superintendent, Division No. 6, Arkansas Highway Department, Little Rock, Arkansas. Whenever any vessel passing through the bridge intends to return through it within 12 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without further notice.

(29) White River, Ark.; Chicago, Rock Island and Pacific Railway Company bridge near DeValls Bluff. At least 12 hours' advance notice required for openings to be given to the Chief Dispatcher, Chicago, Rock Island and Pacific Railway Company, Little Rock, Arkansas. Whenever any vessel passing through the bridge intends to return through it within 12 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without further notice.

(30) White River, Ark.; Missouri Pacific Railroad Company bridge near Augusta. At least 24 hours' advance notice required for openings Monday through Friday and at least 48 hours' advance notice for openings on Saturday and Sunday. Notice to be given to the Dispatcher, Missouri Pacific Lines, Little Rock, Arkansas. Whenever any vessel passing through the bridge intends to return through it within 24 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on the return trip without further notice.

(31) White River, Ark.; Missouri Pacific Railroad Company bridge at Newport. At least 24 hours' advance notice required for openings Monday through Friday and at least 48 hours' advance notice required for openings on Saturday and Sunday. Notice to be given to the Station Agent, Missouri Pacific Lines, Newport, Arkansas. Whenever any vessel passing through the bridge intends to return through it within 24 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on the return trip without further notice.

(32) White River, Ark.; Arkansas Highway Department bridge at Batesville and Missouri Pacific Railroad Company bridge at Cotter. The draws need not be opened for the passage of vessels and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(33) Little Red River, Ark.; Missouri Pacific Railroad Company bridge at Judsonia and Arkansas Highway Department bridges at Judsonia and Searcy. The draws need not be opened for the passage of vessels and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(34) Black River, Ark.; Missouri Pacific Railroad Company bridge at Paroquet, St. Louis-San Francisco Railway Company bridges at Black Rock and Pocahontas, Arkansas Highway Department bridges at Pocahontas and Corning, and Missouri Pacific Railroad Company bridge near Corning. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(35) Current River, Ark.; Arkansas Highway Department bridge at Biggers. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(36) Current River, Ark.; St. Louis-San Francisco Railway Company bridge at Biggers. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(37) St. Francis River, Ark.; Missouri Pacific Railroad Co. bridge at Cody. At least 72 hours' advance notice required to be given to the Dispatcher, Missouri Pacific Railroad Co., Little Rock, Ark. Whenever a vessel passing through the bridge intends to return through it within 72 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without further notice.

(38) St. Francis River, Ark.; Arkansas State Highway bridge at Cody. At least 72 hours' advance notice required to be given to the Division Maintenance Superintendent, Division No. 1, Arkansas State Highway Department, Wynne, Arkansas. Whenever any vessel passing through this bridge intends to return through it within 72 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without further notice.

(39) St. Francis River, Ark.; Chicago, Rock Island and Pacific Railroad Company bridge at Madison, Arkansas State Highway bridge at Madison, Arkansas State Highway bridge near Madison, Cross County Road Improvement District No. 1 bridge at Parkin, Arkansas State Highway bridge at Marked Tree, St. Louis-San Francisco Railway Company bridge near Marked Tree, St. Louis-Southwestern Railway Lines bridge at Lunsford, Arkansas State Highway bridge at Lake City, St. Louis-Southwestern Railway Lines bridge at Bertig, St. Louis-San Francisco Railway Company bridge at West Kennett, St. Louis-Southwestern Railway Lines bridge at St. Francis. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(40) Hatchie River, Tenn.; Illinois Central Railroad bridge at Rialto and Louisville and Nashville Railroad Company bridge at Shepp. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(41) Obion River, Tenn.; Dyer County highway bridges at Bradley Ferry, McCleres Ferry and Lanes Ferry, and Illinois Central Railroad bridge at Lenox. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(g) Ohio River and Upper Mississippi River. (1) Ohio River, Ky., and Ind.; Kentucky and Indiana Terminal Railroad Company bridge at New Albany, Indiana. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(2) Tennessee River, Tenn.; City of Chattanooga highway bridge at Market Street, Chattanooga. When the river is below a 25-foot stage as determined from readings of the Chattanooga gage posted daily at the Chattanooga City Wharf, at least two hours' advance notice required. A copy of the notice posted in accordance with paragraph (d) of this section shall also be conspicuously posted at the City Wharf.

(3) Tennessee River, Tenn.; Southern Railway Company bridge at Hixson. When a minimum vertical clearance of 47 feet is available under the lift span as determined from gages suitably marked to indicate the minimum clearance and attached to the upstream and downstream sides of the right and left channel piers, respectively, at least two hours' advance notice required. A copy of the notice posted in accordance with paragraph (d) of this section shall also be conspicuously posted at the Chattanooga City Wharf.

(4) *Cumberland River, Tenn.* Louisville and Nashville Railroad Company bridge at Clarksville. When the river stage is below 35 feet on the United States Weather Bureau gage at Clarksville, at least 2 hours' advance notice required. Copies of the notice posted in accordance with paragraph (d) of this section shall also be conspicuously posted on Locks B and C, Cumberland River. The owner of or agency controlling the bridge shall arrange for ready telephonic communication with its authorized representative at any time from the bridge or its immediate vicinity, and from Lock B and Lock C.

(5) Cumberland River, Tenn.; Tennessee Central Railway Company bridge near Bordeaux. When the stage of the river permits a vertical clearance of 47 feet or more under the lift span when in a closed position as determined from gages suitably marked to indicate the minimum clearance and attached to the upstream and downstream sides of the bridge, at least two hours' advance notice required. The owner of or agency controlling the bridge shall report monthly to the District Commander, the number of requests for opening the bridge during periods when continuous bridge tender service is not required, from whom received, date and hour re-

ceived, time bridge was ready to open, and time boat passed.

(6) Wabash River, Ill. and Ind., and White River, Ind.; all drawbridges. At least 24 hours' advance notice required.

(7) Green River, Ky.; Louisville and Nashville Railroad Company bridges at Spottsville, Livermore, and Smallhouse, and Illinois Central Railroad Company bridge at Rockport. When the stage of the river permits a vertical clearance of 30 feet or more under the closed draws, as determined from gages suitably marked to indicate the minimum clearance and attached to the upstream and downstream sides of the bridges, respectively, at least 8 hours' advance notice required. If for any reason the vessel is delayed and cannot arrive for passage at the time specified in the notice the authorized representative shall be promptly notified of the estimated delay for opening the draw. When the stage of the river does not permit a vertical clearance of 30 feet or more under the closed draw at any of the bridges, a draw tender shall be on duty and the draw opened on signal for the passage of a vessel requiring a clearance exceeding the clearance indicated on the gage. The owners of the bridges shall arrange for ready telephone communication with the authorized representatives at any time from the bridges or their immediate vicinity. Copies of the regulations and notices posted in accordance with paragraph (d) of this section shall be conspicuously posted at Green River navigation Locks Nos. 1, 2, 3, and 4.

(8) Missouri River, Nebr. and Iowa; Nebraska-Iowa (Combination) highway bridge between Sioux City and South Sioux City, Nebr. Between March 2 and November 30, at least 2 hours' advance notice required. The drawspan shall be opened and closed at least once each three-month period between March 2 and November 30 to assure that the operating machinery is in serviceable condition, provided that operation of the drawspan for passage of a vessel shall constitute a test operation for that period. Between December 1 and March 1, the regulations in § 117.596 shall govern the operation of this bridge.

(9) Missouri River, Nebr. and South Dakota; Nebraska-South Dakota (Meridian) highway bridge at Yankton, South Dakota; and Missouri River, South Dakota; Chicago and Northwestern Railway Company bridge at Pierre, South Dakota. Between March 2 and November 30, at least 4 hours' advance notice required. The drawspan shall be opened and closed at least once each three-month period between March 2 and November 30 to assure that the operating machinery is in serviceable condition, provided that operation of the drawspan for passage of a vessel shall constitute a test operation for that period. Between December 1 and March 1, the regulations in § 117.596 shall govern the operation of these bridges.

(10) Osage River, Mo.; Missouri Pacific Railroad Company and Missouri State Highway Commission bridges near Osage City. The draws need not be opened for the passage of vessels and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

(11) Wisconsin River, Wis.; all drawbridges. At least 48 hours' advance notice required.

(12) Black River, Wis.; Chicago, Milwaukee, St. Paul and Pacific Railroad Company bridge at La Crosse. At least two hours' advance notice required.

(13) Black River, Wis.; Wisconsin State Highway Commission bridge at North La Crosse. At least 24 hours' advance notice required.

(14) Upper Mississippi River; During the winter months from December 15 to March 1, at least 24 hours' advance notice required for opening all drawbridges between Lock and Dam No. 10 (Mile 615.1) and Lock and Dam No. 2 (Mile 815.2). During the above period, at least 12 hours' advance notice required for opening all drawbridges between Lock and Dam No. 2 and Lock and Dam No. 1 (Mile 847.6).

NOTE: Mileage is above the mouth of the Ohio River.

(15) St. Croix River, Wis. and Minn.; During the winter months from December 15 to March 1, at least 24 hours' advance notice required for opening all drawbridges between the mouth and Bayport, Minn.

(16) St. Croix River, Wis. and Minn.; States of Wisconsin and Minnesota highway bridge at Stillwater, Minn. At least two hours' advance notice required, except between 8:00 a. m. and 2:00 p. m., and between 9:00 p. m. and midnight on Saturdays, Sundays, and Federal and State holidays, and between 1:00 p. m. and 9:00 p. m. on all other days, from May 15, to October 15, inclusive, when the regulations contained in § 117.555 shall govern the operation of this bridge except that between 2:00 p. m. and 9:00 p. m. on Saturdays, Sundays, and Federal and State holidays from May 15, to October 15, inclusive, the draw shall be opened only once every hour on the hour. During the period of hourly openings, the bridge tender will be in constant attendance and will open the draw at any time for emergencies. The hours indicated are central daylight saving time. Standard time is one hour earlier.

(17) St. Croix River, Wisconsin and Minnesota; The Soo line Railroad Co. bridge near Otisville, Minn. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(18) Minnesota River, Minn.; all drawbridges between the mouth and Le Sueur. At least 24 hours' advance notice required. The draws of bridges above Le Sueur need not be opened for the passage of vessels.

### § 117.583 White River, Ark.; Missouri and Arkansas Railway Co. bridge near Georgetown, Ark.

(a) The owner of or agency controlling this bridge will not be required to keep a draw tender in constant attendance or to maintain a sound signal device at the bridge.

(b) For the purpose of this section, the chief engineer of the Missouri and Arkansas Railway Company, located at Harrison, Arkansas, is the authorized representative of the owner. Notice to him may be given by telephone, telegraph, mail, or orally, as the vessel owner or representative may elect.

(c) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw, at least 48 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner. Upon receipt of such notice, the authorized representative shall arrange for the prompt opening of the bridge at the time specified in the notice for the passage of the vessel.

(d) Any vessel passing through the bridge and intending to return through it within 48 hours shall inform the representative of the probable time of its return, and the draw shall be opened promptly on signal from the vessel on the return trip without any further notice.

(e) The word "vessel" shall include rafts, houseboats, and all forms of watercraft.

(f) The owner shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can be easily read at any time, a copy of the regulations in this section, together with a notice stating how the representative specified in paragraph (b) of this section may be reached.

(g) The owner shall erect and maintain a sign at a conspicuous point above high water about 1 mile upstream from the bridge. The sign shall read, in letters 16 inches high: "Caution, Drawbridge 1 Mile".

(h) The Missouri and Arkansas Railway Company shall keep the operating machinery of the draw in serviceable condition and shall have the draw opened at intervals frequent enough to make certain that the machinery is in proper working condition.

### § 117.596 Missouri River; bridges.

(a) The owners of or agencies controlling drawbridges over the Missouri River will not be required to keep draw tenders in attendance during the winter months from December 1 to March 1.

(b) Whenever a vessel, unable to pass under a closed bridge, desires to pass through the draw during the winter months from December 1 to March 1, at least 24 hours' advance notice of the time opening is required shall be given by telephone or otherwise, to the authorized representative of the owner or agency controlling the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall, if no draw

tender is in attendance as above provided, keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of the regulations of this section together with a notice stating exactly how the representative, specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition and the draws opened and closed at least once on or about 1 March to assure that the machinery is in proper order for satisfactory operation: *Provided*, That the operation of a drawspan for the passage of a vessel shall be deemed to constitute such test operation.

**§ 117.605 Illinois Waterway, Ill.; bridges (highway and railroad) at Pekin, Peoria, and Joliet, Ill.**

(a) The following special regulations are prescribed to govern the operation of the following bridges across the Illinois Waterway:

| Mile | Bridge | Vertical clearance closed | |
|---|---|---|---|
| | | Above high water | Above present low water |
| 152.9 | Margaret Street Highway, Pekin, Ill. | 9.3 | 28.4 |
| 153.0 | Peoria Terminal Company Railroad (C. R. I. & P. Ry.), Pekin, Ill. | 2.4 | 21.6 |
| 162.2 | Illinois Terminal Railroad, Peoria, Ill. | [1] 16.1 | [1] 34.2 |
| 162.2 | Toledo, Peoria and Western Railroad, Peoria, Ill. | −0.7 | 17.4 |
| 162.3 | Lower Highway Bridge, Peoria, Ill. | [1] 13.7 | [1] 31.8 |
| 287.3 | McDonough Street Highway, Joliet, Ill. | 16.5 | 16.5 |
| 287.6 | Chicago, Rock Island & Pacific Railway, Joliet, Ill. | 9.4 | 9.5 |
| 287.9 | Jefferson Street Highway, Joliet, Ill. | 16.4 | 16.6 |

[1] For 80-foot width of channel.

(b) When a vessel reaches a distance of about one-half mile from the Peoria Terminal Company Railroad bridge at Pekin, Illinois; the Toledo, Peoria, and Western Railroad bridge at Peoria, Illinois, and the Chicago, Rock Island, and Pacific Railway bridge, at Joliet, Illinois, a call signal of three long blasts of a whistle, horn, or siren, or three loud and distinct strokes of a bell shall be sounded if the clearance requirements of the vessel are such that opening of the adjacent bridges at these respective cities is unnecessary; and if the draw is to be opened immediately, the acknowledging signal by the bridge operators on these railroad bridges shall be the same as the call signal; if the draw cannot be opened immediately, or if opened must be closed immediately, four or more short and rapid blasts of a whistle, horn, or siren, or four sharp and rapid strokes of a bell to be repeated at regular intervals until acknowledged by the vessel must be sounded.

(c) *Supplemental regulations.* (1) Except on Sundays the owner of or agency controlling the highway bridges in Joliet, Ill., listed below will not be required to open the draws between the hours of 7:30 a. m. and 8:00 a. m. and between the hours of 4:30 p. m. and 5:30 p. m.:

McDonough Street, Mile 287.3.
Jefferson Street, Mile 287.9.
Cass Street, Mile 288.1.
Jackson Street, Mile 288.4.
Ruby Street, Mile 288.7.

(2) The regulations in this paragraph will be effective until a high level fixed bridge is constructed across the Des Plaines River at Joliet, Illinois, and opened to highway traffic at which time the question of maintaining closed bridge hours will be reviewed by the Commandant.

NOTE: The regulations in paragraph (c) of this section will also be subject to review by the Commandant with a view of determining whether they should be modified in any respect from actual experience gained.

**§ 117.620 Quincy Bay at Quincy, Ill.; bridge (railroad) opposite Broadway Street.**

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance at this bridge.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, advance notice to that effect shall be given to the authorized representative of the owner of or agency controlling the bridge, as follows: Between the hours of 7:30 a. m. and 5:30 p. m. at least 30 minutes and between the hours of 5:30 p. m. and 7:30 a. m. at least 90 minutes.

(c) Upon receipt of such notice the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can be easily read at any time, a copy of the regulations in this section, together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in serviceable condition and the draw opened and closed at least once each month to make certain that the machinery is in proper order for satisfactory operation.

(f) This section may be revoked upon 2 weeks' notice by the Commandant whenever, in his judgment, the interests of navigation so warrant.

**§ 117.640 Red River of the North, Minnesota and North Dakota; bridges.**

The draws of the drawbridges across the river need not be opened for the passage of vessels.

**§ 117.640a Duluth-Superior Harbor, Minn. and Wis.; bridges (highway and railroad).**

(a) The regulations in this section shall govern the opening of the draws in the Duluth Ship Canal, Northern Pacific Railway, Grassy Point and Arrowhead bridges from March 16 to December 31.

(b) The owners of or agencies controlling the bridges shall provide necessary tenders and the proper mechanical appliances for the safe, prompt and efficient opening of the draws for the passage of vessels. The tender's house shall be high enough to clear trains, buses, trucks, or other vehicles, and allow the tender to see readily the channels in all directions.

(c) *Signals*—(1) *Call signals.* Call signals for opening of bridges are:

Duluth Ship Canal Bridge: 1 long, 1 short, 1 long, 1 short.
Northern Pacific Railway Bridge:
Minnesota Draw: 1 long, 2 short.
Wisconsin Draw: 2 long, 1 short.
Grassy Point Bridge: 2 short, 1 long.
Arrowhead Bridge (Twin Ports): 3 long.
The duration of a long blast should not exceed 3 seconds, and a short blast should not exceed 1 second.

(2) *Acknowledging signals by bridge tenders.* (i) Each of the bridges listed in subparagraph (1) of this paragraph must be provided with a signal of sufficient strength of sound to be heard distinctly three-fourths of a mile in any condition of weather.

(ii) Upon receiving a signal for opening the draw the tender shall at once answer with a return signal, which shall be the same as the signal for opening, to indicate that the vessel signal has been heard. The tender shall take note of the vessel's position and speed, and open the bridge in time to allow the vessel to pass through. (See, however, subdivision (iii) of this subparagraph.)

(iii) In case the bridge, other than the Duluth Ship Canal Bridge (see subdivision (iv) of this subparagraph), is not ready to open at the time of receiving a signal or very soon thereafter for any cause, as for instance when a train is passing over or in case the bridge should be so disabled that it cannot be opened at all, the tender will answer the vessel with five short blasts given in quick succession, as a signal to check down and stop. As soon as the bridge is ready to open, he will give the return signal stated in subdivision (ii) of this subparagraph.

(iv) In case the Duluth Ship Canal bridge is disabled, the bridge authorities must give incoming and outgoing vessels timely and dependable notice, by tug service if necessary, so that they will not attempt to enter the canal. At all other times the bridge tender must lift the bridge promptly on receiving signal to do so. In case of a sudden breakdown during the lifting operation, five short blasts shall be given as a danger signal.

(v) Vessels must be given precedence over highway or railway traffic. When a signal is given by a vessel to open the bridge, a railroad train or any vehicle that may be approaching to cross the bridge must be required to wait for the vessel to pass: *Provided, however*, That except at the Duluth Ship Canal bridge, vessels of 100 gross tons or under may be held for a short period in case a first-class passenger train carrying United States mails is ready to cross the bridge.

**§ 117.641 Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.**

(a) The owners of or agencies controlling certain bridges will not be required to keep draw tenders in constant attendance. The bridges to which this section applies are listed, and the special regulations applicable in each case are set forth in paragraph (f) of this section.

(b) Whenever a vessel, unable to pass under a closed bridge, desires to pass through the draw, advance notice, as specified, of the time when the opening is required shall be given by telephone or other means to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall, if no draw tender is in attendance, keep conspicuously posted on both the upstream and downstream sides of the bridges, in a manner that it can be easily read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition and the draw opened and closed at least once about the midpoint of the period specified in paragraph (f) of this section for each bridge to assure that the machinery is in proper order for satisfactory operation: *Provided*, That the operation of a drawspan for the passage of a vessel shall be deemed to constitute such test operation.

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

(1) Duluth-Superior Harbor, Minn. and Wis.; all drawbridges. During the winter months from January 1 to March 15, at least 24 hours' advance notice required except for the Duluth and Superior Bridge Company Interstate Railroad and Highway Toll Swing Bridge. Also from March 16 to December 31 at least 3 hours' advance notice is required for opening the Duluth Missabe and Iron Range Railway Company Bridge (Transfer Bridge). The Duluth and Superior Bridge Company Interstate Railroad and Highway Toll Bridge will remain in an open position at all times, except for the passage of trains. When this bridge is locked in an open position, a continuous amber light will be visible.

(2) Ontonagon Harbor, Mich.: Michigan State Highway Department bridge at Ontonagon. During the winter months from January 1 to March 15, inclusive, at least 24 hours' advance notice required. During the period March 16 to December 31, inclusive, a bridge tender will be in attendance from 6 a.m. to 6 p.m., e.s.t. Vessel operators desiring to pass through the draw between 6 p.m. and 6 a.m. can contact the office of the sheriff, Ontonagon County, Ontonagon, Mich.

(2-a) St. Joseph Harbor, Mich.; The Michigan State Highway Department Main Street (Blossomland) Bridge, Mi. 0.90, at St. Joseph. From 15 December to 1 March, at least 12 hours' advance notice required.

(3) Grand River, Mich.; The Grand Trunk Western Railroad Company bridge at Grand Haven. During the winter months from January 1 to March 1, at least 24 hours' advance notice required.

(4) Spring Lake Outlet, Mich.; The Grand Trunk Western Railroad Company bridge at Ferrysburg. During the winter months from January 1 to March 1, at least 24 hours' advance notice required.

(4-a) Manistee River at Manistee, Mich.; All drawbridges across Manistee River from its mouth at Lake Michigan upstream to Manistee Lake. During the winter months from January 1 to April 1, at least 24 hours' advance notice required.

(5) Black River at Port Huron, Mich.: All drawbridges across Black River from its mouth at the St. Clair River to the upper limits of the Turning Basin. During the winter months from January 1 to March 1, at least 3 hours' advance notice required.

(5-a) Detroit River (Trenton Channel), Mich.; The Wayne County highway bridge between Trenton and Grosse Ile. During the winter months from December 15 to March 15, at least 5 hours' advance notice required.

(6) Calumet River, Chicago, Ill.: The New York Central Railroad Company bridges, Mile 1.34, and the Pennsylvania Railroad Company bridges, Mile 1.36. During the winter months from December 15 to March 15, at least 2 hours' advance notice required on Saturday and Sunday and from 3:00 p.m. to 7:00 a.m. Monday through Friday.

(7) Chicago River, North Branch, Chicago, Ill.; The Chicago and North Western Railway bridge, mile 5.06, will be opened on 2-hour advance telephone notice except during closed bridge hours which are between 7:00 and 8:00 in the morning and 5:30 and 6:30 in the evening, Monday through Saturday.

