

the opinion that a conspicuous statement printed or stamped on the certificate or passbook will serve as adequate notice to depositors. Several banks that commented on the proposed amendment indicated that they customarily mail information regarding maturity and renewal of time deposits to their customers shortly before the maturity date or enclose such information with the depositor's monthly statement or interest check. The Board encourages these banks to continue mailing such notice to their customers and urges all member banks to consider initiating the practice of mailing notice to their customers in addition to providing the notice required by this amendment. The Board believes that a mailed notice is most effective when it is received by the customer approximately 30 days prior to the maturity date. The Board considers a mailed notice particularly desirable when the time deposit has an initial maturity greater than one year.

After review and consideration of all comments received, pursuant to its authority under section 19(j) of the Federal Reserve Act (12 U.S.C. 371b), the Board has decided to adopt the amendment in the form proposed. The effective date of the amendment has been delayed until September 1, 1975, to enable member banks to comply with the requirement of the amendment.

Effective September 1, 1975, § 217.3(f) of Regulation Q is amended by adding the following to the end thereof:

§ 217.3 Interest on time and savings deposits.

(f) * * * On each certificate, passbook, or other document representing a time deposit, the bank shall have printed or stamped a conspicuous statement indicating that no interest will be paid on the deposit after the maturity date or, in the case of a time deposit that is automatically renewable, a conspicuous statement indicating that the contract will be renewed automatically upon maturity, and indicating the terms of such renewal.

By order of the Board of Governors,
June 4, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 75-15130 Filed 6-10-75; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER 1—FEDERAL AVIATION ADMINISTRATION; DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-NW-06]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On April 4, 1975, a Notice of Proposed Rule Making was published in the Federal Register (40 FR 15094) stating that the Federal Aviation Administra-

tion was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Seattle, Washington, Transition Area.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. No objections were received and the proposed amendment is hereby adopted, subject to the following change.

In the description of the 700' area, delete the phrase, " * * * on the west by a line extending to Latitude 47°10' N., Longitude 123°17' W.; to Latitude 47°10' N., Longitude 120°00' W.; to Latitude 47°30' N., Longitude 120°00' N.; to Latitude 48°17' N., Longitude 123°15' N., * * * " and insert therefor, " * * * on the west by a line extending to Latitude 47°10' N., Longitude 123°17' W.; to Latitude 47°10' N., Longitude 123°00' W.; to Latitude 48°17' N., Longitude 123°15' W., * * * "

Since this change is editorial in nature, and imposes no additional burden on any person, notice and public procedures hereon is unnecessary.

Effective date: This amendment shall be effective 0901 G.m.t. on August 14, 1975.

(Section 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, on June 3, 1975.

C. B. WALK, JR.,
Director, Northwest Region.

In § 71.181 (40 FR 441) the description of the Seattle, Washington, Transition Area is amended to read as follows:

SEATTLE, WASHINGTON

That airspace extending upward from 700 feet above the surface bounded on the east by a line beginning at Latitude 49°00' N., Longitude 122°21' W., to Latitude 48°40' N., Longitude 122°21' W., to Latitude 48°40' N., Longitude 122°05' W., to Latitude 47°30' N., Longitude 121°48' W., to Latitude 47°10' N., Longitude 121°48' W., to Latitude 46°48' N., Longitude 122°15' W., on the south by a line extending to Latitude 46°42' N., Longitude 123°17' W., on the west by a line extending to Latitude 47°10' N., Longitude 123°17' W., to Latitude 47°10' N., Longitude 123°00' W., to Latitude 47°30' N., Longitude 123°00' W., to Latitude 48°17' N., Longitude 123°15' W., thence via the Canada/United States boundary to the point of beginning; that airspace extending upward from 1200' above the surface bounded on the north by a line beginning at Latitude 48°05' N., Longitude 123°40' W., to Latitude 48°05' N., Longitude 121°35' W., on the east by a line extending to the south via Longitude 121°35' W., to the south edge of V-204, on the south by the south edge V-204 and Latitude 46°30' to the east edge of V-27, on the west by east edge of V-27 to Longitude 123°40' W., to the point of beginning; that airspace east of Seattle extending upward from 9500' MSL bounded on the north by a line beginning at Latitude 48°00' N., Longitude 121°35' W., to Latitude 48°00' N., Longitude 121°00' W., thence south to Latitude 47°42' N., Longitude 121°00' W., thence east to Latitude 47°42' N., Longitude 119°43' W., on the east by a line extending south via Longitude 119°43' W., to the north edge of V-2N, on the south by the north edge of V-2N to Longitude 121°35'

W., and on the west by Longitude 121°35' W., to the point of beginning.