(8) Portage River, Ohio; The New York Central Railroad Company bridge at Port Clinton, Mile 1.51. During the months from 1 December to 1 May, at least 24 hours' advance notice required. During the months from 1 May to 1 December, the draw need not be opened for the passage of vessels between 10:00 p.m. and 6:00 a.m. At all times not covered by the regulations in this subparagraph the regulations contained in § 117.705a shall govern the operation of this bridge.

**§ 117.642 Keweenaw Waterway, Mich.; Michigan State Highway Department bridge between Houghton and Hancock.**

(a) The owner of or agency controlling this bridge shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draw. The bridge shall be provided with a whistle or siren capable of being heard distinctly three-fourths mile away in any condition of weather, and an electric light signal, on the top of and near the center of the swing span, which will give flashes of the same duration and at the same time as the audible signals.

(b) Vessels approaching the bridge shall reduce their speed sufficiently to enable them to come to a stop before arrival at the bridge should the draw fail to open.

(c) The call signal for opening of the draw shall be one long and two short blasts. If the draw can be opened promptly the bridge tender shall reply by repeating the call signal. If the draw cannot be opened promptly, or if it is open and must be closed immediately, the bridge tender shall reply by sounding five short and rapid blasts, to be repeated at regular intervals until acknowledged by the vessel. The vessel shall acknowledge by sounding five short and rapid blasts. Thereafter, as soon as the draw can be opened, the draw tender shall repeat the call signal.

(d) The draw shall be opened promptly on signal for the passage of vessels of 30 net registered tons and upward except as provided in paragraph (f) of this section. The draw shall be opened as soon as convenient for the passage of vessels of less than 30 tons, but no such vessel shall be delayed for more than 10 minutes except as provided in paragraph (f) of this section.

(e) The owner of or agency controlling the drawbridge will not be required to keep a draw tender in constant attendance during the winter months from January 1 to March 15.

(f) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw during the winter months from January 1 to March 15, at least 24 hours' advance notice of the time when the opening is required shall be given by telephone or other means to the authorized representative of the owner of or agency controlling the bridge.

(g) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(h) The owner of or agency controlling the bridge shall, if no draw tender is in attendance as above provided, keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of the regulations of this section together with a notice stating exactly how the representative specified in paragraph (f) of this section may be reached.

(i) The operating machinery of the draw shall be maintained in a serviceable condition and the draw opened and closed at least once on or about March 15 to assure that the machinery is in proper order for satisfactory operation: Provided, that the operation of the drawspan for the passage of a vessel shall be deemed to constitute such test operation.

§ 117.643 Fox River and Portage Canal, Wis.

(a) *City-owned bridges at Main Street, Walnut Street, and Mason Street, Green Bay, Wis.* (1) Except on Sundays and legal holidays, the owner of or agency controlling these bridges will not be required to open the draws from 7:45 a. m. to 8 a. m., from 12 noon to 12:15 p. m., from 12:50 p. m. to 1:10 p. m., and from 4:55 p. m. to 5:25 p. m.: *Provided*, That the draws shall be opened promptly at all times for the passage of vessels carrying United States mails, vessels belonging to the United States, vessels of 300 short tons or over cargo capacity engaging in commercial transportation and their attendant towing tugs, and tugs or fireboats when responding to emergency calls.

(2) Except as provided in subparagraph (1) of this paragraph, the draws shall be opened promptly upon signals, given by blasts of a horn, steam whistle, or other approved signalling device, as follows: For Main Street bridge, two short blasts followed by one long blast; for Walnut Street bridge, one long blast followed by two short blasts; for Mason Street bridge, one long blast followed by one short blast and one long blast.

(3) In case the draw cannot be opened immediately when the signals are given, a red flag or ball by day, or a red light by night, shall be conspicuously displayed.

(b) *Bridge (highway) at De Pere, Wis.* (1) The owner of or agency controlling the bridge will not be required to keep draw tenders in constant attendance or maintain a signal device at this bridge.

(2) For the purpose of this paragraph the bridge tender and the acting clerk of the City of De Pere, Wisconsin, are designated as authorized representatives of the owner.

(3) The bridge shall be opened promptly upon the call signal of three distinct blasts of a whistle or horn for the passage of any vessel unable to pass safely under the closed draw span from 10:00 a. m. to 8:00 p. m., c. s. t., on all days of the regular navigation season. In case the draw cannot be opened immediately when the signal is given, a red flag or a ball by day, or a red light by night, shall be conspicuously displayed.

(4) At all other times during the regular navigation season, whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 2 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge. Upon receipt of such advance notice, the representative shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(5) The owner of or agency controlling such bridge shall provide arrangements whereby the representative specified in subparagraph (2) of this paragraph can be reached readily by telephone or otherwise at any time, and shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can be read easily at any time, a copy of these regulations together with a notice stating exactly how he may be reached.

(c) *Bridges at or between Berlin and Portage, Wis.* (1) The owners of or agencies controlling the bridges will not be required to open the draw span for the passage of vessels.

(2) The owners of or agencies controlling the bridges shall keep a legible copy of this section posted conspicuously on both the upstream and downstream sides of the bridge.

§ 117.645 Sturgeon Bay, Wis.; bridges at Sturgeon Bay, Wis.

The following regulations are prescribed to govern the operation of drawspans in the Ahnapee & Western Railway bridge and the highway bridge over Sturgeon Bay at Sturgeon Bay, Wis.:

(a) The corporations or persons owning or controlling the above-mentioned drawbridges shall provide the same with the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(b) Both bridges shall be promptly opened for the passage of any approaching vessel on the signal specified in paragraphs (c) to (e) of this section.

(c) The signal for the prompt and simultaneous opening of the draws of these bridges, upon the approach of a vessel from either direction, shall be given by three short blasts of a whistle.

(d) The signal of a vessel desiring to pass through only one bridge shall be four short blasts of a whistle.

(e) The signal to be given on each bridge, to indicate that the draw can be promptly opened, shall be three loud and distinct strokes of a bell or three distinct blasts of a whistle.

(f) If for any reason the draw of the bridge cannot be operated, a conspicuous red flag by day and a red light by night shall be waved from the bridge, so that it can be seen clearly by the master of the vessel, promptly upon receipt of the signal from the vessel.

(g) A red ball by day and a red light by night shall be kept in a conspicuous elevated position above the top of each bridge while the bridge is closed and each shall be lowered into a box out of sight from all directions when the opening of the bridge is begun.

§ 117.650 Manitowoc River, Wis.; bridges.

(a) *Bridges at Eighth and Tenth Streets, Manitowoc, Wis.* (1) The draws of the above-named bridges shall be immediately opened for the passage of vessels at all times during the day or night except between the hours of 6:50 a.m. and 7:00 a.m., 7:50 a.m. and 8:00 a.m., 11:55 a.m. and 12:10 p.m., and 12:45 p.m. and 1:00 p.m., upon a signal of three short blasts of the vessel's signaling device for the Eighth Street bridge, and upon a signal of two short and one long blasts, similarly given for the Tenth Street bridge: *Provided*, That the exception as to hours stated in this subparagraph shall not apply on Saturdays, Sundays, and legal holidays, consisting of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, or on the Monday following such holidays when they occur on a Sunday.

(2) In case street traffic shall have been delayed by reason of the draws of either of the above-named bridges having been continuously open for 10 minutes or more for the passage of vessels, the draws of said bridges may be closed, but shall be again opened for the passage of any vessel as soon as practicable: *Provided*, That in such case the opening of either of the above-named bridges for the passage of any vessel shall not be delayed more than 5 minutes after the proper signal is given.

(3) When signal is given by a car ferry or other large vessel to pass either of the two bridges, the remaining bridge shall also be promptly opened so that such vessel shall not be held between the two bridges.

(4) In case either draw cannot be immediately opened when the signals are given, a red flag or ball by day or a red light at night shall be conspicuously displayed on the bridge in full view of the vessel.

(b) *Minneapolis, St. Paul, and Sault Ste. Marie Railway Co. bridge at Manitowoc, Wis.* (1) The owners or operators of the drawbridge shall provide the same with the necessary tender and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(2) The draw of the bridge shall be immediately opened on proper signal for the passage of approaching vessels.

(3) The signal for the opening of the draw, upon the approach of a vessel from either direction, shall be two short and one long blasts of the vessel's signaling device sounded within reasonable hearing distance of the bridge.

(4) The signal from the bridge to indicate that the vessel's signal has been received, but not to indicate passage, shall be three loud and distinct strokes of a bell or three distant blasts of a whistle.

(5) If for any reason the draw cannot be operated, two red lights mounted 30 inches between centers, horizontally, in an elevated position above the bridge and showing both upstream and downstream, shall be flashed alternately, or if the lights cannot be flashed, a conspicuous red flag by day and a red light by night shall be waved from the bridge upon receipt of the signal from the vessel so that it can be seen clearly by the master of the vessel.

(6) A red ball by day and a red light by night shall be kept in a conspicuous elevated position above the top of the control house while the bridge is closed and each shall be lowered into a box out of sight from all directions when the opening of the bridge is begun.

§ 117.652 Sheboygan River, Wis.; city of Sheboygan Highway Bridge at Eighth Street, Sheboygan.

(a) The owner of or agency controlling the above-named bridge shall provide the necessary personnel for the efficient operation of the draw during the period April 1 to November 30, inclusive, and provide and maintain the proper appliances at all times for satisfactory operation of the drawspan.

(b) During the period April 1 to November 30, inclusive, the draw shall be opened promptly upon the call signal of three distinct blasts of a whistle or horn for the passage of any vessel unable to pass safely under the closed drawspan. In case the draw cannot be opened immediately when the signal is given, a red flag or a ball by day, or a red light at night, shall be conspicuously displayed on the bridge.

(c) During the period December 1 to March 31, inclusive, whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw, at least one hour advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(d) Upon receipt of such notice the authorized representative shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(e) A copy of the regulations in this section, together with a notice stating exactly how the representative may be reached by telephone or otherwise, shall be conspicuously posted on both the upstream and downstream sides of the bridge in a manner that it can be read at any time and arrangements provided whereby the representative can be reached by telephone from the vicinity of the bridge.

§ 117.655 Milwaukee, Menomonee, and Kinnickinnic Rivers, and South Menomonee Canal, Milwaukee, Wis.; bridges.

(a) *Regulations for all bridges owned or operated by the City of Milwaukee across the Milwaukee, Menomonee, and Kinnickinnic Rivers, including the South Menomonee Canal, except bridges across the Milwaukee River north of and including Buffalo Street Bridge.* (1) The draws of the above-named bridges shall be immediately opened for the passage of foreign vessels and "vessels of the United States" as defined by section 4311 of the Revised Statutes (46 U.S.C. 251), at all times during the day or night except between the hours of 7:30 a.m. and 8:30 a.m., and 4:30 p.m. and 5:30 p.m., upon signals to be given by blasts of a horn, steam whistle, or other approved signaling devices, as follows, viz.: For the North Plankinton Avenue bridge across the Menomonee River and the Kinnickinnic Ave. bridge across the Kinnickinnic River, four short blasts; for all other bridges specified in this subparagraph, three short blasts: *Provided*, That the exception as to hours stated in this subparagraph shall not apply to vessels having a license to carry 50 or more passengers when proceeding to or from their regular landing places on their regular trips, nor to vessels carrying United States mails, nor to vessels belonging to the United States, nor to fireboats of the City of Milwaukee; *And provided, further*, That the exception as to hours stated in this subparagraph shall not apply on Sundays and legal holidays, consisting of New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day, or on the Monday following such holidays when they occur on a Sunday.

(2) In case street traffic shall have been delayed by reason of the draws of any of the above-described bridges having been continuously open for 5 minutes or more for the passage of any of the vessels before described, the draws of said bridges may be closed but shall be again opened for the passage of said vessels as soon as practicable: *Provided*, That in such case the opening of any of the above-described bridges for the passage of any vessels before described shall not be delayed more than 5 minutes after the proper signal is given, except during the hours stated in subparagraph (1) of this paragraph.

(3) The draws shall, when the above described signals are given, except between the hours of 7:30 a. m. and 8:30 a. m., and 4:30 p. m. and 5:30 p. m., be opened as soon as practicable for all other vessels which cannot pass the closed bridges: *Provided, however*, That no vessel of this class shall be delayed for a longer period than 15 minutes, except during the hours stated herein.

(4) In case the draws cannot be immediately opened when the signals are given a red flag or ball by day, or a red light at night shall be conspicuously displayed.

(5) Pedestrians and vehicles shall not stop on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(b) *Regulations for all bridges owned and operated by the City of Milwaukee across the Milwaukee River north of and including the Buffalo Street Bridge.* (1) The draws of the above-named bridges shall be immediately opened for the passage of foreign vessels and "vessels of the United States" as defined by section 4311 of the Revised Statutes (46 U. S. C. 251), at all times during the day or night except between the hours of 7:30 a. m. and 8:30 a. m., and 4:30 p. m. and 5:30 p. m., only upon advance notice given by telephone or otherwise to the Superintendent of the Bureau of Bridges, City Hall, Milwaukee, Wisconsin, at least 2 hours in advance of the time the vessel desires to pass through the draw upon signals to be given by three short blasts of a horn, steam whistle, or other approved signaling device: *Provided*, That the exception as to hours and advance notice stated in this subparagraph shall not apply to fireboats of the City of Milwaukee, nor to vessels belonging to the United States.

(2) In case street traffic shall have been delayed by reason of the draws of any of the above-described bridges having been continuously open for 5 minutes or more for the passage of any of the vessels before described, the draws of said bridges may be closed, but shall be again opened for the passage of said vessels as soon as practicable: *Provided*, That in such case the opening of any of the above-described bridges for the said vessels shall not be delayed more than 5 minutes after the proper signal is given, except during the hours stated under subparagraph (1) of this paragraph.

(3) The draws shall, when the above-described signals are given, except between the hours of 7:30 a. m. and 8:30 a. m., and 4:30 p. m. and 5:30 p. m., be opened as soon as practicable for all other vessels which cannot pass the closed bridges: *Provided, however*, That no vessel of this class shall be delayed for a longer period than 15 minutes, except during the hours stated herein.

(4) A copy of the regulations contained in this section shall be conspicuously posted on both the upstream and downstream sides of each bridge in such manner that it can be easily read at any time; also a sign shall be placed on the downstream side of the Buffalo Street Bridge and the upstream side of the Walnut Street Bridge on the Milwaukee River stating the hours during which advance notice is required and the amount of such notice and also stating exactly how the Superintendent of the Bureau of Bridges specified in subparagraph (1) of this paragraph may be reached to give the required advance notice.

(c) *Regulations for all bridges owned and operated by the Chicago and North Western Railway Co., and the Chicago, Milwaukee, St. Paul and Pacific Railroad Co., across the Milwaukee, Menomonee, and Kinnickinnic Rivers within the limits of the City of Milwaukee.* (1) The draws of the above-named bridges shall be immediately opened for the passage of foreign vessels and "vessels of the United States" as defined by section 4311 of the Revised Statutes (46 U.S.C. 251), at all times during the day or night, upon signals to be given by blasts of a horn, steam whistle, or other approved signaling device, as follows, viz: For the Chicago, Milwaukee, St. Paul and Pacific Railroad bridge across the Menomonee River at North Plankinton Avenue, and the Chicago and North Western Railway bridge across the Kinnickinnic River between Kinnickinnic Avenue and South First Street, four short blasts; for all other of above-described bridges, three short blasts, except when a passenger or mail train is actually ready to pass over the bridge, but in no case shall the opening of any of the above-described bridges for the vessels above-described be delayed more than 7 minutes after the signal is given and except as provided in subparagraph (4) of this paragraph.

(2) The owners shall, when the above-described signals are given, be opened as soon as practicable for all other vessels which cannot pass the closed bridges:

*Provided, however,* That no vessel of this class shall be delayed for a longer period than 15 minutes except as provided in subparagraph (4) of this paragraph.

(3) In case the draws cannot be immediately opened when the signals are given, a red flag or ball by day or a red light at night shall be conspicuously displayed.

(4) Advance notice as specified in subparagraph (5) of this paragraph will be required for opening the following bridges:

(i) Kinnickinnic River; Chicago and North Western Railway Co. bridge, Mile 1.52.

(ii) Kinnickinnic River; Chicago, Milwaukee, St. Paul and Pacific Railroad Co. bridge, Mile 1.49.

(iii) Burnham Canal; Chicago, Milwaukee, St. Paul and Pacific Railroad Co. bridge, Mile 0.76.

(5) Whenever a vessel, except the City of Milwaukee fireboat, unable to pass under the bridges listed in subparagraph (4) of this paragraph, desires passage, 2 hours' advance notice of the time opening is required shall be given to the Chicago and North Western Train Dispatcher, Milwaukee, Wisconsin, Telephone Broadway 6-6540, Extension 35, or to the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. phone director, Telephone Broadway 1-6120, Extension 359, Milwaukee, Wisconsin. The draws shall, when the signals described in subparagraph (1) of this paragraph are given, be opened as soon as practicable for the City of Milwaukee fireboat.

(6) The owners of the bridges listed in subparagraph (4) of this paragraph shall keep conspicuously posted on both the upstream and downstream sides thereof, in such a manner that it can be easily read at any time, a copy of the regulations of this section pertaining to the respective bridges together with information as to whom notice is to be given when opening is required.

**§ 117.660 Root River, Wis.; bridges at Racine, Wis.**

(a) *Regulations for the bridges owned and operated by the City of Racine, Wis., across the Root River at Main, State, and Fourth Streets.* (1) The draws of these bridges shall be immediately opened for the passage of foreign vessels and "vessels of the United States" as defined by section 4311 of the Revised Statutes (46 U.S.C. 251), at all times during the day or night except between the hours of 6:30 and 7 a.m., between 12 noon, and 12:15 p.m., and between 12:45 and 1 p.m., upon signals to be given by blasts of a horn or steam whistle, as follows: For the Main Street Bridge, two short blasts; State Street Bridge, three short blasts; Fourth Street Bridge, four short blasts.

(2) In case street traffic shall have been delayed by reason of the draws of any of the bridges having been continuously open for 5 minutes or more for the passage of any of the vessels before described, the draws of said bridges may be closed, but shall be again opened for the passage of said vessels as soon as practicable: *Provided,* That in such a case the opening of any of the above-described bridges for the passage of any vessel before described shall not be delayed more than 5 minutes after the proper signal is given.

(3) The draws shall, when the signals described in subparagraph (1) of this paragraph are given, be opened as soon as practicable for all other vessels which cannot pass the closed bridges: *Provided, however,* That no vessel of this class shall be delayed for a longer period than 15 minutes.

(4) In case the draws cannot be immediately opened when the signals are given, a red flag or ball by day or a red light at night shall be conspicuously displayed.

(b) *Regulations for the bridge owned and operated by the Chicago, Milwaukee, St. Paul & Pacific Railroad Co., across the Root River at or near St. Clair Street, within the limits of the City of Racine, Wis.* (1) The draw of this bridge shall be immediately opened for the passage of foreign vessels and "vessels of the United States" as defined by section 4311 of the Revised Statutes (46 U. S. C. 251), at all times during the day or night, upon signal to be given by five short blasts of a horn or steam whistle.

(2) The draw shall, when the signal described in subparagraph (1) of this paragraph is given, be opened as soon as practicable for all other vessels which cannot pass the closed bridge: *Provided, however,* That no vessel of this class shall be delayed for a longer period than 15 minutes.

(3) In case the draw cannot be immediately opened when the signal is given, a red flag or ball by day or a red light at night shall be conspicuously displayed.

**§ 117.663 The Chicago River, the Ogden Slip, the North Branch of the Chicago River, the North Branch Canal, the South Branch, the West Fork of the South Branch, the South Fork of the South Branch, and the West Arm of South Fork of South Branch of the Chicago River, Ill.; bridges.**

(a) (1) No bridge across these waters, on any day of the week, excepting Sunday, shall be opened during the times specified in this section.

(2) Across Ogden Slip at Outer Drive, across the main river and across the South Branch of the Chicago River from its junction with the main river south to and including West Roosevelt Road, and across the North Branch of the Chicago River at West Kinzie Street and at the Northwest Expressway Feeder Bridge, between the hours of 7:30 a.m. and 10:00 a.m. and, on any day excepting Saturday, between the hours of 4:00 p.m. and 6:30 p.m. and on Saturdays between the hours of 12:30 p.m. and 2:00 p.m. and between 5:00 p.m. and 6:00 p.m.: *Provided, however,* That the Outer Link bridge across the main river shall be opened to permit the passage of passenger boats operating on a fixed schedule between 9:45 a.m. and 10:00 a.m.

(3) Across the North Branch of the Chicago River at Grand Avenue and at all bridges north of the Northwest Expressway Feeder Bridge to and including North Halsted Street, between the hours of 7:00 a.m. and 8:00 a.m. and 5:00 p.m. and 6:00 p.m.

(4) Across the South Branch of the Chicago River south of West Roosevelt Road to and including South Halsted Street, between the hours of 7 and 8 o'clock in the morning and 5 and 6 o'clock in the evening.

(5) Across the North Branch of the Chicago River north of North Halsted Street and across the South Branch of the Chicago River south of South Halsted Street, between the hours of 7 and 8 o'clock in the morning and 5:30 and 6:30 o'clock in the evening.

(6) The provisions of subparagraphs (1) to (5) of this paragraph shall not apply to bridges which have a clearance of less than sixteen feet above Chicago city datum. Such bridges shall open at any time except as hereinafter provided to permit the passage of tugs and tugboats.

(b) During the hours between 6 o'clock in the morning and 12 o'clock midnight, no bridge shall be required to remain open for the purpose of permitting vessels to pass through the same, for a longer period at any one time than ten minutes, at the expiration of which period it shall be the duty of the bridge tender or other person in charge of the bridge to display the proper signal and immediately close such bridge and keep it closed for fully ten minutes for such persons or vehicles as may be in waiting to pass over, if so much time shall be required, when the said bridge shall again be opened (if necessary for vessels to pass) for a like period, and so on alternately (if necessary) during the hours last aforesaid; and in every instance where any such bridge shall be opened for the passage of any vessel, and closed before the expiration of ten minutes from the time of opening, said bridge shall then, in every such case, remain closed for fully ten minutes, if necessary, in order to allow all persons and vehicles in waiting to pass over said bridge: *Provided,* This paragraph shall not be construed as being in conflict with paragraph (a) of this section, nor as requiring the opening of bridges during the time specified in said paragraph (a) for the same to remain closed: *Provided further,* That any vessel that, previous to the beginning of a closed bridge period, has passed through the Michigan Avenue bridge on its way eastward, shall thereafter, upon signal, be permitted also to pass through the Outer Link Bridge.

(c) (1) When a vessel signals for the opening of any bridge to which this section applies, the bridge tender shall immediately open the bridge except as otherwise provided in this section. Bridges across the North Branch at and above North Halsted Street and across the North Branch Canal shall be opened after at least one hour's advance notice has been given to the operator of any one of the bridges of the City of Chicago across the North Branch at North Halsted Street, Ogden Avenue, Division Street, North Avenue, or North Ashland Avenue, or across the North Branch Canal at North Halsted Street, Ogden

Avenue, or Division Street: *Provided*, That any notice shall be sufficient if given to the operator of the bridge of the City of Chicago across the North Branch at Kinzie Street by an upbound vessel when passing that bridge.

(2) If from any cause the bridge tender cannot open the bridge, he shall immediately notify the vessel by waving a red flag by day and a red lantern by night and continue waving the same until the vessel has stopped, continuing thereafter to display the same until the bridge can be opened. As soon as the cause for stopping the vessel has been removed, the bridge shall be immediately opened.

(3) No owner, officer, or other person in charge of any vessel in transit upon the Chicago River and its branches shall attempt to navigate any such vessel past any of the bridges over said listed waters while a stop signal is being given or displayed.

(d) (1) When any vessel shall signal for any railroad bridge across any part of the waters listed in this section, the bridge tender shall immediately open the bridge, unless a train be on the bridge or approaching it so closely as to be unable to stop, and in that case the bridge may be kept closed long enough for the passage of one train and no more.

(2) If from any cause the bridge tender cannot open the bridge, he shall immediately notify the vessel by waving a red flag by day and a red lantern by night, and continue waving the same until the vessel has stopped, continuing thereafter to display the same until the bridge can be opened. As soon as the cause for stopping the vessel has been removed the bridge shall be immediately opened.

(3) No owner, officer, or other person in charge of any vessel shall attempt to pass any railroad bridge while a stop signal is being given or displayed by the bridge tender.

(4) Nothing in this or the preceding paragraph (c) of this section shall be considered as superseding the bridge hours as set forth in the regulations in this section.

(e) Every owner, officer, or person in charge of any vessel, craft, or float navigating the waters listed in this section shall sound or cause to be sounded a whistle to signal bridge tenders to open and swing bridges, and such signal shall be three sharp, short sounds of the whistle, to be given in succession as quickly as possible and not to be prolonged, and the whistle used for this purpose shall be of suitable size to be heard: *Provided*, Such signal shall be four sharp, short sounds of the whistle for vessels approaching the North Western Railway bridge near West Kinzie Street and the Chicago, Milwaukee, St. Paul & Pacific Railroad bridge near West North Avenue from either direction, and shall be five sharp, short sounds of the whistle for vessels approaching the Lake Street bridge from the north.

(f) All vessels, craft, or floats navigating the waters listed in this section when passing any bridge, shall be moved past the same as expeditiously as is consistent with a proper movement; but in no case shall any such vessel, craft, or float, while passing any bridge and obstructing the passage across such bridge, move at a rate of speed less than two miles per hour; and in no case shall any vessel, craft, or float, while passing any bridge and obstructing the same, remain or obstruct the passage across such bridge more than five minutes; and no vessel, craft, or float shall be so anchored, laid, moored, fastened, or brought to a stop as to prevent any bridge from a free and speedy opening or closing, or any vessel from a free and direct passage, nor shall any line or fastening be so thrown, laid, or made fast as to cross the track of any bridge or vessel.

(g) Whenever upon any alarm of fire, any fire boat shall approach a bridge and sound the proper signal for such bridge to open, the bridge tender shall, if such bridge is closed, open the same as soon as practicable; or, if open, shall keep such bridge open until such fire boat shall have had opportunity to pass through the draw of said bridge, notwithstanding that street traffic may thereby be delayed.

(h) Whenever at any alarm of fire any fire engine, hose cart, or other fire apparatus, shall approach any bridge for the purpose of crossing the same toward such fire, the bridge tender shall, if such bridge is open, close the same as soon as practicable; and after the same is closed, or if closed at the time, keep it closed until such engine, hose cart, or other fire apparatus shall have had an opportunity to pass over said bridge, notwithstanding vessels may thereby be delayed.

### § 117.670 Calumet River, Ill. and Ind.; bridges.

(a) The owners of or agencies controlling drawbridges across the Calumet River between Lake Michigan and the north side of 130th Street, Chicago, Illinois, shall provide the appliances and the personnel necessary for the prompt, safe and efficient operation of the draws for the passage of vessels.

(b) The drawbridges shall be opened promptly when the signal hereinafter prescribed is received from an approaching vessel or other watercraft which cannot pass under the closed draws excepting in the case of a railroad bridge, when an approaching train is so close that it cannot be stopped safely before reaching the bridge.

(c) Trains shall not, except in emergencies or under compelling circumstances, be stopped on, nor shall switching be permitted on, a drawbridge or within a bridge block home signal limits, nor shall any vehicle, person or persons assemble, walk, stand, or otherwise interfere with the operation of the draw or be authorized to do so, so as to prevent or delay a required opening, nor shall water craft be navigated so as to hinder or delay the operation of or passage of other vessels through the draw, but all passage over or through a drawbridge shall be prompt in order to prevent delay to either land or water traffic.

(d) Signals:

(1) *Call signals for opening of drawbridge or passing through an open draw*—(i) *Sound signals.* Three short blasts of a whistle, horn or siren, sounded within reasonable hearing distance of the bridge, repeated if necessary, and in time to give due notice to the draw tender.

or

(ii) *Visual signals.* A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw. This signal shall be used in conjunction with sound signals when conditions are such that sound signals may not be heard and at other times if considered desirable.

(2) *Acknowledging signals to be given by operator of the drawbridge*—(i) *Sound signals.* None required.

(ii) *Visual signals*—(a) *When draw cannot be opened promptly or when draw is opened and is to be closed for any reason.* (*1*) Two red lights (see Note 1 at the end of this section) flashed alternately; or

(2) A red flag by day or a red light by night, swung in vertical circles at arm's length in full sight of the vessel.

(b) *When draw can be opened promptly.* (*1*) Two amber lights (see Note 1 at the end of this section) flashed alternately; or

(2) A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the vessel.

(c) *When draw is open for passage.* (*1*) Two green lights (see Note 1 at the end of this section) flashed alternately; or

(2) A green flag by day or a green light by night, swung in vertical circles at arm's length in full sight of the vessel.

(e) No vessel shall attempt to navigate the draw of a bridge until the green light or green flag signals prescribed in paragraph (d) (2) (ii) (c) of this section are displayed.

(f) When vessels are approaching a bridge from the same direction, each vessel shall give the call signal for opening of the draw.

(g) Special provisions for opening the five railroad bridges located at Mile 1.31 to 1.36 from the east end of the North Pier: Upon receipt of a call signal for opening of the draws, all bridges which do not have a train in the bridge block home signal limits shall be raised immediately. However, this provision will not apply if it is known that one of the bridges is inoperable because of equipment breakdown.

NOTE 1: The two red, amber and green light units will be arranged in horizontal planes approximately 48" apart; flashed for about 2 seconds duration; provided with candlepower sufficient to be readily visible at least ½ mile; placed on the upstream and downstream sides of each bridge, except at the five railroad bridges, where one unit will be placed on the upstream (lakeward) side of the B. & O. Railroad Bridge and the other on the downstream side of the southernmost Pennsylvania Railroad Bridge; and located so as to be readily visible to approaching navigation as will be determined by the District Commander.

NOTE 2: The above signals are in addition to the bridge lights required by law to be displayed on all bridges across navigable waters of the United States.

§ 117.675 Little Calumet River, Ill.; Michigan Central Railroad bridge 8.11 miles from Lake Michigan.

(a) The railroad company shall provide and maintain suitable signals for signaling vessels. The signal for use in the daytime shall be a red ball not less than 2 feet in diameter; for use at night it shall be a red lantern; arranged in both cases so as to be visible on the river for a distance of at least 600 feet in each direction from the bridge.

(b) A vessel approaching the bridge and desiring to pass shall give a signal consisting of three short sounds of the whistle or horn given in rapid succession.

(c) When a vessel gives the above signal, the bridge shall be immediately opened, unless a train be on the bridge or approaching it so closely as to be unable to stop; and in that case the bridge may be kept closed long enough for the passage of one train and no more.

(d) When the bridge cannot be opened immediately after the signal from the vessel, the bridge tender shall hoist the signal specified in paragraph (a) and shall keep it elevated until the bridge can be opened, when he shall lower it.

(e) Vessels shall not attempt to pass the bridge while the bridge signal is up, or while the bridge is in course of opening or closing.

(f) The bridge shall not be used for switching purposes.

(g) The locking devices for securing the bridge when closed must be such as can be promptly opened. The use of splices bolted to the rail, which involve the screwing or unscrewing of nuts whenever the bridge is closed or opened, is forbidden.

§ 117.676 Indiana Harbor Canal, Ind.; drawbridges.

(a) The owners of or agencies controlling drawbridges across Indiana Harbor Canal and the Lake George Branch of Indiana Harbor Canal to and including the Indianapolis Boulevard bridge, shall provide the appliances and the personnel necessary for the prompt, safe, and efficient operation of the draws for the passage of vessels.

(b) The draw shall be opened promptly when the signal hereinafter prescribed for the opening of the draw is received from an approaching vessel or other watercraft which cannot pass under the closed draw, excepting when an approaching train is so close to a drawbridge that it cannot be stopped safely before reaching the bridge.

(c) Trains and vehicles shall not be stopped on a drawbridge or within a bridge block interlocking system, nor shall any person or persons assemble, walk, stand, or otherwise interfere with the operation of the draw or be permitted to do so, so as to prevent or delay a required opening, nor shall water craft be navigated so as to hinder or delay the operation of or passage of other vessels through the draw, but all passage over or through a drawbridge shall be prompt in order to prevent delay to either land or water traffic.

(d) Signals:

(1) *Call signals for opening of draw*—(i) *Sound signals.* One long blast, one short blast, and one long blast of a whistle, horn or siren, sounded within reasonable hearing distance of the bridge, repeated if necessary, and in time to give due notice to the draw tender.

(ii) *Visual signals.* A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw. This signal to be used in conjunction with sound signals when conditions are such that sound signals may not be heard and at other times if considered desirable.

(2) *Acknowledging signals*—(i) *Sound signals*—(a) *When draw can be opened immediately.* One long blast and one short blast of a whistle, horn, or siren.

(b) *When draw cannot be opened immediately or when it is open and must be closed immediately.* Five short blasts of a whistle, horn, or siren, repeated at regular intervals until similarly acknowledged by the vessel, or until the vessel has been brought to a stop. Thereafter, as soon as the draw can be opened, the draw tender shall sound a signal of one long blast and one short blast of a whistle, horn, or siren.

(ii) *Visual signals.* The systems of visual signals hereinafter described to be used in each individual case will be subject to the approval of the District Commander. They will be used in conjunction with sound signals when conditions are such that sound signals alone are insufficient. When the flashing red and green lights are in use and an operating failure occurs, the flag and lantern signals shall be used during the emergency.

(a) *When the draw can be opened immediately.* (1) A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the vessel, or

(2) Two green lights, flashed alternately, arranged in a vertical plane approximately 48 inches between centers.

(b) *When the draw cannot be opened immediately, or when it is open and must be closed immediately.* (1) A red flag by day or a red light by night, swung in vertical circles at arm's length in full sight of the vessel, and repeated until acknowledged by a like signal from the vessel. Thereafter, as soon as the draw can be opened the draw tender shall so indicate with a white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the vessel, or

(2) Two red lights, flashed alternately, arranged in a horizontal plane approximately 48 inches between centers. Thereafter, as soon as the draw can be opened the draw tender shall so indicate by flashing two green lights.

(e) No vessel shall attempt to navigate the draw of a bridge when audible or visual signals indicate the bridge cannot be opened or if the draw is open it must be closed immediately.

(f) When vessels are approaching a bridge from the same direction, each vessel shall give the call signal for the opening of the draw, and such vessels shall be navigated in accordance with the applicable pilot rules.

(g) Special rules for the Elgin, Joliet and Eastern Railway Company bridge, Baltimore and Ohio Railroad Company bridge, both New York Central Railroad Company bridges, and Indiana Harbor Belt Railroad Company bridge:

(1) An amber light shall be located on the lakeward and landward bridges, and readily visible to approaching vessels, and shall be synchronized with a sound signal system so as to light as each signal blast is sounded.

(2) Upon receipt of call signal for opening of the draws, all bridges which do not have a train in the signal block shall be raised immediately.

§ 117.680 Trail Creek, Ind.; The Michigan Central Railroad Co. bridge, Michigan City.

(a) The draw shall be opened promptly on signal for the passage of vessels between 6:30 a.m. and 2:30 p.m. daily, except Sundays, from February 16 to December 14, inclusive, of each year.

(b) From December 15 to February 15, inclusive, on all Sundays, and between 2:30 p. m. and 6:30 a. m. on all other days, the owner of or agency controlling the bridge need not keep a draw tender in constant attendance.

(c) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw during one of the periods specified in paragraph (b) of this section and a draw tender is not in attendance, the Chief Dispatcher, The Michigan Central Railroad Company, Chicago, Illinois, shall be so notified by telephone (collect). The Chief Dispatcher shall then make arrangements for the draw to be opened within 20 minutes after notification or at such other time as may be specified in the notice.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the Chief Dispatcher may be reached by telephone.

§ 117.685 Grand River and the channel at mouth of Spring Lake, Mich.; bridge.

(a) The following is the number of blasts of a whistle or horn which shall be given as a signal for opening the corresponding bridges:

(1) Grand Trunk Railway Bridge across Grand River, one blast.

(2) The highway bridge and the railway bridge (two bridges) across channel at mouth of Spring Lake, four blasts.

(3) All other bridges across Grand River, three blasts.

(b) When, at any time during the day or night, a vessel, tug, or any boat unable to pass under the bridge approaches it for the purpose of passing through the draw, and the signal pre-

scribed in paragraph (a) of this section is given, the drawspans of the bridge shall be opened forthwith for the prompt passage of said vessel or craft, unless there is a train, wagon, or other vehicle actually on the bridge at the time, in which case the drawspans shall be opened immediately after the said train, wagon, or other vehicle shall have passed out of the way: *Provided*, That when the signal is given on the craft not more than 5 minutes before a time at which the bridge tender has information that a train will arrive, the opening of the draw may be delayed until immediately after the passage of that train; but in no case shall there be longer delay than 10 minutes in opening the draw.

§ 117.690 Charlevoix Harbor, Mich. (upper and lower channels); bridge.

(a) When, at any time during the day or night, a vessel, tug, or any boat unable to pass under the bridge approaches it for the purpose of passing through the draw, the signal for the draw to be opened shall be three short blasts of a whistle or horn blown on the craft, and when such signal is given the drawspan of the bridge shall be opened forthwith for the prompt passage of said vessel or craft, unless there is a train, wagon, or other vehicle actually on the bridge at the time, in which case the drawspan shall be opened immediately after the said train, wagon, or other vehicle shall have passed out of the way: *Provided*, That when the signal is given on the craft not more than 5 minutes before a time at which the bridge tender has information that a train will arrive, the opening of the draw may be delayed until immediately after the passage of that train; but in no case shall there be longer delay than 10 minutes in opening the draw, except in case of some unavoidable accident on the bridge or its mechanism.

§ 117.692 Crooked River, Mich.; village of Alanson bridge in Alanson, Mich.

(a) The owner of or agency controlling this bridge shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draw during the period May 16 to October 31, inclusive, or leave the bridge in an open position when unattended.

(b) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw during the period November 1 to May 15, inclusive, at least eight hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) Whenever a vessel, unable to pass under the closed bridge, approaches it, the signal for the draw to be opened shall be three blasts of a whistle or horn blown on the vessel. This signal shall be repeated at intervals until it is answered from the bridge. Upon receiving the signal from the vessel, the tender or operator of the bridge, in case the draw will be opened immediately, shall reply by one long blast of a whistle or horn. In case the opening of the draw will be delayed on account of accident to the machinery or other contingency, the signal from the vessel shall be answered by the tender or operator of the bridge by five short blasts of a whistle or horn, to be followed by one long blast when the draw is to be opened.

(f) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

§ 117.695 St. Marys Falls Canal, Mich.; International Bridge.

(a) Except as closed for the approach and actual passage of railway trains, the bascule span and the swing span shall be maintained in open position during the season of navigation.

(b) All vessels approaching either drawspan of the bridge when closed, and desiring passage through it, shall signal therefor by three whistle blasts.

(c) Upon receiving the opening signal, the bridge operator shall answer by giving one long and one short blast of the bridge horn, and he shall then proceed immediately to open the bridge.

(d) In case the bridge cannot be opened for any cause, the bridge operator shall answer by giving five short blasts of bridge horn; and the vessel shall then be stopped until the bridge is ready to be opened, when the bridge operator shall give one long and one short blast of the bridge horn for passage, and the vessel may proceed.

(e) Bridge operators shall not give precedence to railway traffic and shall not close the bridge against an upbound vessel after lock gates are open and vessel proceeding toward the bridge, nor against a downbound vessel, 1,200 feet or less west of the bridge, unless said vessel is moored at either canal pier awaiting its turn to take position at lock approaches.

§ 117.697 Thunder Bay River, Mich.; city of Alpena bridge at Second Avenue.

(a) The owner of or agency controlling the bridge will not be required to keep draw tenders in constant attendance.

(b) For openings of the draw, at least 3-hours' advance notice is required.

(c) Advance notice shall be given to the Dispatcher, Police Department, City of Alpena, Michigan, telephone Alpena 375. Notice shall include the name of the vessel, its location at the time notice is given, if inbound, the destination and expected time of arrival, and if outbound, the point and expected time of departure. The actual opening in each case will be accomplished only after exchange of the prescribed signals.

(d) The signal for opening the bridge shall be three distinct blasts of a whistle or horn blown on the vessel. If the draw is ready and will be opened immediately, the draw operator shall answer by three blasts of a siren on the bridge.

(e) The owner of or agency controlling the bridge shall keep a copy of this section conspicuously posted on both sides of the bridge in such manner that it can be read easily at any time.

(f) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

§ 117.700 Saginaw River, Mich.; bridges.

(a) The owners of or agencies controlling drawbridges across Saginaw River shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels.

(b) Except as otherwise provided in paragraphs (d), (i), and (j) of this section, the draw of each bridge, upon receiving the prescribed call signal shall be opened (1) promptly for the passage of any vessel or other watercraft of 20 tons and upward not able to pass under the closed bridge: *Provided*, That the opening of the draw of a railroad bridge may be delayed not to exceed five minutes after receipt of signal to permit the passage thereover of a mail or passenger train which is ready to cross at the time the signal is given, and (2) as soon as practicable for the passage of any vessel or other watercraft of less than 20 tons: *Provided*, That no such vessel shall be delayed for a longer period than fifteen minutes.

(c) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signal.* One long blast, two short blasts, and one long blast of a whistle, horn, or siren, repeated at intervals until the acknowledging signal is received from the bridge: *Provided*, That when a vessel is about to leave a point between two drawbridges and within sight or hearing of both to pass through the draw upstream, the call signal shall be followed after a brief interval by an additional short blast.

(ii) *Visual signals.* A white flag by day or a white light at night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals*—(i) *When draw can be opened immediately*—(a) *Sound signals.* Same as call signal.

(b) *Visual signals.* A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel.

(ii) *When draw cannot be opened immediately, or when it is open and must be closed immediately*—(a) *Sound signals.*

Four or more short and rapid blasts of a whistle, horn, or siren, or four or more sharp and rapid strokes of a bell, repeated at intervals until acknowledged by the vessel. The vessel shall acknowledge by one long blast followed by one short blast.

(b) *Visual signals.* A red flag by day or a red light at night, swung to and fro horizontally in full sight of the vessel; or in lieu thereof, if considered advisable by the owner of or agency controlling any bridge, two red lights mounted 30 inches between centers, horizontally, in an elevated position above the bridge and showing both upstream and downstream, may be flashed alternately. These signals shall be repeated until acknowledged by the vessel. The vessel shall acknowledge with a red flag by day or a red light at night swung to and fro horizontally.

NOTE: Visual signals are to be used in conjunction with sound signals if weather conditions are such that sound signals may not be heard or at other times if desired.

(d) *Closed periods.* (1) Belinda Street, Third Street, Lafayette Street and Cass Avenue bridges shall not be opened for the passage of any vessel under 50 gross tons between 6:30 and 8:30 a.m. and between 3:30 and 5:30 p. m., except on Sundays.

(2) Belinda Street, Third Street, and Lafayette Street bridges shall not be opened for the passage of any downbound vessel over 50 gross tons between 7:30 and 8:30 a. m. and between 4:30 and 5:30 p. m., except on Sundays and legal holidays observed in the locality.

(e) The bridges shall not be required to open for pleasure craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Upon request, the District Commander will cause an inspection to be made of the superstructures and appurtenances of any such craft habitually frequenting the waterway, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

(f) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(g) The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this section pertaining to the particular bridge.

(h) The general regulations contained in paragraphs (a) to (g), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraphs (i) and (j) of this section. The closed periods in paragraph (d) of this section shall not apply to vessels operated by the United States and municipal vessels. All such vessels shall be passed through the draws of these bridges during any closed period.

(i) *Bridges at Saginaw.* (1) The owners of or agencies controlling drawbridges at Saginaw need not keep draw tenders in constant attendance.

(2) For openings of the draws of the City of Saginaw highway bridge at Sixth Avenue and bridges upstream therefrom below the Court Street fixed bridge, from November 16 to March 31, inclusive, and between 11:00 p. m. and 7:00 a. m. from April 1 to November 15, inclusive, at least three hours' advance notice is required.

(3) For openings of the draws of bridges upstream from the Court Street fixed bridge, at least 24 hours' advance notice is required.

(4) Advance notice as required by this paragraph shall be given to the Bridge Operations Officer, Police Department, City of Saginaw, Michigan, telephone Saginaw 8191. In the case of bridges which are not owned or controlled by the City of Saginaw, the Bridge Operations Officer shall be responsible for relaying the necessary information to the owners or agencies concerned. Advance notice shall include the name of the vessel, its location at the time notice is given, if inbound the exact destination and expected time of arrival, and if outbound the point and time of departure. The actual opening in each case will be accomplished only after exchange of the prescribed signals.

(j) *Bridges at Bay City.* (1) The owners of or agencies controlling drawbridges at Bay City need not keep draw tenders in constant attendance during period from December 16 to March 15, inclusive.

(2) For openings of draws of all bridges from Saginaw Bay upstream to and including Cass Avenue bridge, at least 24 hours' advance notice is required during this period.