[FR Doc. 75-15130 Filed 6-10-75; 8:45 am]

Title 16—Commercial Practices

CHAPTER 1—FEDERAL TRADE COMMISSION

[Docket C-2643]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

The Commodore Corporation

For codification under Part 13 see 40 FR 18979. (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45). In the Matter of The Commodore Corporation, a corporation. Order modifying an earlier order issued March 4, 1975, 40 FR 18979, against an Omaha, Neb., mobile home manufacturer by modifying Paragraph 1, so that the ordered file search to obtain the names and addresses of the first retail purchasers of its mobile homes will be restricted to the files of its three active manufacturing plants; and modifying Paragraphs 3(1), 3(m) (2), and 3(m) (3), to relieve respondent of the requirement that it administer its warranty service program with corporate officials who have no direct responsibilities for the sale of respondent's mobile homes in the event respondent produces less than 5,000 mobile homes annually.

The Order Granting Request to Reopen Proceeding and to Modify Order is as follows:

ORDER GRANTING REQUEST TO REOPEN PROCEEDING AND TO MODIFY ORDER

This matter is before the Commission on two petitions of the Commodore Corporation, both dated March 31, 1975, to reopen the proceeding in the above-captioned matter for modification of order paragraphs 1 and 3.

Commodore requests that order paragraph 1 be modified so that the ordered file search to obtain the names and addresses of the first retail purchasers of its mobile homes will be restricted to the files of its three active manufacturing plants.

In addition, respondent requests that the letter (Exhibit B in the order) that is to be sent to its dealers for the purpose of obtaining the names of retail purchasers of respondent's mobile homes be modified to more clearly describe to the dealers the potential benefit which may accrue to their customers once they are identified.

Counsel supporting the complaint does not object to the modification since "it can be expected that a file search would produce disappointing results" (i.e., it is estimated that only 10 percent of the unit files would contain the sought-after retail purchasers), and "the responses by dealers to the letter in the form of Exhibit 1 [i.e., the revised letter proposed by respondent to replace Appendix B of

* Copies of the order and exhibit are filed with the original documents.

the order) could be expected to reduce somewhat the number of retail purchasers whose names and addresses would be 'lost' if the file search were not undertaken."

Commodore's second petition, a request for modification of order paragraphs 3(1), 3(m)(2), and 3(m)(3), would relieve it of the requirement that it administer its warranty service program with corporate officials who have no direct responsibilities for the sale of Commodore's mobile homes in the event respondent produces less than 5,000 mobile homes annually. Counsel supporting the complaint do not oppose the modification for the reasons that "small companies [i.e., those producing less than 5,000 mobile homes annually] cannot isolate executives from day-to-day sales responsibilities. They have neither the need nor the personnel for centralizing control of warranty responsibilities. In a company as small as Petitioner's presently is, all higher level corporate personnel have day-to-day sales responsibilities, while small size of the company makes centralization of functions a superfluous requirement."

We agree for the reasons given by counsel supporting the complaint that the modifications are warranted.

Accordingly, it is ordered, That this proceeding be, and it hereby is, reopened, and that the Commission's order of March 4, 1975, be, and it hereby is, modified by adding, at the conclusion of paragraph 1, the following paragraph:

Notwithstanding the foregoing provisions of this Order Paragraph 1, respondent shall not be required to review its "coach" or unit files or, in the alternative, its separate files (if any) for warranty registration cards for the purpose of attempting to obtain names and addresses of the first retail purchasers of respondent's mobile homes insofar as such files relate to respondent's manufacturing plants which have been closed and are not now in operation, but respondent shall be required to undertake such review of such files at respondent's remaining three manufacturing plants at Haleyville, Alabama, Lebanon, Oregon, and Danville, Virginia.

It is further ordered That the form of letter shown in Appendix B of the consent order be replaced with the form of letter marked as Exhibit 1, which is attached hereto and made a part hereof.