(3) Advance notice as required by this paragraph shall be given to the Dispatcher, Police Department, City of Bay City, Michigan, telephone Bay City 5521. In the case of bridges which are not owned or controlled by the City of Bay City, the Dispatcher shall be responsible for relaying the necessary information to owners or agenices concerned. Advance notice shall include the name of the vessel, its location at time notice is given, if inbound, the exact destination and expected time of arrival, and if outbound, the point and time of departure. The actual opening in each case will be accomplished only after exchange of the prescribed signals.

### § 117.705 Rouge River, Mich.; Short-Cut Canal and Rouge River between Short-Cut Canal and Maples Road; bridges.

(a) The regulations in this section shall govern the operation of all drawbridges across Short-Cut Canal and Rouge River between Short-Cut Canal and Maples Road.

(b) The owners of or agencies controlling the bridges shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels.

(c) Except as otherwise provided in paragraph (g) of this section, the draw of each bridge shall, upon verbal request or upon receiving the prescribed call signal (1) be opened immediately for the passage of a vessel of 20 tons and upward: *Provided*, That the opening of the draw of a railroad bridge may be delayed not to exceed 7 minutes after receipt of signal to permit the passage thereover of a mail or passenger train which is ready to cross at the time of the vessel signal and (2) be opened as soon as possible for the passage of a vessel or other watercraft of less than 20 tons: *Provided*, That no such vessel or other watercraft shall be delayed for a longer period than 15 minutes.

(d) Signals:

(1) *Call signal for opening of draw.* Three long blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within signalling distance of the bridge: *Provided*, That the call signal for those bridges referred to in paragraph (g) of this section, to be given by vessels entitled to passage during closed periods under the provisions of paragraph (f) of this section, shall be four long blasts of a whistle, horn, or megaphone, or four loud and distinct strokes of a bell.

(2) *Acknowledging signals*—(i) *When draw can be opened immediately.* One long blast of a whistle or horn.

(ii) *When draw cannot be opened immediately.* Five short blasts of a whistle or horn to be followed by one long blast of a whistle or horn when the draw is to be opened.

(e) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through a bridge shall be prompt to prevent delay to either land or water traffic.

(f) The general regulations contained in paragraphs (a) to (e), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraph (g) of this section, prescribed where local conditions require to govern the operation of certain bridges. The special regulations shall not apply to vessels owned or controlled by the United States Government or to vessels employed by the City of Detroit or other municipalities for police and fire protection or to a vessel in distress. All such United States and municipal vessels and vessels in distress, shall be passed through the draws of all bridges at any hour day or night.

(g) Jefferson Avenue and Fort Street highway bridges: During the normal navigation season, from March 15, through December 15, inclusive, the draws of these bridges shall not be required to be opened for the passage of vessels between 6:30 and 7:10 a. m., 7:30 and 8:30 a. m., 4:00 and 4:40 p. m., 5:00 and 6:00 p. m., except on Saturdays, Sundays, and on legal holidays observed in the locality: *Provided*, That any vessel or other watercraft proceeding either upstream or downstream which has

passed either of these bridges shall be afforded continuous passage through the other bridge.

§ 117.705a Portage River, Ohio; the New York Central Railroad Co. bridge at Port Clinton, Mile 1.51.

(a) The owners of or agencies controlling the bridge shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(b) The draw of the bridge shall, upon receiving from a vessel the prescribed call signal, be opened immediately for the passage of the vessel: *Provided*, That the opening of the draw may be delayed not to exceed 7 minutes after receipt of signal to permit the passage thereover of a mail or passenger train which is ready to cross at the time of the vessel's signal: *Provided*, That no such vessel or other watercraft shall be delayed for a longer period than 15 minutes.

(c) Signals:

(1) *Call signal for opening of draw.* Three long blasts and one short blast of a whistle, horn, or siren, repeated at intervals until the acknowledging signal is received from the bridge tender.

(2) *Acknowledging signal.* Same as call signal.

(d) Trains and vehicles shall not be stopped on the bridge for the purpose of delaying the opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through the bridge shall be prompt to prevent delay to either land or water traffic.

(e) The bridge shall not be required to open for pleasure craft carrying appurtenances unessential to navigation which extend above the normal superstructure. Upon request, the District Commander will cause an inspection to be made of the superstructures and appurtenances of any such craft habitually frequenting the waterway, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

NOTE: The special regulations contained in § 117.641, subparagraph (f)(8), prescribed where local conditions require to govern the operation of this bridge, supplement the general regulations in this section.

§ 117.706 Sandusky Bay, Ohio.

(a) *New York Central Railroad Company bridge between Baybridge and Danbury.* (1) The owner of or agency controlling this bridge shall keep a draw tender in constant attendance except during the period from December 1 to April 1. During this period at least 24 hours' advance notice is required for opening the bridge for any vessel unable to pass under the closed bridge. The required advance notice shall be given the Division Engineer, New York Central System, Toledo, Ohio.

(2) The call signal for opening of the draw shall be three long blasts of a whistle or horn, sounded at such distance from the bridge as to permit the vessel to stop if the draw cannot be opened, and repeated if not acknowledged.

(3) If the draw can be opened immediately, the call signal shall be acknowledged by one long blast of a whistle or horn. If the draw cannot be opened immediately, the draw tender shall sound a warning or danger signal of five short, rapid blasts of a whistle or horn, and the vessel shall change its course or stop and shall not proceed toward the bridge until the draw tender sounds one long blast.

(4) The draw shall be opened to full open position with the least possible delay on receiving the call signal.

(5) Trains shall not be stopped on or near the bridge for the purpose of delaying its opening, nor shall watercraft be navigated so as to hinder or delay the operation of the draw, but all passage over or through the bridge shall be prompt to prevent delay to either rail or water traffic.

(6) The owner of or agency controlling the bridge shall keep conspicuously posted on both the east and west sides thereof, in such manner that they can be easily read from approaching vessels, signs showing the call and acknowledging signals prescribed in subparagraphs (2) and (3) of this paragraph.

(b) *Ohio Department of Highways bridge between Martin Point and Danbury.* (1) The owner of or agency controlling this bridge shall keep a draw tender in constant attendance except when ice prevents navigation.

(2) The call signal for opening of the draw and the acknowledging signals shall be those prescribed in paragraph (a) (2) and (3) of this section.

(c) *The New York Central Railroad Company Bridge across East Cove at foot of Washington Street, Sandusky.* (1) The draw shall be in full open position at all times from March 16 to December 31, inclusive, except that it may be closed five minutes in advance of the time a train is expected to cross the bridge. The cycle of the draw from open position through closed position to open position shall not exceed 20 minutes.

(2) Five minutes in advance of the start of closing, the draw tender shall signal boat operators that the draw is to be closed by hoisting a four-foot by six-foot white pennant on a staff located at the northerly end of the bridge, clearly visible from Sandusky Bay and East Cove, and by sounding five short blasts of a whistle, horn, or megaphone or by ringing a bell continuously for five seconds.

(3) A train shall not be stopped on the bridge for the purpose of delaying its opening, nor shall watercraft be navigated so as to hinder or delay the operation of the draw, but all passage over or through the bridge shall be prompt to prevent delay to either rail or water traffic.

(4) From January 1 to March 15, inclusive, whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(5) Upon receipt of such advance notice, the authorized representative shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(6) The owner of or agency controlling the bridge shall keep conspicuously posted on both sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this paragraph together with a notice stating exactly how the representative specified in subparagraph (4) of this paragraph may be reached.

§ 117.706a Ashtabula River, Ashtabula, Ohio; bridges.

(a) *Ashtabula County Commissioners Fifth Street bridge.* (1) The owner of or agency controlling the bridge shall keep a drawtender in constant attendance.

(2) The bridge shall be opened promptly upon signal for the passage of commercial and emergency vessels.

(3) The bridge shall be opened promptly on the hour and half hour for all other floating craft that may desire passage through the draw.

(4) The call signal for opening the draw shall be three long blasts of a whistle or horn, sounded at such distance from the bridge as to permit the vessel to stop if the draw cannot be opened, and repeated if not acknowledged.

(5) If the draw can be opened immediately, the call signal shall be acknowledged by one long blast of a whistle or horn. If the draw cannot be opened immediately, the drawtender shall sound a warning or danger signal of five short, rapid blasts of a whistle or horn, and the vessel shall stop and not proceed toward the bridge until the drawtender sounds one long blast.

(b) *The New York Central Railroad bridge.* (1) The owner of or agency controlling the bridge shall keep a drawtender in constant attendance except as follows: between the hours of 11 p.m. and 7 a.m., from 1 April to 1 December and the entire period from 1 December to 1 April.

(2) The bridge shall be opened promptly upon signal for the passage of all vessels during the period when a drawtender is in attendance.

(3) The call signal for opening the draw and acknowledging signals shall be those prescribed in paragraphs (a)(4) and (a)(5) of this section.

(4) Whenever a vessel is unable to pass under the closed draw and desires to pass through the draw during the periods of closure specified in subparagraph (1) of this paragraph, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(5) Upon receipt of such advance notice, the authorized representative shall arrange for the prompt opening of the draw as specified in the notice for the passage of the vessel.

(6) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this para-

graph together with a notice stating exactly how the representative specified in subparagraph (4) of this paragraph may be reached.

**§ 117.707 Buffalo Harbor, N.Y.; city of Buffalo bridges across Buffalo River and Buffalo Ship Canal.**

(a) The Michigan Avenue bridges across Buffalo River and Buffalo Ship Canal will not be required to open for the passage of vessels from 7:00 to 7:30 a.m., 8:00 to 8:30 a.m., 3:45 to 4:30 p.m., and 5:15 to 6:00 p.m.

(b) The Ohio Street bridge across Buffalo River will not be required to open for the passage of vessels from 7:30 to 8:00 a. m., 8:45 to 9:15 a. m., 3:00 to 3:45 p. m., and 4:30 to 5:15 p. m.

(c) The South Park Avenue bridge across Buffalo River will not be required to open for the passage of vessels from 7:00 to 8:30 a. m. and 4:30 to 6:00 p. m.

(d) The closed periods prescribed in this section shall not be effective on Sundays and on New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day or days observed in lieu of any of these under State law.

(e) The draws of these bridges shall be opened promptly on signal for the passage of any vessel at all times during the day or night except as otherwise provided in this section.

**§ 117.707a Niagara River; City of Buffalo Ferry Street Bridge across Black Rock Channel.**

The clear headroom under the bridge at low water datum is 17.3 feet for a width of 86 feet from the pivot pier, thence decreasing to 12.3 feet at the left (westerly) abutment.

(a) All vessels and boats which cannot pass under the bridge shall, on approaching the bridge, reduce speed sufficiently to enable them to come to a dead stop without touching the bridge in case the movable span cannot be lifted. If the wind is dangerously strong, passage shall not be attempted by large vessels without the aid of a tug or tugs.

(b) Vessels and boats bound north shall have the right-of-way and priority for passage through the bridge over those bound south.

(c) All vessels and boats desiring passage through the bridge shall signal therefor by one long and two short whistle blasts.

(d) Upon receiving the opening signal, the bridge operator shall answer by giving the same signal on the bridge whistle and he shall then proceed at once to lift the bridge.

(e) In case the bridge cannot be lifted, for any cause, the bridge operator shall answer a vessel signal by giving five (5) short whistle blasts; and the vessel shall then be stopped until the bridge is ready to be lifted, when the bridge operator shall give the whistle signal for passage and the vessel may proceed.

(f) In case the bridge is disabled so that it cannot be lifted for one-half hour or more pending repairs, red flags will be displayed on the bridge in daytime and two red lantern lights, one above the other, at night. When such signals are displayed no vessel or boat shall signal for or attempt passage through the bridge.

**§ 117.708 Niagara River; Canadian National Railway bridge (International Bridge) between Buffalo, N.Y., and Fort Erie, Ontario, Canada.**

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge.

(c) Upon receipt of such advance notice, the said authorized representative shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) Whenever the bridge is opened for the passage of a vessel, the navigator of such vessel shall fix his course so as to proceed through the westerly opening of the bridge draw.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

**§ 117.710 Navigable waters of the United States within the State of California; bridges generally.**

(a) *Operation requirements.* The owners of or agencies controlling drawbridges shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels.

(b) *Signals*—(1) *Sound signals.* To be used if weather conditions are such that sound signals can be heard:

(i) *Call signal for opening of draw.* Three long blasts, sounded within reasonable hearing distance of the bridge, repeated if necessary, and in time to give due notice to the draw tender.

(ii) *Acknowledging signals*—(a) *When draw can be opened immediately.* Same as call signal.

(b) *When draw cannot be opened immediately, or when it is open and must be closed immediately.* Two long blasts, repeated at regular intervals until acknowledged by the vessel. The vessel shall acknowledge by the same signal. Thereafter, as soon as the draw can be opened, the draw tender shall repeat the call signal.

(2) *Visual signals.* To be used if weather conditions are such that sound signals may not be heard:

(i) *Call signal for opening of draw.* A white flag by day or a white lighted lantern by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw.

(ii) *Acknowledging signals*—(a) *When draw can be opened immediately.* Same as call signal, to be given in full sight of the vessel.

(b) *When draw cannot be opened immediately, or when it is open and must be closed immediately.* A red flag by day or red lighted lantern by night, swung in vertical circles at arm's length in full sight of the vessel, repeated until acknowledged by the vessel. The vessel shall acknowledge by the same signal, given in full sight of the bridge and facing the draw. Thereafter, as soon as the draw can be opened, the draw tender shall repeat the call signal, given in full sight of the vessel.

(3) *Fog signal.* When fog prevails by day or by night the draw tender, after repeating the call signal, shall toll a bell continuously during the approach and passage of the vessel.

(c) *Prompt opening required except when delayed by train.* The draw shall be opened with the least possible delay on receiving the prescribed signal: *Provided*, That the draw shall not be opened when a train is approaching so closely that it cannot be stopped safely before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the draw tender.

(d) *Interference with operation of bridge prohibited.* Trains and vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall watercraft be navigated so as to hinder or delay the operation of the draw, but all passage over or through a drawbridge shall be prompt to prevent delay to either land or water traffic.

(e) *Vessels for which openings not required.* A drawbridge shall not be required to open for any vessel carrying appurtenances unessential for navigation which extend above the normal superstructure, if the height of the normal superstructure would permit the vessel to pass under the closed bridge. Military masts shall be considered as part of the normal superstructure.

NOTE: On request, the District Commander will cause an inspection to be made of the superstructure and appurtenances of a vessel habitually frequenting that waterway with a view to adjusting any differences of opinion in this matter between the vessel owner and a bridge owner.

(f) *Bridges requiring advance notice for prompt opening.* (1) The owners of or agencies controlling bridges for the prompt opening of which advance notice is required by special regulations (§§ 117.712 to 117.718, inclusive) need not keep draw tenders in constant attendance at such bridges.

(2) Whenever a vessel, unable to pass under a closed bridge, desires to pass through the draw, advance notice, as specified in the special regulations, of the time the opening is required must be given to the authorized representative of the owner of or agency controlling the bridge to insure prompt opening thereof at the time required. Unless otherwise provided in the special regulations, such advance notice may be given at any regular office of the owner of or agency controlling the bridge. Such notice may also be given to the draw tender or to the person named in the notice posted on the bridge in accordance with subparagraph (4) of this paragraph.

(3) On receipt of such advance notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on proper signal at approximately the time specified in the notice.

(4) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be read easily at any time, a copy of the special regulations pertaining to the respective bridges together with information as to whom notice should be given when it is desired that a bridge be opened and directions for communicating with such person by telephone or otherwise.

(5) Vessels desiring to pass through these bridges without having given advance notice as specified in the special regulations may be delayed, but the owners of or agencies controlling the bridges shall, under such circumstances, use every reasonable means to expedite openings.

(6) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

NOTE: The following special regulations (§§ 117.711 to 117.718, inclusive), modifying and supplementing the foregoing general regulations (§ 117.710), are prescribed for certain bridges where local conditions warrant.

### § 117.711 Los Angeles and Long Beach Harbors, Calif.

(a) *Long Beach Entrance Channel; temporary retractable pontoon bridge*—(1) *Closed periods.* From 7:00 to 8:00 a.m., and from 4:00 to 5:15 p.m., daily except Sundays and holidays for Federal employees, this bridge will not be required to open for the passage of vessels, except in case of extreme emergency.

(2) *Signals.* The call signal for opening the bridge shall be one long blast followed by two short blasts. This signal shall be acknowledged by two long blasts followed by one short blast when the bridge can be opened immediately, and by two long blasts when the bridge cannot be opened immediately.

(3) *Signs.* The owner of or agency controlling the bridge shall keep conspicuously posted on the south and north sides thereof, in such manner that they can be easily read from approaching vessels, signs showing the call and acknowledging signals prescribed in subparagraph (1) of this paragraph.

(b) *Cerritos Channel; Commodore Schuyler F. Heim highway bridge, and Henry Ford (formerly Badger) Avenue railroad and highway bridge approximately 130 feet westerly thereof*—(1) *Closed periods.* From 6:45 to 8:00 a. m. and from 4:00 to 5:15 p. m. daily, except Sundays and holidays for Federal employees, the draw of the Commodore Schuyler F. Heim bridge will not be required to open for the passage of vessels, except in case of extreme emergency. The draw of the Henry Ford Avenue bridge shall be opened with the least possible delay at any time on receiving the prescribed signal.

(2) *Signals for opening both bridges.* The call signal for opening the draws of both bridges at once shall be three long blasts. This signal shall be acknowledged by two long blasts followed by one short blast when the draws of both bridges can be opened immediately, and by two long blasts when the draw of either bridge cannot be opened immediately.

NOTE: The bridges are connected electrically to insure that the call signal of three long blasts will not be acknowledged by the opening signal unless both bridges can be opened.

(3) *Signals for opening of Henry Ford Avenue bridge only.* The call signal for opening the draw of the Henry Ford Avenue bridge only shall be two short blasts followed by one long blast. This signal shall be acknowledged by two long blasts followed by one short blast when the draw can be opened immediately, and by two long blasts when the draw cannot be opened immediately.

(4) *Signs.* The owners of or agencies controlling these bridges shall keep conspicuously posted on the east side of the Commodore Schuyler F. Heim bridge and the west side of the Henry Ford Avenue bridge, in such manner that they can be easily read from approaching vessels, signs showing the call and acknowledging signals prescribed in subparagraphs (2) and (3) of this paragraph.

### § 117.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

(a) *Mud Slough; Southern Pacific Company railroad bridge near Alviso.* At least 24 hours' advance notice required.

(b) *Newark Slough; Southern Pacific Company railroad bridge near Newark.* At least 24 hours' advance notice required. To be given to the Superintendent, Southern Pacific Company, Oakland Pier, Oakland, California.

(c) *San Leandro Bay; State of California highway bridge between Alameda and Bayfarm Island.* From 9:00 p.m., to 5:00 a.m., the draw need not be opened for the passage of vessels. From 5:00 a.m., to 8:00 a.m. and from 5:00 p.m., to 9:00 p.m., at least 12 hours' advance notice required, to be given to the operator of the Bayfarm Island Bridge (telephone LAkehurst 2-2969) between 8:00 a.m. and 5:00 p.m., and to the operator of the Park Street Bridge, Alameda (telephone LAkehurst 2-7282) at all other times.

(d) *Oakland Tidal Canal; Department of the Army highway and railroad bridge at Fruitvale Avenue.* All vessels, except motorboats without tow, are forbidden to approach within 300 feet of this bridge for the purpose of eventual passage through the draw except during slack water or when opposing the tidal flow. Vessels and barges shall not attempt passage through the draw while running with the tide, and the bridge will not be opened for vessels under such conditions.

(e) *Corte Madera Creek; The Northern Pacific Railroad Company bridge near Greenbrae.* On Saturdays, Sundays and holidays, at least 72 hours' advance notice required; on all other days at least 24 hours' advance notice required.

(f) [Reserved]

(g) *Petaluma Creek*—(1) *Northwestern Pacific Railroad Company bridges at Blackpoint and Haystack Landing.* The owner of or agency controlling these bridges need not keep draw tenders in constant attendance except when the draws are closed for the passage of railroad traffic. At all other times the draws may remain in full open position and unattended. During foggy weather a bell shall be tolled continuously when the draws are in open position.

(2) *City of Petaluma highway bridges at "D" and Washington Streets, Petaluma.* At least 6 hours' advance notice required, to be given to the Petaluma Police Department, telephone Petaluma 2-2727.

(h) *Sonoma Creek*—(1) *State of California highway bridge.* At least 4 hours' advance notice required.

(2) *Northwestern Pacific Railroad Company bridge at Wingo.* At least 24 hours' advance notice required.

(i) *Mare Island Strait, Napa River, and their tributaries*—(1) *Department of the Navy bridge (Mare Island Causeway) at Vallejo.* From 6:30 a.m. to 7:30 a.m. and from 3:45 p.m. to 4:45 p.m. daily, except Saturdays, Sundays, and holidays, the draw need not be opened for the passage of vessels other than vessels owned, operated, or controlled by the United States.

(2) *Southern Pacific Company railroad bridge at Brazos.* The owner of or agency controlling this bridge need not keep a draw tender in constant attendance except when the draw is closed for the passage of railroad traffic. At all other times the draw may remain in full open position and unattended. During foggy weather a bell shall be tolled continuously when the draw is in open position.

(3) *State Highway bridge near Imola.* From 7 a.m. to 9 a.m. and from 4:30 p.m. to 6:30 p.m. daily, except Saturdays, Sundays, and holidays, the draw need not be opened for the passage of vessels. At all other times, at least twenty-four (24) hours' advance notice required for opening the draw.

(4) *Dutchman Slough; James Irvine Bridge.* At least 24 hours' advance notice required.

(5) *Devil Slough; Russ Investment Company highway bridge.* At least 24 hours' advance notice required.

### § 117.713 Minor tributaries of Suisun Bay, Calif.

(a) *Pacheco Creek; Contra Costa County highway bridge and Southern Pacific Company railroad bridge near Martinez.* At least 24 hours' advance notice required.

(b) *Cordelia Slough; a tributary of Suisun Slough; Southern Pacific Company railroad bridge.* At least 24 hours' advance notice required.

§ 117.714 San Joaquin River and its tributaries, California.

(a) *San Joaquin River*—(1) *Stockton Port District railroad bridge between Rough and Ready Island and Stockton.* At least 12 hours' advance notice required. To be given to the Director of the Port, Stockton Port District, Stockton, California.

(2) *San Joaquin County highway bridge between Rough and Ready Island and Stockton.* At least 12 hours' advance notice required. To be given to the San Joaquin County Highway Department or to the County Surveyor at Stockton, California.

(3) *Atchison, Topeka and Santa Fe Railway Company bridge near Stockton.* At least 12 hours' advance notice required. To be given to the bridge owner's agent at Stockton, California.

(4) *State of California highway bridge (Garwood Bridge).* At least 12 hours' advance notice required.

(5) *San Joaquin County highway bridge (Brandt Bridge).* At least 12 hours' advance notice required. To be given to the County Surveyor of San Joaquin County, Stockton, California.

(6) *Southern Pacific Co. railroad bridge, State of California highway bridges (Mossdale Bridges) and Western Pacific Railroad Co. bridge near Mossdale.* The draws of these bridges need not be opened for the passage of vessels.

(7) *Drawbridges above Paradise Dam.* At least seven days' advance notice required.

(b) *Burns Cutoff; San Joaquin County highway bridges (Jacobs Road and Upper Highway Bridges) between Roberts Island and Rough and Ready Island.* At least two days' advance notice required. To be given to the County Surveyor of San Joaquin County, Stockton, California.

(c) *Middle River*—(1) *San Joaquin County highway bridge between Bacon Island and Lower Jones Tract.* On Sundays and national holidays, and between 5:00 p. m. and 8:00 a. m. on all other days, at least 12 hours' advance notice required, to be given to the County Surveyor of San Joaquin County, Stockton, California, except that if, during crop moving seasons, 20 or more passages through the bridge in any 30-day period are contemplated and 15 days' notice is given of the proposed traffic, the owner will be required to keep a draw tender in constant attendance for the duration of such period.

(1-a) *The Atchison, Topeka and Santa Fe Railway Company bridge near Middle River Station.* At least 12 hours' advance notice required, to be given the railway company's agent at Stockton, California, except that if, during crop moving seasons, 20 or more passages through the bridge in any 30-day period are contemplated and 15 days' notice is given of the proposed traffic the owner will be required to keep the draw tender in constant attendance for the duration of such period.

(2) *State of California highway bridge between Victoria Island and Drexler Tract.* At least 12 hours' advance notice required.

(3) *San Joaquin County highway bridge between Union Island and Drexler Tract, at Fish Camp Landing.* At least 24 hours' advance notice required. To be given to the County Surveyor of San Joaquin County, Stockton, California.

(4) *San Joaquin County highway bridge (Williams Bridge) between Union Island and Roberts Island.* At least two days' advance notice required. To be given to the County Surveyor of San Joaquin County, Stockton, California.

(d) *Mormon Channel; City of Stockton highway bridge (Washington Street Bridge), Atchison, Topeka and Santa Fe Railway Company bridge (Edison Street Bridge), and City of Stockton (Lincoln Street Bridge).* (1) The signal for opening at once all three of these bridges shall be the call signal described in § 117.710(b)(1). The signal for opening any one of these bridges, and that bridge only, shall be as follows: For the Washington Street Bridge, two long blasts followed by one short blast; for the Edison Street Bridge, two short blasts followed by one long blast; and for the Lincoln Street Bridge, one long blast followed by one short blast and one long blast.

(2) At least 12 hours' advance notice required. To be given to the representative of the City of Stockton and to the railway company's agent at Stockton, California.

(e) *King Island Cut; San Joaquin County highway bridge between King Island and Bishop Tract.* At least 12 hours' advance notice required. To be given to the San Joaquin County Highway Department or to the County Surveyor at Stockton, California.

(f) *Honker Cut; San Joaquin County highway bridge between Empire Tract and King Island.* At least 12 hours' advance notice required, to be given to the County Surveyor of San Joaquin County, Stockton, California, except during crop moving seasons when, in the opinion of District Commander the constant attendance of a draw tender is warranted, and the operators of vessels engaged in the crop moving operations give 15 days' written notice to the District Commander of the contemplated traffic.

(g) *Little Potato Slough; State of California highway bridge at Terminous.* (1) The owner of or agency controlling this bridge shall keep a draw tender in constant attendance: (i) From 8:00 a. m. to 5:00 p. m. during the months of July to September, inclusive.

(ii) During periods when, in the opinion of the District Commander, an emergency exists; or during crop moving seasons when, in the opinion of the District Commander, the attendance of a draw tender is required, provided the operators of vessels engaged in the crop moving operations give 15 days' written notice to the District Commander, and at the same time furnish sufficient evidence that such service is necessary to take care of the contemplated traffic. In the event that special periods are established by the District Commander for the constant attendance of a draw tender during an emergency or a crop moving season, information concerning the hours and lengths of such periods will be published in local newspapers and in the "Notice to Mariners" issued by the United States Coast Guard.

(2) From 5:00 p.m. to 8:00 a.m. during the months of July to September, inclusive, when a draw tender is not in attendance, advance notice required to be given to the draw verbally or by telephone to the Rio Vista Bridge before 4:00 p.m. At all other times, at least 12 hours' advance notice required.

(h) *Mokelumne River, including North and South Forks*—(1) *Mokelumne River*—(i) *State of California highway bridge near East Isleton.* The owner of or agency controlling this bridge shall keep a draw tender in constant attendance from 9:00 a. m. to 5:00 p. m. throughout the year; and during periods when, in the opinion of the District Commander, an emergency exists, or during crop moving seasons when, in the opinion of the District Commander, the attendance of a draw tender is required provided the operators of vessels engaged in the crop moving operations give 15 days' written notice to the District Commander and at the same time furnish sufficient evidence that such service is necessary to take care of the contemplated traffic. In the event that special periods are established by the District Commander for the constant attendance of a draw tender during an emergency or a crop moving season, information concerning the hours and lengths of such periods will be published in local newspapers and in the "Notice to Mariners" issued by the United States Coast Guard. When a draw tender is not in attendance, advance notice required; to be given to the draw tender verbally, or by telephone through the Isleton Exchange, before 4:00 p. m.

(ii) *Drawbridges above New Hope Landing.* At least two days' advance notice required.

(2) *North Fork; Sacramento and San Joaquin Counties Highway bridge (Millers Ferry Bridge).* At least 12 hours' advance notice required. To be given to the San Joaquin County Highway Superintendent or to the County Surveyor at Stockton, California.

(3) *South Fork; San Joaquin County highway bridge (New Hope Landing Bridge).* When an emergency exists which requires opening of the bridge, the bridge owner shall, upon notice from the District Commander, remove the removable bridge portion over the main channel expeditiously and with as little delay as possible to water traffic.

(i) *Snodgrass Slough; Southern Pacific Company railroad bridge and Sacramento County highway bridge.* From 8:00 a. m. to 5:00 p. m., daily, at least 24 hours' advance notice required. From 5:00 p. m. to 8:00 a. m., the draws need not be opened for the passage of vessels except in cases of extreme emergency.

§ 117.715 Georgiana Slough, Calif.

(a) *Sacramento County highway bridge near Isleton.* (1) The signal for opening this bridge shall be four long blasts.

(2) The owner of or agency controlling this bridge shall keep a draw tender in constant attendance from 8:00 a.m. to 5:00 p.m. throughout the year, and from 5:00 p.m. to 9:00 p.m. from May to October, inclusive, during such other periods as regular crop movements may justify, and during periods when, in the opinion of the District Commander, an emergency exists. In the event that the crop moving season is started earlier than May 1 or is extended later than October 31, the period for prompt opening of the bridge on proper signal from 5:00 p.m. to 8:00 a.m. shall be adjusted accordingly, provided the operators of vessels navigating this waterway give 15 days' written notice that such an adjustment is necessary to take care of contemplated traffic. At all other times, at least 16 hours' advance notice required.

(b) *Southern Pacific Company railroad bridge near Isleton.* The signal for opening this bridge shall be four long blasts.

(c) *Sacramento County highway bridge near Walnut Grove.* (1) The signal for opening this bridge shall be four long blasts.

(2) The owner of or agency controlling this bridge shall keep a draw tender in constant attendance from 8:00 a.m. to 5:00 p.m. throughout the year, and from 5:00 p.m. to 9:00 p.m. from May to October, inclusive, during such other periods as regular crop movements may justify, and during periods when, in the opinion of the District Commander, an emergency exists. In the event that the crop moving season is started earlier than May 1 or is extended later than October 31, the period for prompt opening of the bridge on proper signal from 5:00 p.m. to 8:00 a.m. shall be adjusted accordingly, provided the operators of vessels navigating this waterway give 15 days' written notice that such adjustment is necessary to take care of contemplated traffic. At all other times, at least 16 hours' advance notice required.

§ 117.716 Sacramento River and its tributaries, California.

(a) *Sacramento River—(1) Sacramento County highway bridge at Walnut Grove and State of California highway bridge at Paintersville.* (i) For signaling vessels proceeding downstream and upstream the owner of or agency controlling the Sacramento County highway bridge shall provide lights which shall be operated in conjunction with sound and visual signals from the bridge The lights shall be visible to approaching vessels and shall be located on the east side of the river. The lights for directing downbound traffic shall be located approximately 3,500 feet upstream from the bridge. The lights for directing upbound traffic shall be located approximately 750 feet downstream from the bridge. When the draw of the bridge can be opened a flashing green light shall be operated. When the draw of the bridge cannot be opened immediately, a flashing red light shall be operated.

(ii) When weather conditions prevent hearing sound signals and obstructions prevent seeing lantern signals, a vessel proceeding downstream may signal for opening of the draw of each of these bridges by swinging the beam of its searchlight from side to side in a vertical arc of about 60 degrees. If the draw can be opened immediately the draw tender shall so signal by projecting a steady beam of his searchlight vertically into the air and holding it steadily in that position until the vessel passes through the draw. If the draw tender finds, after giving the opening signal, that the bridge cannot be opened, he shall extinguish his searchlight immediately, but shall relight it when he is able to open the bridge.

(2) *State of California highway (Tower) bridge and Southern Pacific Company railroad ("I" Street) bridge at Sacramento—(i) Closed periods.* From 4:30 p.m. to 6:00 p.m. Monday to Friday, inclusive, and 4:00 p.m. to 6:00 p.m. on Sundays and national holidays, the draws need not be opened for the passage of vessels except in time of flood or other emergency when the closed periods may be suspended or modified by the District Commander.

(ii) The signal for opening the Southern Pacific Railroad Bridge shall be four long blasts.

(3) *Southern Pacific Company railroad bridge and State of California highway bridge at Knights Landing.* (i) The signal for opening at once both of these bridges shall be the call signal described in § 117.710(b)(1). The signal for opening either of these bridges, and that bridge only, shall be as follows: For the railroad bridge, two long blasts followed by one short blast; and for the highway bridge, two short blasts followed by one long blast.

(ii) When weather conditions prevent hearing sound signals and obstructions prevent seeing lantern signals, a vessel proceeding downstream may signal for opening of the draw of each of these bridges by swinging the beam of its searchlight from side to side in a vertical arc of about 60 degrees. If the draw can be opened immediately the draw tender shall so signal by projecting a steady beam of his searchlight vertically into the air and holding it steadily in that position until the vessel passes through the draw. If the draw tender finds, after giving the opening signal, that the bridge cannot be opened, he shall extinguish his searchlight immediately, but shall relight it when he is able to open the bridge.

(iii) The owner of or agency controlling each bridge shall keep a draw tender in constant attendance from 8:00 a. m. to 5:00 p. m., and at all times during periods when, in the opinion of the District Commander, an emergency exists, or during a hauling season which requires 20 or more passages through the bridge in any 30-day period provided 15 days' written notice of the contemplated traffic is given by the operators of the hauling vessels to the Southern Pacific Company's Division Engineer at Sacramento and to the Division of Highways Maintenance Superintendent at Woodland, respectively. At all other times, advance notice required. To be given to the Southern Pacific Company's Chief Dispatcher at Sacramento and to the Division of Highways Maintenance Superintendent, respectively, before 4:00 p. m.

(3-a) *State of California highway bridge at Meridian.* At least 12 hours' advance notice required.

(4) *Colusa County highway bridge at Colusa.* At least 12 hours' advance notice required. To be given to the Colusa County Sheriff's office at Colusa, California.

(5) *State of California highway bridge at Butte City.* At least 24 hours' advance notice required. To be given to the California State Highway Commission or to its representative in the vicinity.

(6) *Drawbridges above Chico Landing.* At least seven days' advance notice required.

(b) *Steamboat Slough, State of California highway bridge at the head of Grand Island.* (1) From 9:00 a.m. to 5:00 p.m., the bridge shall be opened promptly on receipt of the prescribed signal from a vessel desiring to pass through the bridge. Between 5:00 p.m. and 9:00 a.m. advance notice required before 4:00 p.m., to be given to the draw tender verbally or by telephone to the Rio Vista Bridge.

(2) The signal for opening this bridge shall be two long blasts followed by one short blast.

(c) *Miner Slough.* (1) *Ponton bridge between Ryer Island and Prospect Island.* At least 12 hours' advance notice required.

(2) *State of California highway bridge between northerly end of Ryer Island and Holland Tract.* At least 12 hours' advance notice required. To be given to the Division of Highways Maintenance Superintendent, Rio Vista, Calif.

(3) *Continuous attendance of the draws when Prospect Slough is impassable.* In the event that Prospect Slough is impassable for any reason, the owners of or agencies controlling these bridges shall, on notification of that fact, provide continuous attendance of the draws during the period of such blocking and consequent hauling season on Miner Slough. Vessel owners shall notify the owners of or agencies controlling these bridges promptly, under such conditions, of the removal of obstruction from Prospect Slough or the termination of their shipping movements through Miner Slough.

(d) *Sutter Slough; Sacramento County highway bridge near Courtland.* (1) The signal for opening this bridge shall be four long blasts.

(2) At least eight hours' advance notice required. To be given to the Sacramento County Engineer or to the operator of the Sacramento County highway bridge across Sacramento River at Walnut Grove.

(e) *Lindsey Slough; Hastings Farms highway bridge between Egbert and Lower Hastings Tracts.* At least 72 hours' advance notice required for removal of the center span. To be given to Hastings Farms, Merchants Exchange Building, San Francisco 4, California.

(f) *American River; State of California highway bridge at Sacramento.* The draw need not be opened for the passage of vessels and the special regula-

tions contained in § 117.710 shall not apply to this bridge.

§ 117.718 Eureka Slough, near Eureka, Calif.

At least 24 hours' advance notice required.

§ 117.720 Coos Bay, Oreg.

(a) *Highway bridge across South Slough.* (1) The bridge shall open for passage of vessels or other watercraft of any description upon verbal request to the authorized representative of the owner of or agency controlling the bridge.

(2) Notice shall be conspicuously posted on the bridge stating where the authorized representative may be found in case it is necessary for the draw to be opened.

(b) *Bridge of Southern Pacific Railroad Co. below North Bend.* (1) The drawspan of the bridge shall be kept open at all times except while actually required for the necessary passage of trains over the drawspan.

(2) During foggy weather a fog bell installed in the center of the drawspan shall be rung continuously, striking every 10 seconds.

(3) Any time during foggy weather, when the draw is closed and the passage is not clear for boats, there shall be sounded continuously a siren which may be heard at a distance of 1 mile from the drawspan. When the bridge is again opened the siren shall be stopped, indicating that the way is clear for the passage of boats.

(c) *Railroad bridge across Coalbank Slough.* (1) Whenever a vessel or other watercraft unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of the bridge.

(2) Upon receipt of such advance notice, the authorized representative shall, in compliance therewith, arrange for the opening of the draw within the specified 24-hour period.

(3) Notice shall be conspicuously posted on the bridge stating where the authorized representative may be found in case it is necessary for the draw to be opened.

(d) *Highway bridge across Coalbank Slough.* (1) Whenever a vessel or other watercraft unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice shall be given to the authorized representative of the owner of the bridge.

(2) Upon receipt of such advance notice, the authorized representative shall in compliance therewith arrange for opening the draw at a time designation (within the 24-hour period) which will not coincide with a period of peak highway traffic.

(3) Notice shall be conspicuously posted on the bridge stating where the authorized representative may be found in case it is necessary for the draw to be opened.

§ 117.725 Umpqua River, Oreg.

(a) *Bridge of Willamette-Pacific Railroad Co. at Reedsport, Oreg.* (1) The drawspan of the bridge across the Umpqua River at the mouth of Smith River shall be promptly opened for the passage of steamboats or other watercraft upon the following signals: One long blast of the whistle followed quickly by one short blast and one long blast.

(2) Vessels or other watercraft without power shall hail the bridge by horn or megaphone, or the bridge tender shall be notified by verbal communication of the desire to pass through the drawspan.

(3) During foggy weather an answering signal of one long blast from the whistle on the bridge will indicate that everything is clear and the draw open for the passage of boats. An answering signal from the whistle on the bridge of a succession of short blasts will indicate that there is some difficulty in immediately opening the draw, due to a passing train or some other cause.

(b) *Bridge (highway) at Reedsport, Oreg.* (1) The owner of or agency controlling the bridge shall provide the appliances and the personnel necessary for the safe, prompt, and efficient opening of the draw at any time during the day or night for the passage of any vessel or other watercraft, which cannot pass under the closed draw, when the following signal is received:

(i) One long blast followed immediately by one short blast of a whistle, siren, trumpet, horn or megaphone, or one loud and distinct stroke of a bell.

(ii) When the draw of the bridge can be opened immediately the draw tender shall reply by one long blast of a whistle, horn, siren, trumpet or megaphone, or one loud and distinct stroke of a bell.

(iii) If the draw of the bridge cannot be opened immediately, the draw tender shall reply by a succession of short blasts of a whistle, horn, siren, trumpet, or megaphone or loud and distinct ringing of a bell.

(2) A copy of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time.

(3) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at least once every 4 months to make certain that the machinery is in proper order for satisfactory operation.

§ 117.730 Siuslaw River, Oreg.

(a) *Oregon State Highway Commission bridge at Florence.* (1) The owner of or agency controlling this bridge shall provide the appliances and personnel necessary for the safe, prompt, and efficient opening of the draw at any time during the day or night for the passage of any vessel or other watercraft which cannot pass under the closed draw, when the call signal is received.

(2) The call signal for opening the draw shall be one long blast of a whistle, siren, trumpet, horn, or megaphone followed immediately by one short blast, or one loud and distinct stroke of a bell. When the draw of the bridge can be opened immediately the draw tender shall reply by one long blast of a whistle, horn, siren, trumpet, or megaphone, or one loud and distinct stroke of a bell. If the draw of the bridge cannot be opened immediately, the draw tender shall reply by a succession of short blasts of a whistle, horn, siren, trumpet, or megaphone, or loud and distinct strokes of a bell.

(3) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(4) A copy of the regulations in this paragraph shall be conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can be easily read at any time.

(b) *Southern Pacific Company railroad bridge at Cushman.* (1) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(2) Upon receipt of such advance notice, the authorized representative shall, in compliance therewith, arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(3) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(4) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be read easily at any time, a copy of the regulations in this paragraph together with a notice stating exactly how the authorized representative may be reached.

§ 117.739 Umpqua River, Dean Creek, Little Nestucca River, and Skipanon River, Oreg.; bridges.

The Oregon State Highway Department drawbridges across Umpqua River, Mile 11.0, side channel, near Gardiner, north of Bolon Island; Dean Creek at its mouth near Reedsport; Little Nestucca River, Mile 2.0, near Oretown; and Skipanon River, Mile 2.5, upstream from Warrenton need not be opened for the passage of vessels.

§ 117.740 Youngs Bay, Walluski River, Lewis and Clark River, Skipanon River, John Day River, Blind Slough, and Clatskanie River, Oreg.; bridges.

(a) The drawbridges across Youngs Bay, Walluski River, Lewis and Clark River, Skipanon River, John Day River, and Blind Slough, all in Clatsop County, Oreg., and the bridge across Clatskanie River, in Columbia County, Oreg., shall be promptly opened for the passage of vessels or other watercraft upon the following signals:

(1) Highway bridge across Youngs Bay at Smith Point, two long blasts followed quickly by two short blasts.

(1-a) Spokane, Portland & Seattle Railway bridge across Youngs Bay at Smith Point, one long blast followed quickly by one short blast.

(2) Youngs Bay highway bridge at foot of Fifth Street, Astoria, Oreg., two long blasts followed quickly by one short blast.

(3) Walluski River highway bridge, one long blast followed quickly by three short blasts.

(4) Lewis and Clark River highway bridge, near the mouth, one long blast followed quickly by four short blasts.

(5) Skipanon River railroad and highway bridges at Warrenton, Oreg. (both to be opened on one signal), one long blast followed quickly by one short blast.

(6) John Day River, Spokane, Portland & Seattle Ry. bridge, one long blast followed quickly by one short blast.

(7) John Day River highway bridge. (See special regulations in § 117.745.)

(8) Blind Slough, Spokane, Portland & Seattle Ry. bridge, one long blast followed quickly by one short blast.

(9) Clatskanie River, Spokane, Portland & Seattle Ry. bridge, one long blast followed quickly by one short blast.

(b) The bridges listed in paragraph (a) of this section shall be opened for the passage of vessels or watercraft of any kind upon prescribed signals being given on any form of whistle, horn, siren or trumpet, or upon verbal request of the person in charge of such vessel or watercraft except that the draw of the highway bridge across Youngs Bay at the foot of Fifth Street, Astoria, Oregon, shall not be required to open for vessels habitually using the waterway carrying appurtenances unessential for navigation which extend above the normal superstructure, unless such vessel has in tow a vessel which is unable to pass under the closed draw. Military masts shall be considered as a part of the superstructure.

NOTE: On request, the District Commander will cause an inspection to be made of the superstructure and appurtenances of a vessel habitually frequenting the waterway with a view to adjusting any differences of opinion in this matter between the vessel and the bridge owner.

**§ 117.745 John Day River, Oreg.; bridge (highway).**

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance at this bridge.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 12 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon the receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can easily be read at any time a copy of the regulations in this section, together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

**§ 117.750 Willamette River at Portland, Oreg., Columbia River at Vancouver, Wash., and North Portland Harbor (Oregon Slough), Oreg.; bridges (highway and railroad): Signals.**

(a) *Call signals for opening of draw.* These signals shall be as prescribed for each bridge in paragraph (b) of this section. It is given by vessels as notice to bridge operators to open the draw, or in case the draw is already open, that they intend to pass through. A call signal given twice in rapid succession indicates that vessel has authority to pass bridges during closed periods (see paragraph (f) (1) of this section).

(b) *Answering signals*—(1) *Acknowledging signal.* Shall be the same as the call signal for each bridge. Its purpose is to acknowledge the call signal of a vessel and to indicate that the operator intends to open the draw as soon as practicable, or that he will hold it open.