It is further ordered That paragraphs 3(1), 3(m)(2), and 3(m)(3) be modified as follows:

(1) The person or persons to whom the responsibility for supervising and assuring the implementation of respondent's warranty service program is delegated shall make periodic reports at least on a monthly basis to respondent's responsible officers which shall include current information concerning:

(1) The current cost to respondent of warranty service;

(2) The incidence and nature of frequently recurring defects;

(3) Those measures undertaken in response to reports of frequently recurring defects including but not limited to modification in production and design of respondent's mobile homes;

(4) Analysis of the manner in which respondent's employees, dealers and other

third parties are performing warranty and setup responsibilities.

The direct administration of respondent's warranty service program at the corporate level and the responsibility for supervising and assuring implementation of the warranty service program shall, in any fiscal year following a fiscal year during which respondents and their subsidiaries produce more than 5,000 mobile homes, be vested in only those corporate officials who have no direct responsibilities on a day-to-day basis for the sale of respondent's mobile homes.

(m) Respondent shall, beginning within 120 days of the effective date of this Order, establish a uniform procedure for the systematic receipt and analysis and fair disposition of all complaints or disputes which may arise between the aforesaid retail purchasers of respondent's mobile homes and respondent or respondent's dealers or other third parties, regarding any alleged warranty obligations of respondent.

Such procedure shall incorporate but not necessarily be limited to:

(1) Prompt evaluation and response by respondent to all complaints within a reasonable time not to exceed five business days after receipt by respondent;

(2) In any fiscal year following a fiscal year during which respondent and its subsidiaries produce more than 5,000 mobile homes, the designation of a single responsible department within respondent's corporate organization for the receipt of said complaints;

(3) An effective mechanism for the fair and impartial resolution of such disputes. In any fiscal year during which respondents and their subsidiaries produce more than 5,000 mobile homes, the responsibility for resolving disputes through said mechanism shall be vested in only those personnel who are not responsible for sales on a day-to-day basis;

(4) An accurate and complete record keeping system regarding the nature and disposition of all such disputes and complaints received by respondent;

(5) Periodic review and evaluation by respondent of the effectiveness of such procedures and correction of such procedures where necessary.

The Order Granting Request to Reopen Proceeding and to Modify Order was issued by the Commission April 22, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-15123 Filed 6-10-75; 8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Rel. Nos. 33-5582, IC-8772]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Hypothetical Variable Annuity Illustrations

Corrections

In FR Doc. 75-12923 appearing on page 21711 in the issue for Monday, May 19, 1975, the fifth line of the second com-

plete paragraph in the second column, now reading "intervals over their lifetimes to provide", should read "investor and the assets of the separate".

The eighth line of the same paragraph now reading "sessed against the payments made by the", should read "against assets throughout the life of the".

The fifth line of the third complete paragraph in the third column, now reading "off"—i.e., an investment in a variable", should read "off"—i.e., an investor in a variable".

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY

SUBCHAPTER F—FIDUCIARY RESPONSIBILITY UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

PART 2550—RULES AND REGULATIONS FOR FIDUCIARY RESPONSIBILITY

Extension of Postponement of the Effective Date of Certain Fiduciary Responsibility Provisions

Section 414(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) empowers the Secretary of Labor to postpone the applicability of certain of the fiduciary responsibility provisions contained in sections 402, 403, 405 and 410(a) of the Act until not later than January 1, 1976, as they apply to any plan in existence on September 2, 1974, if the Secretary determines, upon application by a plan, that a postponement is necessary to amend the instrument or instruments under which the plan is maintained, and that the postponement is not adverse to the interest of participants and beneficiaries.

On November 21, 1974, notice was published in the FEDERAL REGISTER (39 FR 40853) of the adoption of 29 CFR Part 2550, containing guidelines for the submission of applications for postponements under section 414(b)(2) of the Act. Part 2550 of Title 29 was subsequently redesignated as § 2550.414b-1 of Title 29 and the sections of former Part 2550 were redesignated as paragraphs (a) through (i), respectively, of § 2550.414b-1. Under these guidelines, plans in existence on September 2, 1974, were permitted to apply for a postponement of the January 1, 1975 effective date of sections 402, 403 (other than 403(c)), 405 (other than 405(a) and (d)) and 410(a). The guidelines provided that applications had to be received by December 31, 1974, and contemplated that postponements would not be granted for a period of time beyond June 30, 1975 unless a plan could not be amended within such period.