(2) *Danger signal.* Shall consist of a series of short blasts, at least four, given in rapid succession, and repeated if necessary. Its purpose is to answer the call signal of a vessel, but to indicate that the draw cannot or will not be opened at once, or, when vessels are waiting in the vicinity, that the draw, if open, is about to be closed. It is also to be used in emergency to revoke an acknowledging signal.

(3) *Rescinding signal.* Shall be the reverse of the call signal for each bridge. It is given by a vessel to cancel a previous call signal, to indicate that the vessel does not intend to pass through and that the draw need not be opened, or may be closed.

(4) *Answer to rescinding signal.* (i) Answer by the bridge operator to a rescinding signal shall be the danger signal (see subparagraph (2) of this paragraph).

(5) *Call signals.* The following call signals are prescribed for vessels wishing to have the drawspans opened or held open.

(i) Spokane, Portland & Seattle Ry. bridge, at Vancouver, Wash., one long followed by one short blast.

(ii) Interstate Highway Bridge, at Vancouver, Wash., two long followed by one short blast.

(iii) Spokane, Portland, and Seattle Railway Bridge at North Portland Harbor (Oregon Slough).

(a) The owner of or agency controlling this bridge shall not be required to keep a tender at the bridge. Operators of vessels unable to pass under the bridge in closed position shall give the authorized representative of the owner of or agency controlling the bridge, by telephone or two-way marine radio, at least one-half hours' advance notice of the time at which such opening will be required. The bridge shall be opened at any time upon receipt of the required notice.

(b) Vessels requiring an opening of the bridge shall direct their calls to the Spokane, Portland, and Seattle Railway drawbridge over the Columbia River at Vancouver, Wash.

(c) The owner of or agency controlling this bridge shall keep conspicuously posted on the bridge a notice stating exactly how the representative stated above may be reached, including radio frequencies and call sign. This notice shall be posted on both the upstream and downstream sides of the bridge and in such a manner that it can be read at all times.

(iv) Spokane, Portland & Seattle Ry. bridge, at St. Johns, Oreg., one long followed by one short blast.

(v) Broadway Bridge, two long followed by one short blast.

(vi) Oregon-Washington Railroad & Navigation Co. bridge, one long followed by one short blast.

(vii) Burnside Bridge, one long followed by two short blasts.

(viii) Morrison Bridge, one long followed by three short blasts.

(ix) Hawthorne Bridge, one long followed by four short blasts.

Call signals may be given on any form of whistle, horn, siren, or trumpet with sufficient range or volume to be heard by bridge operators.

(c) *To bridge owners.* All bridges to which this section applies shall be equipped with suitable air whistles of sufficient size and range that signals sounded on same shall be distinctly audible up and down stream under adverse wind and weather conditions for a distance of 2,500 feet, except for the Spokane, Portland & Seattle Ry. Co. bridges over Columbia and Willamette Rivers, which shall have a range of at least 5,000 feet under the same conditions.

(d) *To navigators.* (1) A vessel, desiring at any time (except during closed periods, see paragraph (f) (1) of this section) to pass through any of the above-mentioned bridges, under which it cannot pass with the draw closed, shall sound the call signal for such bridge as prescribed in paragraph (b) of this section, and shall repeat such signal at intervals until it is answered by the operator of the bridge (see paragraphs (a) and (e) of this section). In case two vessels approaching from opposite directions would meet at or near the bridge, the vessel bound downstream shall be considered as having the right of way. When either vessel waits for passage of the other, it shall again give the call signal for the bridge and receive acknowledgment before proceeding. It is incumbent upon navigators to make sure that their signals are understood before proceeding through a drawspan, and when approaching bridges, vessels should be kept under control, with a view to stopping, if necessary, before reaching the bridge.

(2) Vessels authorized to pass through bridges during closed periods, as pro-

vided in paragraph (f) (1) of this section, shall sound the call signal twice in rapid succession. Signals to open shall be given by vessels at a distance of at least 1,000 feet from the bridge, except in case of a vessel leaving a wharf or anchorage or when waiting less than 1,000 feet from the bridge. In such cases the signal shall be given early enough to allow the operator of the bridge sufficient time in which to clear and open the draw before arrival of the vessel.

(3) All vessels when passing any bridge shall be moved as expeditiously as is consistent with established rules governing speed in the harbor of Portland, and all towboats engaged in handling other craft or in towing logs through any of the bridges shall be of sufficient power to handle the tow without unduly delaying the closing of the drawspan.

(4) Vessels with hinged or adjustable masts or booms projecting above their fixed structures shall lower same and pass under the bridge, if practicable, without signaling for the draw to open.

(e) *To bridge operators.* (1) If the bridge can be opened, or is already open, when a call signal is given, the operator shall promptly answer the vessel calling by giving the acknowledging signal and promptly open the draw (except during closed periods, see paragraph (f) (1) of this section) or hold it open, as the case may be.

(2) In case the draw cannot be opened at once when the call signal is given, the operator shall promptly answer the vessel calling by giving the danger signal and shall repeat same, if necessary. As soon as the exigency which prevented opening has been removed the bridge operator shall promptly sound the regular acknowledging signal for that bridge to advise vessels that the draw can be opened at once, and he shall thereupon proceed to open same if there is a vessel waiting to pass through.

(3) When two vessels arrive at a bridge at or near the same time and blow the call signal, lift spans, when opened, shall be raised high enough to clear the taller vessel. If either vessel at any drawbridge waits for passage of the other and again gives the call signal, the bridge operator shall promptly answer with the acknowledging signal and shall hold the span open. In case the intentions of a waiting vessel are not understood by a bridge operator, when the draw is open he shall sound the danger signal as a warning to vessels that he is about to close the draw.

(4) If a rescinding signal is given by a vessel to cancel a previously given call signal, and it is evident the vessel does not intend to pass through, the bridge operator shall answer with the danger signal (four or more short blasts) and may then close the draw, or need not open it.

(f) *Closed periods.* (1) The periods from 7:00 a.m. to 9:00 a.m. and 4:45 p.m. to 6:15 p.m. are hereby designated closed periods during which the drawspans of bridges carrying street traffic over Willamette River at Portland shall not be opened to navigation except as below provided, or when necessary to prevent accidents.

(2) Closed periods above defined shall not be effective on Sundays, New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, or days observed in lieu of these under State law: *Provided*, That closed periods shall not apply against harbor patrol or fireboats answering calls, nor oceangoing vessels of 750 gross tons or over which are entering the harbor from points outside Willamette River: *And provided further*, That upon securing the approval and permission of the harbor master, but not otherwise, other oceangoing vessels of 750 gross tons or over may signal for and pass through these bridges at any hour. Vessels desiring and authorized to pass through bridges during closed periods as provided in subparagraph (1) of this paragraph, or in case of emergency when opening of the draw is necessary to prevent accident, shall sound the call signal twice in rapid succession, i. e., with an interval of not over 5 seconds between signals. Drawspans shall be opened, however, for oceangoing vessels of 750 gross tons or over under the rule in paragraph (e) of this section whether the vessel gives a single or double call signal.

**§ 117.755 Willamette River, Oreg.; bridges above Oregon City, Oreg.**

(a) *Southern Pacific Company's bridge at Salem.* (1) Except as provided in subparagraph (2) of this paragraph, the drawspan shall be opened promptly for the passage of river craft unable to pass under the closed bridge upon the following signal: One long blast, followed quickly by one short blast; or upon verbal request of the operator of any watercraft of his desire to have the drawspan opened.

(2) When river stages are below 20 feet, Corps of Engineers gage, and a vessel unable to pass under the bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge. Such advance notice may be given to the dispatchers of the Southern Pacific Company at Portland or to the Southern Pacific Company Agent at Salem.

(3) Upon receipt of such advance notice, arrangements shall be made for the prompt opening of the drawspan at the time given in the notice for passage of the vessel, and the draw shall be so opened.

(4) The owner or agency controlling the bridge shall keep a copy of the regulations in this paragraph conspicuously posted on both the upstream and downstream sides of the bridge, in such place and manner that it can be easily read from the river at any time.

(b) *Southern Pacific Company's bridge at Albany, Oreg., and Benton County highway bridge at Corvallis, Oreg.* (1) Whenever a vessel unable to pass under the Southern Pacific Company's railroad bridge at Albany, or the Benton County highway bridge at Corvallis, desires to pass through the draw of either bridge, at least 6 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge through which passage is desired.

(2) Upon receipt of such advance notice, arrangements shall be made for the prompt opening of the draw at the time given in the notice for passage of the vessel, and the draw shall be so opened.

(3) The owner or agency controlling the bridge shall keep a copy of the regulations in this paragraph conspicuously posted on both the upstream and downstream sides of the bridge, in such place and manner that it can be easily read from the river at any time, together with a notice stating exactly how the representative specified in paragraph (b) (1) of this section may be reached.

(4) The operating machinery of the draws of these bridges shall be maintained in a serviceable condition, and the draw opened and closed at least once each three months, to insure that the machinery is in proper order for satisfactory operation.

**§ 117.758 Skamokawa Creek, Wash.; Washington State Highway bridge at Skamokawa.**

The draw of the bridge need not be opened for the passage of vessels.

**§ 117.759 Columbia River; Oregon-Washington Bridge Co. highway bridge between Hood River, Oreg., and White Salmon, Wash.**

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 12 hours' advance notice of the time the opening is required, and the vertical clearance required for the vessel, shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw upon signal at the time specified in the notice for the passage of the vessel.

(d) The call signal for opening of the draw shall be one long blast followed by two short blasts and one long blast. When the draw has been opened sufficiently to pass the vessel, the draw tender shall reply by waving conspicuously a green flag by day or a green light by night. When the draw cannot be opened immediately, or when it is open and due to an emergency must be closed immediately, the draw tender shall reply by waving conspicuously a red flag by day or a red light by night.

(e) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can be easily read at any time, a copy of the regulations in this section, together with a notice stating exactly how the authorized representative may be reached.

(f) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

§ 117.759a Columbia River; Spokane, Portland and Seattle Railway Co. bridge between Wishram, Wash., and Celilo, Oreg.

(a) The owner of, or agency controlling the bridge, shall provide the necessary equipment, controls and personnel necessary for the safe, prompt and efficient opening of the draw upon signal at any time of the day or night for the passage of any vessel or other watercraft which cannot pass under the closed draw.

(b) The call signal for opening the draw shall be one long blast of a whistle, siren, trumpet, horn or megaphone, followed immediately by one short blast. When the draw of the bridge can be opened immediately or if the draw is open and will be held open, for the passage of the vessel, the draw tender shall reply by one long blast of a whistle, siren, trumpet, horn or megaphone, followed by one short blast. If the draw cannot be opened immediately the draw tender shall reply by a succession of short blasts on a whistle, siren, trumpet, horn or megaphone.

(c) The operating machinery of the draw shall be maintained in a serviceable condition and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper condition for prompt operation.

(d) The owner of, or agency controlling the bridge, shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can be easily read at any time, a copy of the regulations of this section.

§ 117.760 Columbia and Snake Rivers in vicinity of Pasco, Wash.; bridges.

(a) *Bridges covered by the regulations of this section.* (1) The Union Pacific Railroad Company bridge across the Columbia River about 5 miles downstream from Pasco, Washington.

(2) The Northern Pacific Railway Company bridge across the Columbia River between Pasco and Kennewick, Washington.

(3) The Northern Pacific Railway Company bridge across the Snake River at Burbank, Washington.

(b) *Posting of regulations.* The owner of or agency controlling each bridge shall keep conspicuously posted on the bridge a copy of the regulations of this section together with a notice stating exactly how the representative stated below may be reached. The regulations of this section and notice shall be posted on both the upstream and downstream sides of the bridge and in such a manner that they can be easily read at all times. The names, addresses, and telephone numbers of the bridge representatives are as follows:

(1) For the Union Pacific Railroad Company bridge—The Chief Dispatcher, Spokane, Washington, telephone Main 4121.

(2) For the Northern Pacific Railway Company bridges—The General Yardmaster, Clark and Tacoma Streets, Pasco, Washington, telephone 6242 or 4401.

(c) *Advance notification.* The owners or operators of vessels requiring that the drawspan of either of the bridges owned by the Northern Pacific Railway Company referred to above, be opened between the hours of 4:00 p. m. and 8:00 a. m., will notify the representative of the bridge owner at least 2 hours in advance of the estimated time of arrival of the vessel at the bridge.

(d) *Signals.* (1) *Call signals for opening of draw.* The following signals shall be given by vessels as notice to bridge tender to open the draw, or in case the draw is already open, that they intend to pass through.

(i) *Sound signals.* (*a*) For the Union Pacific Railroad Company bridge, 2 long blasts and 1 short blast, sounded at least 10 minutes and not more than 30 minutes before passage is desired.

(*b*) For the Northern Pacific Railway Company bridges, 1 long blast and 2 short blasts, sounded at least 10 minutes and not more than 30 minutes before passage is desired.

(ii) *Visual signals.* A white flag by day or a white light at night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Answering signals*—(i) *Acknowledging signals.* Shall be the same as the call signal for each bridge. The purpose of the signal is to acknowledge the call signal of a vessel and to indicate that the bridge tender intends to open the draw as soon as practicable, or that he will hold the draw open.

(ii) *Danger signals.* Shall consist of a series of short blasts, at least four, given in rapid succession, and repeated if necessary, or a red flag during the day or a red light at night swung in full circles in full sight of the vessel. The signals will be used in answering the call signal of a vessel to indicate that the draw cannot or will not be opened at once, or, when vessels are waiting in the vicinity, that the draw, if open is about to be closed. It is also to be used in emergency to revoke an acknowledging signal.

(iii) *Rescinding signals.* Shall be the reverse of the call signal for each bridge. The signal will be used by a vessel to cancel a previous call signal, and to indicate that the vessel does not intend to pass through and that the draw need not be opened, or may be closed.

(iv) Answer by the bridge tender to a rescinding signal shall be the danger signal.

(e) All bridges to which the regulations of this section apply shall be equipped with a whistle or horn of sufficient size and range that signals sounded on same shall be distinctly audible up and down stream on a still day for a distance of approximately 2.5 miles.

(f) A vessel, desiring to pass through any of the above bridges, under which it cannot pass with the draw closed, except when advance notice is required by paragraph (c) of this section, shall sound the call signal for such bridge as prescribed and shall repeat such signal at intervals until it is answered by the draw tender. In case two vessels approaching from opposite directions would meet at or near the bridge, the vessel bound downstream shall be considered as having the right of way. When either vessel waits for the passage of the other, the vessel shall again give the call signal for the bridge and receive an acknowledging signal from the draw tender before proceeding. It is incumbent upon navigators to make sure that their signals are understood before proceeding through a drawspan, and when approaching bridges, vessels should be kept under control, with a view to stopping, if necessary, before reaching the bridge.

(g) All vessels when passing any bridge shall be moved as expeditiously as is consistent with safe navigation, and all towboats engaged in towing barges or other craft through any of the bridges shall be of sufficient power to handle the tow without unduly delaying the closing of the drawspan.

(h) Vessels with hinged or adjustable masts or booms projecting above their fixed structure shall lower the same and pass under the bridges, if practicable, without signaling for the draw to open.

(i) If the bridge can be opened, or is already open, when a call signal is given, the draw tender shall promptly answer the vessel calling by giving the acknowledging signal and promptly open the draw or hold it open, as the case may be, except that the opening of the draw may be delayed until immediately after the passage of any train which will cross the bridge before stopping and which has passed any bridge signal block located not more than two miles from the bridge. Trains shall in no event stand in such location as to prevent operation of the draw when a vessel desiring passage through the bridge has signaled for the draw to be opened.

(j) In case the draw cannot be opened at once when the call signal is given, the draw tender shall promptly answer the vessel calling by giving the danger signal and shall repeat the same, if necessary. As soon as the exigency which prevented opening has been removed the bridge tender shall promptly sound the regular acknowledging signal for the bridge to advise vessels that the draw can be opened at once, and he shall thereupon proceed to open same if there is a vessel waiting to pass through.

(k) When two vessels arrive at a bridge at or near the same time and blow the call signal, the lift span, when opened, shall be raised high enough to clear the taller vessel. If either vessel at any drawbridge waits for passage of the other and again gives the call signal, the bridge tender shall promptly answer with the acknowledging signal and shall hold the span open. In case the intentions of a waiting vessel are not fully understood by a draw tender, when the draw is open he shall sound the

danger signal as a warning to vessels that he is about to close the draw.

(i) If a rescinding signal is given by a vessel to cancel a previously given call signal, and it is evident the vessel does not intend to pass through, the draw tender shall answer with the danger signal and may close the draw, or need not open the draw.

§ 117.765 Cowlitz and Lewis Rivers, Wash.; bridges.

(a) *General regulations.* (1) The corporations or persons owning or controlling a drawbridge shall provide the same with the necessary tenders and the proper mechanical devices for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(2) If the weather conditions are good and sound signals can be heard, when a vessel approaches a drawbridge and desires to pass through the draw:

(i) The person in charge of such vessel desiring to pass shall cause to be sounded, within reasonable hearing distance of the bridge, repeating if necessary, and in time to give due notice to its operator, three long distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell.

(ii) When the draw of the bridge can be opened immediately, the draw tender shall reply by two long blasts followed by one short distinct blast of a whistle, horn, or megaphone, or by three loud and distinct strokes of a bell.

(iii) When the draw of the bridge cannot be opened immediately the draw tender shall reply by two long distinct blasts of a whistle, horn, or megaphone, or two distinct strokes of a bell. (This signal may also be used by a vessel to countermand its signal to open draw.)

(iv) When, after a delay, as in subparagraph (2) (iii) of this paragraph, the draw of the bridge can be opened and the vessel still desires to pass, the draw tender shall give the signal described in subparagraph (2) (iii) of this paragraph, viz, two long blasts followed by one short distinct blast of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell.

(3) When weather conditions prevent hearing sound signals:

(i) The person in charge of a vessel desiring to pass shall swing a white lighted lantern or white flag, the former by night, the latter by day; the person signaling to face the drawbridge and swing the lantern or flag in front of him at arm's length, in vertical circles.

(ii) When the draw of the bridge can be opened immediately, the draw tender shall reply by raising and lowering a white lighted lantern or a white flag, the former by night, the latter by day, the movement to be vertical.

(iii) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by swinging a red lighted lantern or red flag, the former by night, the latter by day; the person signaling to face the vessel and swing the lantern or flag in front of him at arm's length in vertical circles. (This signal may also be used by a vessel to countermand its signal to open draw.)

(iv) When, after a delay, as in subparagraph (3) (iii) of this paragraph the draw of the bridge can be opened and the vessel still desires to pass, the draw tender shall give the signal described in subparagraph (3) (ii) of this paragraph viz, raising and lowering a lighted lantern or a flag.

(4) When fog prevails by day or by night the draw tender on giving signal (subparagraphs (2) (ii), (2) (iv), (3) (ii), and (3) (iv) of this paragraph) that draw will be opened, shall toll a bell continuously during the approach and passage of the vessel.

(5) The draw shall be opened with the least possible delay upon receiving the prescribed signal: *Provided*, That the drawspan shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the operator of the drawspan.

(6) Trains, wagons, and other vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall water craft or vessels be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under a drawbridge shall be prompt, to prevent delay to either land or water traffic.

(7) This paragraph shall apply in the cases of all bridges, but to provide for intermittent attendance of bridge tenders on bridges across streams where water traffic is minor, or at times nonexistent, the special regulations and exceptions in paragraph (b) of this section are prescribed.

(b) *Special regulations*—(1) *Northern Pacific Railway Company bridge across Lewis River.* The draw of the bridge need not be opened for the passage of vessels, and paragraph (a) of this section shall not apply to this bridge.

(2) Cowlitz River; highway bridge at Allen Street, Kelso, Wash.

(i) The owner of or agency controlling the drawbridge will not be required to keep a draw tender in constant attendance.

(ii) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 2 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge. In the event a vessel is delayed by weather conditions or otherwise, the operator will remain a reasonable time, not to exceed two hours, and open the bridge on signal for the passage of the vessel. If a vessel is expected to be delayed more than two hours the operator will be so advised, and notified of the later time the opening will be required.

(iii) Upon receipt of advance notice the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel. If a vessel passing through the bridge intends to return through within two hours the bridge tender will be advised of the fact and he will remain at and open the bridge upon signal for the vessel's return passage.

(iv) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of these regulations, together with a notice stating exactly how the authorized representative may be reached by telephone or otherwise.

(v) The operating machinery of the draw shall be maintained in a serviceable condition and the draw opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

§ 117.770 Willapa Harbor and navigable tributaries, Washington; bridges.

(a) *General regulations.* (1) The corporations or persons owning or controlling a drawbridge shall provide the same with the necessary tenders and the proper mechanical devices for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(2) The person in charge of a vessel desiring to pass shall cause to be sounded, within reasonable hearing distance of the bridge, repeating if necessary, and in time to give due notice to its operator, the proper signal for the bridge, as described in paragraph (b) of this section.

(3) When the draw of the bridge can be opened immediately, the draw tender shall reply by one long distinct blast, followed by one short distinct blast of a horn or whistle.

(4) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by four short distinct blasts of a horn or whistle. (This signal may also be used by a vessel to countermand its signal to open the draw.)

(5) Trains and other vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under the drawbridge shall be prompt to prevent delay to either land or water traffic.

(b) *Special regulations.* (1) The following signals are prescribed for vessels wishing to have the draws opened:

(i) Washington State highway bridge, North Fork, Willapa River, at Raymond, Washington: One long blast of horn or whistle followed quickly by one short blast and one long blast.

(ii) Northern Pacific Railroad bridge, South Fork, Willapa River at Raymond, Washington: Two long blasts of a horn or whistle, followed quickly by one short blast.

(iii) Washington State highway bridge, South Fork, Willapa River at Raymond, Washington: Two long blasts of a horn or whistle followed quickly by two short blasts.

(iv) Washington State highway bridge, Naselle River, about 6 miles downstream from Naselle, Washington: One long blast of a horn or whistle.

(2) Constant attendance by draw tenders is not required at the State highway bridges across the North and South Forks of Willapa River at Raymond and the Naselle River about 6 miles downstream from Naselle. Vessels requiring openings of these bridges shall give advance notice of not more than 2 hours for openings between 8:00 a.m. and 5:00 p.m. on all days except Saturdays, Sundays and legal holidays, and advance notice of not more than 8 hours for openings at any other time. The owner of the bridges shall keep conspicuously posted on both the upstream and downstream sides, in such a manner that they can be easily read at any time, copies of the regulations of this section, together with notices stating exactly how the bridge operators may be reached to obtain openings of the bridges, including names, addresses and telephone numbers.

**§ 117.775 Grays Harbor and tributaries, Washington; bridges.**

(a) *General regulations.* (1) The corporations or persons owning or controlling a drawbridge shall provide the same with the necessary tenders and the proper mechanical devices for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(2) If the weather conditions are good and sound signals can be heard when a vessel approaches a drawbridge and desires to pass through the draw:

(i) The person in charge of such vessel desiring to pass shall cause to be sounded, within reasonable hearing distance of the bridge, repeating if necessary, and in time to give due notice to its operator, three long distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell.

(ii) When the draw of the bridge can be opened immediately the draw tender shall reply by two long blasts followed by one short distinct blast of a whistle, horn, or megaphone, or by three loud and distinct strokes of a bell.

(iii) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by two long distinct blasts of a whistle, horn, or megaphone, or two distinct strokes of a bell. (This signal may also be used by a vessel to countermand its signal to open draw.)

(iv) When, after a delay as in subparagraph (2) (iii) of this paragraph, the draw of the bridge can be opened and the vessel still desires to pass, the draw tender shall give the signal described in subparagraph (2) (ii) of this paragraph, viz, two long blasts followed by one short distinct blast of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell.

(3) When weather conditions prevent hearing sound signals:

(i) The person in charge of a vessel desiring to pass shall swing a white lighted lantern or white flag, the former by night, the latter by day; the person signaling to face the drawbridge and swing the lantern or flag in front of him at arm's length, in vertical circles.

(ii) When the draw of the bridge can be opened immediately, the draw tender shall reply by raising and lowering a white lighted lantern or a white flag, the former by night, the latter by day; the movement to be vertical.

(iii) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by swinging a red lighted lantern or red flag, the former by night, the latter by day; the person signaling to face the vessel and swing the lantern or flag in front of him at arm's length, in vertical circles. (This signal may also be used by a vessel to countermand its signal to open draw.)

(iv) When, after a delay, as in subparagraph (3) (iii) of this paragraph, the draw of the bridge can be opened and the vessel still desires to pass, the draw tender shall give the signal described in subparagraph (3) (ii) of this paragraph, viz, raising or lowering a lighted lantern or a flag.

(4) When fog prevails by day or by night the draw tender on giving signal (subparagraphs (2) (ii), (2) (iv), (3) (ii), or (3) (iv) of this paragraph) that draw will be opened, shall toll a bell continuously during the approach and passage of the vessel.

(5) The draw shall be opened with the least possible delay upon receiving the prescribed signal: *Provided*, That the drawspan shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the operator of the drawspan.

(6) Trains, wagons, and other vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall water craft or vessels be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under a drawbridge shall be prompt to prevent delay to either land or water traffic.

(7) This paragraph shall apply in the cases of all bridges, but to provide for distinctive signals given by vessels to particular bridges, as where to or more are within sight or hearing and but one bridge is desired to be opened, the special regulations and exceptions in paragraph (b) are prescribed.

(b) *Special regulations.*

(1) State bridge over Hoquiam River at Simpson Avenue: two long blasts of whistle followed quickly by one short blast of whistle.

(2) City bridge over Hoquiam River, Eighth Street, Hoquiam: two long blasts of whistle followed quickly by two short blasts.

(3) Northern Pacific Railway bridge over Hoquiam River near forks of river: one long blast of whistle followed quickly by one short and one long blast.

(4) Northern Pacific Railway bridge over Wishkah River at Aberdeen: one long blast of whistle followed quickly by one short blast.

(5) City bridge over Wishkah River at Heron Street, Aberdeen: One long blast of whistle followed quickly by two short blasts.

(6) City bridge over Wishkah River at Wishkah Street: One long blast of whistle followed quickly by three short blasts.

(7) City bridge over Wishkah River at Second Street, Aberdeen: One long blast of whistle followed quickly by four short blasts.

NOTE: For other special regulations governing operation of this bridge, see § 117.810.

(8) State Highway bridge over Chehalis River at Aberdeen: Two short blasts of whistle followed quickly by one long blast.

**§ 117.784 Hood Canal, Wash.; Washington State Department of Highways bridge near Port Gamble.**

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance, except as otherwise provided in paragraph (b) (3) of this section.

(b) Whenever a vessel is unable to safely pass under either of the two fixed approach spans and desires to pass through the draw of the bridge, at least one hour advance notice of the time of required opening shall be given to the authorized representative of the owner of or agency controlling the bridge by any of the methods indicated below.

(1) Telephone requests for bridge opening will be directed as collect calls to the Toll Office at the bridge site. The call may also be made by direct telephone communication, through the Seattle Marine Operator, Station KOW, or through other marine wire or radio telephone service.

(2) Audio requests for watercraft without facilities as set forth in subparagraph (1) of this paragraph will be made by sounding one long blast of a horn or whistle followed quickly by two short blasts in the immediate vicinity of the drawspan. The bridge attendant will acknowledge by repeating the signal.

(3) During unusual or emergency periods, the authorized representative of the owner of or agency controlling the bridge will be required to operate the draw of the bridge on a demand basis for specified periods of time, which will normally not exceed 48 hours, when requested by the Department of the Navy. While on a demand basis the draw tender will be in attendance on the bridge with radio communications equipment in operation.

(c) After receipt of proper advance notice of a required opening of the drawspan the authorized representative of the owner of or agency controlling the bridge shall arrange for opening the span at the specified time. When opening of the bridge is imminent, all signals, radio or audio, will be promptly acknowledged by both the bridge and vessels desiring to pass through the draw.

(d) Communication when opening is imminent:

(1) Radio: The draw tender will monitor radio telephone frequency 2738 kilocycles and will communicate with vessels on the frequency regarding the intended opening. In the event that radio contact cannot be made on frequency 2738 kilocycles, an attempt will then be made on 2182 kilocycles.

(2) Audio: The draw tender will communicate with vessels not equipped with

radiotelephone or in instances where radio communication is not satisfactory by use of audio signals as follows:

(i) Vessels wishing to have the draw opened will sound one long blast of a horn or whistle followed quickly by two short blasts.

(ii) If the drawspan cannot be opened immediately, or if open and must close immediately, the draw tender will sound four or more short blasts of a horn or whistle, to be repeated at regular intervals until acknowledged.

(e) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can easily be read at any time, a copy of the regulations in this section.

**§ 117.785 City Waterway, Tacoma Harbor, Wash.; bridges.**

(a) *Draw tenders and operating machinery.* The owners of or agencies controlling drawbridges shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels in accordance with the regulations in this section. The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(b) *Signals*—(1) *Sound signals.* To be used if weather conditions are such that sound signals can be heard.

(i) *Call signal for opening of draw.* For the City of Tacoma bridge at South Eleventh Street, three long blasts followed by one short blast, for the Northern Pacific Railway Company bridge at South Fourteenth Street, two long blasts followed by one short blast, and for the Union Pacific Railroad Company bridge near South Fifteenth Street, one long blast followed by one short blast and one long blast, of a whistle, horn, or megaphone, sounded within reasonable hearing distance of the bridge in each case, repeated if necessary, and in time to give due notice to the draw tender.

(ii) *Acknowledging signal when draw can be opened immediately (opening signal).* Two long blasts followed by one short blast of a whistle, horn or megaphone, or three loud and distinct strokes of a bell.

(iii) *Acknowledging signal when draw cannot be opened immediately, or when it is open and must be closed immediately.* Two long blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell. (This signal may also be used by a vessel to countermand its call signal.) Thereafter, as soon as the draw can be opened, the draw tender shall sound the opening signal.

(2) *Visual signals.* To be used if weather conditions are such that sound signals may not be heard.

(i) *Call signal for opening of draw.* A white flag by day or a white lighted lantern by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw.

(ii) *Acknowledging signal when draw can be opened immediately (opening signal).* Same as call signal, to be given in full sight of the vessel.

(iii) *Acknowledging signal when draw cannot be opened immediately, or when it is open and must be closed immediately.* A red flag by day or a red lighted lantern by night, swung in vertical circles at arm's length in full sight of the vessel. (This signal may also be used by a vessel to countermand its call signal.) Thereafter, as soon as the draw can be opened, the draw tender shall give the opening signal.

(3) *Fog signal.* When fog prevails by day or by night the draw tender, after giving the opening signal, shall toll a bell continuously during the approach and passage of the vessel.

(c) *Prompt opening required except when delayed by train.* Except as otherwise provided in paragraph (e) of this section, the draw shall be opened with the least possible delay on receiving the prescribed signal: *Provided,* That the draw shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the draw tender.

(d) *Interference with operation of bridge prohibited.* Trains and vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall watercraft be navigated so as to hinder or delay the operation of the draw, but all passage over or through a drawbridge shall be prompt to prevent delay to either land or water traffic.

(e) *Special regulations* (1) *City of Tacoma bridge at South Eleventh Street.* (i) The owner of or agency controlling this bridge need not keep a draw tender in constant attendance.

(ii) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw, at least two hours' advance notice of the time the opening is required must be given to the authorized representative of the owner of or agency controlling the bridge to insure prompt opening thereof at the time required.

(iii) On receipt of such advance notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on proper signal at approximately the time specified in the notice: *Provided,* That the draw need not be opened between 6:45 a. m. and 7:45 a. m. and between 3:30 p. m. and 5:30 p. m. except when necessary to prevent disaster to shipping.

(iv) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section pertaining to the bridge together with information as to whom notice should be given when it is desired that the bridge be opened and directions for communicating with such person by telephone or otherwise.

(2) *Union Pacific Railroad Company bridge near South Fifteenth Street.* The draw of this bridge need not be opened between 7:15 a. m. and 8:00 a. m. and between 4:15 and 5:00 p. m. except when necessary to prevent disaster to shipping.

**§ 117.790 Duwamish Waterway at Seattle, Wash.; bridges.**

(a) *General regulations.* (1) The corporations or persons owning or controlling a drawbridge shall provide the same with necessary tenders and the proper mechanical devices for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(2) If the weather conditions are good and signals can be heard when a vessel approaches a drawbridge and desires to pass through the draw:

(i) The person in charge of such vessel desiring to pass shall cause to be sounded, within reasonable hearing distance of the bridge, repeating if necessary, and in time to give due notice to its operator, the opening signal prescribed in paragraph (b) of this section for the particular bridge.

(ii) When the draw of the bridge can be opened immediately, the draw tender shall reply by the signal prescribed under special regulations in paragraph (b) of this section. As used in this section, the term long blast of a whistle or horn shall mean a blast of 4 seconds' duration, and a short blast shall mean one of 1 second duration.

(iii) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by the signal prescribed under special regulations in paragraph (b) of this section.

(iv) When, after a delay, as in subparagraph (2) (iii) of this paragraph, the draw of the bridge can be opened and the vessel still desires to pass, the draw tender shall give the signal prescribed under special regulations in paragraph (b) of this section.

(3) When weather conditions prevent hearing sound signals:

(i) The person in charge of a vessel desiring to pass shall swing a white lighted lantern or white flag, the former by night, the latter by day; the person signaling to face the drawbridge and swing the lantern or flag in front of him at arm's length in vertical circles.

(ii) When the draw of the bridge can be opened immediately, the draw tender shall reply by raising and lowering a white lighted lantern or a white flag, the former by night, the latter by day, the movement to be vertical.

(iii) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by swinging a red lighted lantern or red flag, the former by night, the latter by day; the person signaling to face the vessel and swing the lantern or flag in front of him at arm's length in vertical circles. (This signal may also be used by a vessel to countermand its signal to open draw.)

(iv) When, after a delay, as in subparagraph (3) (iii) of this paragraph the draw of the bridge can be opened and the vessel still desires to pass, the draw tender shall give the signal prescribed in subparagraph (3) (ii) of this paragraph.

viz, raising and lowering a lighted lantern or a flag.

(4) When fog prevails by day or by night the draw tender, on giving signal (subparagraphs (2) (ii), (2) (iv), (3) (ii) or (3) (iv) of this paragraph) that draw will be opened, shall toll a bell continuously during the approach and the passage of the vessel.

(5) The draw shall be opened with the least possible delay, upon receiving the prescribed signal: *Provided*, That the drawspan shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the operator of the drawspan.

(6) Trains, wagons, and other vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall water craft or vessels be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under a drawbridge shall be prompt, to prevent delay to either land or water traffic.

(b) *Special regulations.* (1) The general regulations in paragraph (a) of this section shall apply in the cases of all bridges, but to provide for distinctive signals given by vessels to particular bridges, as where two or more are within sight or hearing and but one bridge is desired to be opened, and to provide for closed or open periods when land or water traffic predominates, the special regulations and exceptions in this paragraph are prescribed.

(2) The following signals are prescribed for vessels wishing to have the draws opened:

(i) *Northern Pacific Ry. and West Spokane Street Bridge—(a) Opening signal.* For the Northern Pacific Ry. bridge only: One long blast of whistle, followed quickly by one short blast. For both the Northern Pacific Ry. and West Spokane Street bridges: One long blast of whistle, followed quickly by three short blasts.

NOTE: Northern Pacific Ry. bridge, clearance 18 feet at mean lower low water; West Spokane Street Bridge, clearance 53 feet at mean lower low water.

(b) *Closed periods.* Between the hours of 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m., the draw of the West Spokane Street bridge need not be opened on any day of the week except Saturdays, Sundays and National Holidays for the passage of any vessel of less than 1,000 gross tons unless such vessel has in tow a vessel of 1,000 gross tons or over, or is required to open the bridge to pick up for towing a vessel of 1,000 gross tons or over, except that openings will be made under emergency conditions upon certification to the Seattle City Engineer by responsible representatives of affected navigation interests.

(ii) *City bridge at First Avenue South.* Clearance 52 feet at mean lower low water.

(a) *Opening signal.* The signal for opening this bridge shall be three long blasts of the whistle.

(b) *Closed periods.* Between the hours of 7:00 a.m. and 9:00 a.m., and 4:00 p.m. and 6:00 p.m., the draw of the First Avenue South bridge need not be opened on any day of the week except Saturdays, Sundays and national holidays for the passage of any vessel of less than 1,000 gross tons unless such vessel has in tow a vessel of 1,000 gross tons or over, or is required to open the bridge to pick up for towing a vessel of 1,000 gross tons or over, except that openings will be made under emergency conditions upon certification to the Seattle City Engineer by responsible representatives of affected navigation interests.

(iii) [Reserved]

(iv) *County bridge at Fourteenth Avenue South.* Clearance 45 feet at mean lower low water.

(a) *Opening signal.* The signal for opening this bridge shall be one long blast followed quickly by one short blast and one long blast of the whistle.

(b) *Closed periods.* Between the hours of 7:00 a. m. and 8:00 a. m., and 3:30 p. m. and 5:00 p. m., Monday through Friday of each week, the draw need not be opened for the passage of vessels.

(v) *Additional instructions.* The bridges described in this subparagraph shall also be opened for the passage of vessels or watercraft of any description propelled by other than steam power, upon like signals given by whistle or trumpet, or upon verbal request of the person or persons in charge of same. If the draw of any of the bridges is ready to be opened immediately when the prescribed signal is given from the vessel, the signal shall be answered immediately by the same prescribed signal from a whistle or horn on the bridge; but if the draw is not ready to be opened immediately upon the prescribed signal being given on the vessel, the signal shall be answered immediately from the bridge by four or more short blasts of a whistle, horn, or megaphone, or four or more distinct strokes of a bell.

(3) All vessels when passing any bridge shall be moved as expeditiously as is consistent with established rules governing speed in the Duwamish Waterway.

(4) All vessels, crafts, or rafts, not self-propelled, navigating the Duwamish Waterway, for which the opening of any bridge may be necessary, shall while passing such bridge, be towed by a suitable self-propelled boat.

(5) When the draw of any of the bridges listed in this subparagraph shall have been opened for 10 minutes, or for such shorter period as may have been necessary for the passage of vessels or other watercraft desiring to pass, it shall be closed for the crossing of trains, cars, vehicles, or individuals, if any be waiting to cross, and after being so closed for 10 minutes, or for such shorter time as may be necessary for the said trains, cars, vehicles, or individuals to cross, it shall again be opened promptly for the passage of vessels or other watercraft, if there be any such desiring, and authorized hereinabove, to pass at such time.

**§ 117.795 Lake Washington Ship Canal, Wash.; bridge.**

(a) *General regulations.* (1) The corporations or persons owning or controlling a drawbridge shall provide same with the necessary tenders and the proper mechanical devices for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(2) If the weather conditions are good and sound signals can be heard when a vessel approaches a drawbridge and desires to pass through the draw:

(i) The person in charge of such vessel desiring to pass shall cause to be sounded, within reasonable hearing distance of the bridge, repeating if necessary, and in time to give due notice to its operator, the opening signal prescribed under paragraph (b) (1) of this section for the particular bridge.

(ii) When the draw of the bridge can be opened immediately, the draw tender shall reply by the signal prescribed under paragraph (b) (1) of this section.

(iii) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by the signal prescribed under paragraph (b) (1) of this section.

(iv) When, after a delay, as in subdivision (iii) of this subparagraph, the draw of the bridge can be opened and the vessel still desires to pass, the draw tender shall give the signal prescribed under paragraph (b) (1) of this section.

(3) When weather conditions prevent hearing sound signals:

(i) The person in charge of a vessel desiring to pass shall swing a white lighted lantern or white flag, the former by night, the latter by day, the person signaling to face the drawbridge and swing the lantern or flag in front of him at arm's length, in vertical circles.

(ii) When the draw of the bridge can be opened immediately, the draw tender shall reply by raising and lowering a white lighted lantern or a white flag, the former by night, the latter by day, the movement to be vertical.

(iii) When the draw of the bridge cannot be opened immediately, the draw tender shall reply by swinging a red lighted lantern or red flag, the former by night, the latter by day, the person signaling to face the vessel and swing the lantern or flag in front of him at arm's length, in vertical circles. (This signal may also be used by a vessel to countermand its signal to open draw.)

(iv) When, after a delay, as in subparagraph (3) (iii) of this paragraph, the draw of the bridge can be opened and the vessel still desires to pass, the draw tender shall give the signal prescribed in subparagraph (3) (ii) of this paragraph viz, raising and lowering a lighted lantern or a flag.

(4) When fog prevails by day or by night the draw tender on giving signal (subparagraph (2) (ii), (2) (iv), (3) (ii), or (3) (iv) of this paragraph) that draw will be opened, shall toll a bell continuously during the approach and passage of the vessel.

(5) The draw shall be opened with the least possible delay, upon receiving the

prescribed signal: *Provided*, That the drawspan shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the operator of the drawspan.

(6) Trains, wagons, and other vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall watercraft or vessels be so manipulated as to hinder or delay the operation of a drawspan, but all passage over, through, or under a drawbridge shall be prompt, to prevent delay to either land or water traffic.

(7) This paragraph shall apply in the cases of all bridges, but to provide for distinctive signals given by vessels to particular bridges, as where two or more are within sight or hearing and but one bridge is desired to be opened, and to provide for closed or open periods when land or water traffic predominates, the special regulations and exceptions in paragraph (b) of this section are prescribed.

(b) *Special regulations.* (1) The following signals are prescribed for vessels wishing to have the draws opened:

(i) *Great Northern Railway bridge, clearance 42 feet at high tide.* One long blast of whistle, followed quickly by one short blast.

(ii) *Ballard Bridge, clearance 45 feet.* One long blast of whistle, followed quickly by one short blast.

(iii) *Northern Pacific Railway bridge, clearance 16 feet.* One long blast of whistle, followed quickly by three short blasts.

(iv) *Fremont Avenue Bridge, clearance 30 feet.* One long blast of whistle, followed quickly by one short blast.

(v) *University Bridge, clearance 44 feet.* One long blast of whistle, followed quickly by three short blasts.

(vi) *Montlake Bridge, clearance 46 feet.* One long blast of whistle, followed quickly by one short blast.

The bridges listed in subparagraph (1) of this paragraph shall also be opened for the passage of vessels or watercraft of any description propelled by other than steam power, upon like signals given by whistle or trumpet, or upon verbal request of the person or persons in charge of same. If the draw of any of the bridges listed in this subparagraph is ready to be opened immediately when the prescribed signal is given from the vessel, the signal shall be answered immediately by the same prescribed signal from a whistle or horn on the bridge; but if the draw is not ready to be opened immediately upon the prescribed signal being given on the vessel, the signal shall be answered immediately from the bridge by four or more short blasts of a whistle, horn, or megaphone or four or more distinct strokes of a bell.

(2) All vessels when passing any bridge shall be moved as expeditiously as is consistent with established rules governing speed in the Lake Washington Ship Canal.

(3) All vessels, crafts, or rafts, not self-propelled, navigating the Lake Washington Ship Canal, for which the opening of any bridge may be necessary, shall, while passing such bridge, be towed by a suitable self-propelled boat.

(4) The draws in each and every bridge shall, upon the signal prescribed above being given, be opened promptly for the passage of any vessel, or vessels, or other watercraft not able to pass underneath it:

(i) *Provided*, That the Ballard bridge, Fremont Avenue bridge, University bridge, and Montlake bridge will not be required to open on any day of the week except on Saturdays, Sundays and national holidays between the hours of 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. for vessels or other watercraft of less than 1,000 gross tons unless such vessel has in tow a vessel of 1,000 gross tons or over, or is required to open the bridge to pick up for towing a vessel of 1,000 gross tons or over, except that openings will be made under emergency conditions upon certification of the Seattle City Engineer by responsible representatives of affected navigation interests, and

(ii) *Provided further*, That the draw in any of the above four city bridges need not be opened at any time for the passage of any vessel of less than 300 gross tons equipped with a movable stack or mast which can readily be lowered so as to permit its passage under the closed draw, unless it has in tow a vessel which is unable to pass under the closed draw. Any vessel of less than 300 gross tons regularly navigating the canal shall be subject to inspection and measurement by the District Commander who is hereby empowered to decide in each case whether or not the vessel shall be equipped with hinged or movable stacks, masts and flagpoles which can be lowered to enable the vessel to pass under the closed draw of any or all the bridges. If the District Commander decides that such action should be taken, he shall notify the vessel owner and the bridge owner of his decision, specifying a reasonable time for making the alterations; and after the expiration of the time specified the draw need not be opened for the passage of such vessel unless it has in tow a vessel unable to pass under the closed draw; and

(iii) *Provided further*, That when the draw in any of the above bridges shall have been opened for 10 minutes, or for such shorter period as may have been necessary for the passage of vessels, or other watercraft, desiring to pass, it shall be closed for the crossing of trains, cars, vehicles, or individuals, if any be waiting to cross, and after being so closed for 10 minutes, or for such shorter time as may be necessary for the said trains, cars, vehicles, or individuals to cross, it shall again be opened promptly for the passage of vessels or other watercraft, if there be any such desiring and authorized hereinabove, to pass at such time.

### § 117.800 Lake Washington, Wash.; pontoon bridge between Seattle and Mercer Island, Wash.

(a) The owners of or agencies controlling the drawbridge shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draw.

(b) *Signals.* (1) *Call signals for opening of draw*—(i) *Sound signal.* One long blast followed by one short blast of whistle, horn, or megaphone, sounded within a reasonable distance of the bridge. As used in the regulations in this section long blast shall mean a blast of four seconds duration, short blast shall mean one of one second duration.

(ii) *Visual signal.* To be used in conjunction with sound signals when conditions prevent sound signals being heard. A white flag by day, a white light by night, swung in full vertical circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals*—(i) *By bridge operator*—(a) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or, if open, must be closed immediately: Four or more short blasts of a whistle, horn or megaphone or four or more loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(b) *Visual signals.* To be used in conjunction with sound signals when conditions prevent sound signals being heard. Draw to be opened immediately: A white flag by day, a white light by night swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately: A red flag by day, a red light by night swung in full vertical circles at arm's length facing the vessel.

(ii) *By the vessel.* Vessels or other watercraft having signaled for opening of the draw and having received a signal that the draw cannot be opened immediately, shall acknowledge said signal by four or more short blasts or by swinging in full vertical circles at arm's length a red flag by day or a red light by night.

(c) Automobiles, trucks, or other vehicles shall not be stopped on the draw of the bridge, except in cases of urgent necessity, nor shall vessels or other watercraft be manipulated in a manner hindering or delaying the operation of the draw. All passage over the draw or through the draw opening shall be prompt, in order to prevent delay to either land or water traffic.

(d) All vessels, craft, or rafts, not self-propelled, navigating Lake Washington, for which the opening of the bridge may be necessary, shall, while passing the bridge, be towed by a suitable self-propelled boat.

(e) Upon the signal prescribed in paragraph (b) of this section being given, the draw shall be opened promptly for the passage of any vessel, or vessels, or other water craft not able to pass through the openings under the fixed spans of the pontoon bridge near each shore, or under the spans of the fixed bridge on the east side of Mercer Island:

(1) *Provided*, That the bridge will not be required to open on any day of the week between the hours of 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. for any vessel or other watercraft of less than 2,000 gross tons, unless such vessel

has in tow a vessel of 2,000 gross tons or over, or a piledriver that is unable to pass under the fixed spans, and

(2) *Provided further*, That the bridge need not be opened at any time for the passage of any vessel of less than 300 gross tons equipped with a movable stack or mast which can readily be lowered so as to permit its passage under the fixed spans, unless it has in tow a vessel which is unable to pass under the fixed spans. Any vessel of less than 300 gross tons regularly navigating the lake shall be subject to inspection and measurement by the District Commander who is hereby empowered to decide in each case whether or not the vessel shall be equipped with hinged or movable stacks, masts and flagpoles which can be lowered to enable the vessel to pass under the fixed spans. If the District Commander decides that such action should be taken, he shall notify the vessel owner and the bridge owner of his decision, specifying a reasonable time for making the alterations; and after the expiration of the time specified, the draw need not be opened for the passage of such vessel unless it has in tow a vessel unable to pass under the fixed spans; and

(3) *Provided further*, That the bridge will not be required to be opened at any time for any craft towing logs or scows, after the owners of the bridge shall have provided fenders, approved by the Commandant at the openings under the approach span of the pontoon bridge, adjacent to Mercer Island, and under the main span of the fixed bridge between Mercer Island and the mainland east of Lake Washington, unless such craft cannot pass under those spans; and

(4) *Provided further*, That when the draw shall have been opened for ten minutes, or for such shorter period as may have been necessary for the passage of vessels, or other watercraft, desiring to pass, it shall be closed for the crossing of vehicles or individuals, if any be waiting to cross, and after being so closed for ten minutes, or for such shorter time as may be necessary for the said vehicles or individuals to cross, it shall again be opened promptly for the passage of vessels or other watercraft, if there be any such desiring, and authorized herein, to pass at such time; and

(5) *Provided further*, That, at night, between the hours of 9 p. m. and 5 a. m., the draw shall be opened for the passage of all vessels that cannot pass under the fixed spans upon notice given by telephone or otherwise to the bridge operator at least 30 minutes in advance of the time that the vessel desires to pass through the draw.

(f) [Reserved]

(g) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can be easily read at any time, a copy of the regulations in this section, together with a notice stating exactly how the bridge operator specified in paragraph (e) of this section may be reached.

**§ 117.801 Lake Washington, Wash.; pontoon bridge between Foster Island and Evergreen Point, Wash.**

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel is unable to safely pass under either of the two fixed approach spans and desires to pass through the draw of the bridge, at least one hour advance notice of the time of required opening shall be given to the authorized representative of the owner of or agency controlling the bridge by any of the methods indicated below.

(1) Telephone requests for bridge opening will be directed as collect calls to the Toll Office at the bridge site. The call may also be made by direct telephone communication, through the Seattle Marine Operator, Station KOW, or through other marine wire or radio telephone service.

(2) Audio requests for watercraft without facilities as set forth in subparagraph (1) of this paragraph will be made by sounding one long blast of a horn or whistle followed quickly by two short blasts in the immediate vicinity of the drawspan. The bridge attendant will acknowledge by repeating the signal.

(c) After receipt of proper advance notice of a required opening of the drawspan the authorized representative of the owner of or agency controlling the bridge shall arrange for opening the span at the specified time. When opening of the bridge is imminent, all signals will be promptly acknowledged by both the bridge and vessels desiring to pass through the draw. If the drawspan cannot be opened immediately, or if open and must close immediately, the draw tender will sound four or more short blasts of a horn or whistle, to be repeated at regular intervals until acknowledged by the vessel.

(d) Automobiles, trucks, or other vehicles shall not be stopped on the draw of the bridge, except in cases of urgent necessity, nor shall vessels or other watercraft be manipulated in a manner hindering or delaying the operation of the draw. All passage over the draw or through the draw opening shall be prompt, in order to prevent delay to either land or water traffic.

(e) All vessels, craft, or rafts, not self-propelled, navigating Lake Washington, for which the opening of the bridge may be necessary, shall while passing the bridge, be towed by a suitable self-propelled boat.

(f) The bridge will not be required to open on week days between the hours of 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. for any vessel or other watercraft of less than 2,000 gross tons, unless such vessel has in tow a vessel of 2,000 gross tons or over, or a piledriver that is unable to pass under the fixed spans.

(g) The bridge need not be opened at any time for the passage of any vessel of less than 300 gross tons equipped with a movable stack or mast which can readily be lowered so as to permit its passage under the fixed spans, unless it has in tow a vessel which is unable to pass under the fixed spans. Any vessel of less than 300 gross tons regularly navigating the lake shall be subject to inspection and measurement by the District Commander who is hereby empowered to decide in each case whether or not the vessel shall be equipped with hinged or movable stacks, masts and flagpoles which can be lowered to enable the vessel to pass under the fixed spans. If the District Commander decides that such action should be taken, he shall notify the vessel owner and the bridge owner of his decision, specifying a reasonable time for making the alterations; and after the expiration of the time specified, the draw need not be opened for the passage of such vessel unless it has in tow a vessel unable to pass under the fixed spans.

(h) When the draw shall have been opened for ten minutes, or for such shorter period as may have been necessary for the passage of vessels, or other watercraft, desiring to pass, it shall be closed for the crossing of vehicles or individuals, if any be waiting to cross, and after being so closed for ten minutes, or for such shorter time as may be necessary for the said vehicles or individuals to cross, it shall again be opened promptly for the passage of vessels or other watercraft, if there be any such desiring, and authorized herein, to pass at such time.

(i) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such a manner that it can easily be read at any time, a copy of the regulations in this section.

**§ 117.805 Snohomish River, Steamboat Slough, and Ebey Slough, Wash.; bridges.**

(a) *Draw tenders and operating machinery.* The owners of or agencies controlling drawbridges shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels in accordance with the regulations in this section. The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(b) *Signals*—(1) *Sound signals.* To be used if weather conditions are such that sound signals can be heard.

(i) *Call signal for opening of draw.* Three long blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within reasonable hearing distance of the bridge repeated if necessary, and in time to give due notice of the draw tender: *Provided*, That distinctive call signals are prescribed for certain bridges as follows:

Snohomish River; State of Washington Department of Highways bridges near the mouth. Three long blasts fol-

lowed by one short blast (one signal opens both bridges).

Steamboat Slough; Great Northern Railway Company bridge near the mouth. One long blast followed by one short blast and one long blast.

Steamboat Slough; State of Washington Department of Highways bridges near the mouth. Two long blasts followed by one short blast (one signal opens both bridges).

Ebey Slough; State of Washington Department of Highways bridge near the mouth. Three long blasts followed by one short blast.

(ii) *Acknowledging signals—(a) When draw can be opened immediately (opening signal).* Two long blasts followed by one short blast of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell.

(b) *When draw cannot be opened immediately, or when it is open and must be closed immediately.* Two long blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell. (This signal may also be used by a vessel to countermand its call signal.) Thereafter, as soon as the draw can be opened, the draw tender shall sound the opening signal.

(2) *Visual signals.* To be used if weather conditions are such that sound signals may not be heard.

(i) *Call signal for opening of draw.* A white flag by day or a white lighted lantern by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw.

(ii) *Acknowledging signal when draw can be opened immediately (opening signal).* Same as call signal, to be given in full sight of the vessel.

(iii) *Acknowledging signal when draw cannot be opened immediately, or when it is open and must be closed immediately.* A red flag by day or a red lighted lantern at night, swung in vertical circles at arm's length in full sight of the vessel. (This signal may also be used by a vessel to countermand its call signal.) Thereafter as soon as the draw can be opened, the draw tender shall give the opening signal.

(3) *Fog signal.* When fog prevails by day or by night, the draw tender, after giving the opening signal, shall toll a bell continuously during the approach and passage of the vessel.

(c) *Prompt opening required except when delayed by train.* Except as otherwise provided in paragraph (e) of this section, the draw shall be opened with the least possible delay on receiving the prescribed signal: *Provided*, That the draw shall not be opened when a train is approaching so closely that it cannot safely be stopped before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the draw tender.

(d) *Interference with operation of bridge prohibited.* Trains and vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall watercraft be navigated so as to hinder or delay the operation of the draw, but all passage over or through a drawbridge shall be prompt to prevent delay to either land or water traffic.

(e) *Bridges where constant attendance of draw tenders is not required.* (1) The owners of or agencies controlling the bridges listed in subparagraph (5) of this paragraph need not keep draw tenders in constant attendance.

(2) Whenever a vessel, unable to pass under a closed bridge, desires to pass through the draw, advance notice, as specified, of the time the opening is required must be given to the authorized representative of the owner of or agency controlling the bridge to insure prompt opening thereof at the time required.

(3) On receipt of such advance notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on proper signal at approximately the time specified in the notice.

(4) The owners of or agencies controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section pertaining to the bridge together with information as to whom notice should be given when it is desired that the bridge be opened and directions for communicating with such person by telephone or otherwise.

(5) The bridges to which this paragraph applies, and the special regulations applicable in each case, are as follows:

Snohomish River; State of Washington Department of Highways bridges north of Everett, at least 2 hours' advance notice required: *Provided*, That during freshets a draw tender shall be kept in constant attendance upon order of the District Commander.

Snohomish River; State of Washington Department of Highways bridge at the foot of Hewitt Avenue, Everett. At least 4 hours' advance notice required: *Provided*, That during freshets a draw tender shall be kept in constant attendance upon order of the District Commander.

Steamboat Slough; bridges of Great Northern Railway Company and State of Washington Department of Highways near Marysville. At least 4 hours' advance notice required.

### § 117.810 Navigable waters in the State of Washington; bridges where constant attendance of draw tenders is not required.

(a) The owners of or agencies controlling the bridges listed in paragraph (f) of this section will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required must be given to the authorized representative of the owner of or agency controlling the bridge to insure prompt opening thereof at the time required.

(c) On receipt of such advance notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on proper signal at approximately the time specified in the notice.

(d) The owner of or agency controlling each bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section pertaining to the bridge together with information as to whom notice should be given when it is desired that the bridge be opened and directions for communicating with such person by telephone or otherwise.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

(1) Puyallup Waterway and River, Tacoma Harbor; State of Washington Department of Highways bridge at East Eleventh Street need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge: *Provided*, That the bridge shall be returned to an operable condition within six months after notification by the Commandant to take such action. At least 4 hours' advance notice will be required for opening the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. bridge near East Eleventh Street.

(2) South Fork, Skagit River, Skagit County highway bridge at Fir. The bridge need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(3) Skagit River; State of Washington highway bridge, Skagit County highway bridge, Great Northern Railway Co. bridge, and Northern Pacific Railway Co. bridge near Mount Vernon and Sedro Woolley, Wash., need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges: *Provided*, That they shall be returned to an operable condition within 1 year after notification by the Commandant to take such action.

(4) Wishkah River; City of Aberdeen highway bridge at East Second and Young Streets, Aberdeen. Between sunrise and sunset, at least 24 hours' advance notice required. Between sunset and sunrise the draw need not be opened for the passage of vessels.

(5) Wishkah River; City of Aberdeen bridge at Heron Street and State Department of Highways bridge at Wishkah Street, Aberdeen. Between 9:00 p. m. and 5:00 a. m., at least 8 hours' advance notice required: *Provided*, That the District Commander may require the constant attendance of draw tenders during seasonal activity in the logging and fishing industries.

(6) Hoquiam River; State Department of Highways bridge at Simpson Street, Hoquiam. Between 9:00 p. m. and 5:00 a. m., at least 8 hours' advance notice required.

(7) Chehalis River; State Department of Highways and Union Pacific Railroad Company bridges at South Montesano. Between 9:00 p. m. and 5:00 a. m., at least 8 hours' advance notice required: *Provided*, That during freshets a draw tender shall be kept in constant attendance upon the order of the District Commander.

(8) Snake River; Union Pacific Railroad Company bridge at Riparia, and Idaho-

Washington Department of Highway bridge at Clarkston. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

§ 117.815 Pend Oreille Lake, Idaho; bridge of Northern Pacific Railway Co. near Sandpoint.

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw, at least 36 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition and the draw opened and closed at intervals frequent enough to assure that the machinery is in proper order for satisfactory operation.

§ 117.900 Honolulu Harbor, Hawaii; Kalihi Channel bridge.

(a) The agencies controlling the bridge shall provide the necessary bridge tenders and the proper mechanical appliances for the safe, prompt and efficient opening of the draw for the passage of vessels during the scheduled hours of operation as follows:

*Monday Through Friday, Except Legal Holidays*

| *Open on signal* | *Closed periods* |
|---|---|
| 5:00 a.m. to 7:00 a.m. | 7:00 a.m. to 8:00 a.m. |
| 8:00 a.m. to 4:00 p.m. | 4:00 p.m. to 5:00 p.m. |
| 5:00 p.m. to 7:00 p.m. | 7:00 p.m. to 5:00 a.m. |

(b) From 5:00 a.m. on Saturdays to 5:00 a.m. on Mondays and on legal holidays, the bridge will be opened for traffic upon six (6) hours' advance notice to the Honolulu Harbor Pilot Station at Aloha Tower. In event of emergencies during the closed periods specified in paragraph (a) of this section, the Pilot Station will be called for clearance. In the event that a seismic sea-wave (tidal wave) is imminent, the bridge shall be opened to full horizontal and vertical clearances upon orders of the Harbor Master, Port of Honolulu. Emergency ship movements or imminence of wave arrival may require the bridge to be opened even though all persons have not evacuated the Sand Island area. Every effort shall be made to keep the bridge in the down position as long as reasonably possible; however, the Harbor Master may open the bridge within thirty (30) minutes of estimated time of wave arrival if he deems it prudent.

(c) The following described visual signals shall be mounted on a mast on the bridge control tower:

(1) A flashing green light to indicate that the draw can be opened immediately. The light shall be exhibited during the time the draw is opening and until the draw is to be closed.

(2) A flashing red light to indicate that the draw cannot be opened immediately, or being opened, is to be closed immediately. The light shall be exhibited during the time the draw is closing.

(3) Two (2) amber lights in a vertical line, one over the other, 6 feet apart, with the uppermost 6 feet below the flashing red light. The uppermost amber light shall be flashing and, when exhibited, shall indicate incoming traffic only. The lowermost amber light shall be fixed, and, when exhibited, shall indicate outgoing traffic only. When both lights are exhibited, the harbor is closed to all traffic.

(4) The flashing red and green lights shall be mounted on a mast on the bridge control tower at a height of 65 feet above the water plane at mean lower low water datum, shall be visible between 50 degrees and 245 degrees true from seaward and visible for a distance of approximately 3 miles. The fixed and flashing amber lights shall conform to the bearings and visibility as prescribed for the red and green lights.

(5) In addition to the above described lights, two (2) shapes shall be exhibited from a yardarm on the mast at a distance of 60 feet above the water plane at mean lower low water datum. One shape shall be an orange ball 2 feet in diameter. The other shape shall be an orange cone 2 feet in diameter across the base.

(d) When a vessel or other watercraft intends to pass through the draw of the bridge, the master or pilot thereof shall, on approaching within signaling distance, signify his intention to pass through the draw by sounding two (2) prolonged blasts followed immediately by two (2) short blasts. If the draw can be opened immediately, the bridge tender shall exhibit the flashing green light. The orange ball will be exhibited to indicate an inbound vessel; the cone will be exhibited to indicate an outbound vessel.

During daylight hours when the drawbridge cannot be opened immediately, the bridge tender shall exhibit the flashing red light and hoist the ball and cone simultaneously to the yardarm. If for some reason the drawbridge cannot be opened after the tender has signified immediate opening by the flashing green light and either the ball or cone, he shall immediately exhibit the rescinding signal of the flashing red light and hoist the ball and cone simultaneously to the yardarm. As soon as the exigency which prevented opening has been removed, the tender shall promptly exhibit the flashing green light and either the ball or cone as the case may require to advise vessels that the drawbridge can be opened at once and he shall thereupon proceed to open the drawbridge if there is a vessel waiting to pass through. No vessel shall attempt to navigate the drawbridge when the visual signals indicate the bridge cannot be opened. During the period of darkness, when the drawbridge cannot be opened immediately, the bridge tender shall exhibit the flashing red light and the fixed and flashing amber lights simultaneously. If for any reason the draw cannot be opened after the tender has signified immediate opening by the flashing green light and either the flashing amber light or fixed amber light, he shall immediately exhibit the rescinding signal of the flashing red light and the fixed and flashing amber lights simultaneously. As soon as the exigency which prevented opening has been removed, the tender shall promptly exhibit the flashing green light and either the flashing or fixed amber lights as the case may require to advise vessels that the drawbridge can be opened at once. He shall thereupon proceed to open the drawbridge if there is a vessel waiting to pass through. No vessel shall attempt to navigate through the drawbridge when the visual signals indicate that the bridge cannot be opened.

(e) Vessels having a length greater than one hundred fifty (150) feet shall not pass through the opened bridge span at the same time going either in the same direction or approaching each other from opposite directions. When vessels having a length less than one hundred fifty (150) feet are approaching from opposite directions to pass through the bridge, each vessel shall give the call signal for opening the draw. The vessel approaching from seaward shall have the right of way. Both vessels shall then be navigated in accordance with the applicable pilot rule.

(f) Clearance gages of a type to be approved by the Commandant shall be provided and kept in good legible condition. Unless otherwise specified, such clearance gages shall consist of two board gages painted white with black figures not less than nine inches high, which shall indicate the headroom clearances under the closed center of the span at all stages of the tide. These gages shall be so placed, that they will be plainly visible to the operator of a vessel approaching the bridge either inbound or outbound, and shall be illuminated at night and during periods of decreased visibility caused by heavy rain or mist.

(g) At each opening of the draw full horizontal and vertical clearances shall be provided, regardless of the size or requirements of the passing vessel or other watercraft.

(h) The agencies controlling the bridge shall keep a complete record of all openings of the draw and shall promptly report to the District Commander all cases in which the drawspan has been required to remain open for an unreasonable length of time or to remain closed for more than 10 minutes after the prescribed signal to open the draw has been given.

(i) The length of time that a draw has been opened shall be computed from the time that the drawspan begins to move in opening, and the length of time that a draw has been closed shall be computed from the time that the drawspan ceases to move in closing.

(j) The bridge shall not be required to open for craft carrying appurtenances unessential to navigation and any vessel operator who causes the bridge to be opened in order to clear appurtenances unessential for navigation shall be considered in violation of the regulations of this section.

(k) Appurtenances unessential for navigation shall include but not be limited to fishing outriggers, radio or television antennae, false stacks, and masts purely for ornamental purposes. Appurtenances unessential to navigation will not include flying bridges, sailboat masts, pile driver leads, spud frames on hydraulic dredges, or other items of equipment clearly necessary to the intended use of the vessel.

(l) The agencies controlling the bridge shall report to the District Commander the names of any vessels requiring bridge openings considered to be in violation of this section. The District Commander may at any time cause an inspection to be made of any craft using the waterway and is empowered to decide in each case whether or not the appurtenances are unessential to navigation. If the District Commander decides a vessel has appurtenances unessential to navigation, he shall notify the vessel owner of his decision, specifying a reasonable time for making the alterations. If the vessel owner is aggrieved by the decision of the District Commander, he may within 30 days after receipt of the request to perform necessary alterations, appeal the decision to the Commandant in writing. If the Commandant rules that an appurtenance is unessential to navigation, the District Commander shall again specify to the vessel owner a reasonable time for making necessary alterations to the appurtenance, and after the expiration of the time specified, any operation of the vessel on the waterway in such a manner as to require drawbridge openings shall be deemed in violation of the regulations of this section, unless the necessary alterations shall have been made.

(m) All vessels when passing the bridge shall be moved as expeditiously as is consistent with safe navigation, and all towboats engaged in towing barges or other craft through the bridge shall be of sufficient power to handle the tow without unduly delaying the closing of the drawspan.

(n) Vessels with hinged or adjustable masts or booms projecting above their fixed structure shall lower the same and pass under the bridge, if practicable, without signaling for the draw to open.

(o) Vehicles and pedestrians shall not be stopped on the bridge for the purpose of delaying its opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through the bridge shall be prompt to prevent delay to either land or water traffic.

(p) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain the machinery is in proper order for satisfactory operation.

(q) The term District Commander as used in this section shall mean the Commander, 14th Coast Guard District, Honolulu, Hawaii.

(r) The agencies controlling the bridge shall keep a legible copy of the regulations in this section posted conspicuously under glass on both the harbor and channel sides of the bridge in such manner that it can be easily read at all times.