Since many plans have not yet been able to make the changes necessary to conform to sections 402, 403, and 405, despite efforts to do so, and since it appears likely that such plans will not have been able to make these changes by June 30, 1975, but should be able to make them by December 31, 1975, this document amends 29 CFR § 2550.414b-1 by extending postponements of the applicability

of sections 402, 403 (other than 403(c)), and 405 (other than 405 (a) and (d)) of the Act through December 31, 1975. The extension applies only to those plans which applied for postponement prior to the date specified in § 2550.414b-1, December 31, 1974, and the applications of which have been approved by the Secretary as of the date of this notice. In this regard, it should be noted that pursuant to paragraph (h) of § 2550.414b-1, applications for postponement which have not been disapproved as of the date of this notice shall be deemed to be approved, subject, however, to revocation or modification of such approval pursuant to the provisions of paragraph (i) of § 2550.414b-1. Because section 410(a) of the Act, which provides that exculpatory clauses are void as against public policy, is self-executing and, therefore, requires no amendment of plan documents, and because the Department of Labor has given guidance as to permissible alternatives to such clauses (insurance and indemnification), this document does not grant any extension of the postponement of the applicability of section 410(a).

In addition, this document requires that the participants of a plan be notified of the extension of the postponement if the plan is not in compliance with the relevant sections by July 1, 1975.

Because the original guidelines published on November 21, 1974, relate to procedures to be followed in applying for postponements and were issued to inform the public of the policy of the Department of Labor in ruling on such applications, they were excepted from the notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b). Therefore, they were not issued for comment before publication, and were made effective immediately upon publication in accordance with 5 U.S.C. 553(d). Accordingly, the amendments to § 2550.414b-1 are likewise not issued for comment before publication, and are effective immediately upon publication.

Accordingly, 29 CFR § 2550.414b-1 is amended by amending paragraph (f) (formerly § 2550.6) and revising paragraph (g) (formerly § 2550.7) as follows:

Section 2550.414b-1 is amended by adding a new subparagraph (f) (3) after subparagraph (f) (2) (formerly § 2550.6 (b)) and by revising paragraph (g) to read as follows:

§ 2550.414b-1 Guidelines for submission of application for postponement of the effective date of certain fiduciary responsibility provisions.

(f) * * *

(3) In the case of a plan which applied for a postponement of the applicability of sections 402, 403 (other than 403(c)) and 405 (other than 405 (a) and (d)), the application of which has been approved under paragraph (h), and which has not been amended so as to comply with such sections before July 1, 1975, the applicant or any other person authorized to file an application for a plan under paragraph (b) shall employ

methods reasonably calculated to provide plan participants and, if the plan is the subject of one or more collective bargaining agreements, each collective bargaining agent representing participants covered by the plan, with notification that the Secretary of Labor has extended postponements of the applicability of those sections to the plan until not later than January 1, 1976. This notification shall comply with the requirements of subparagraph (2) of this paragraph.

(g) Length of postponement.

(1) All postponements of the applicability of section 410(a) of the Act approved by the Secretary shall be effective for a period of time not extending beyond June 30, 1975.

(2) All postponements of sections 402, 403 (other than 403(c)) and 405 (other than 405 (a) and (d)) of the Act approved by the Secretary shall be effective for a period of time extending through December 31, 1975.

Signed at Washington, D.C. this 6th day of June, 1975.

JAMES D. HUTCHINSON,
Acting Administrator of Pension and Welfare Benefit Programs.

[FR Doc. 75-15215 Filed 6-6-75; 2:09 pm]

Title 32—National Defense

CHAPTER XIX—CENTRAL INTELLIGENCE AGENCY

PART 1900—PUBLIC ACCESS TO DOCUMENTS AND RECORDS AND DECLASSIFICATION REQUESTS

Processing Requests for Records

Section 1900.35 of Part 1900 of Title 32 of the Code of Federal Regulations, as amended 19 February 1975, is further amended as follows:

(a) The designation "(a)" is inserted preceding the sentence which comprises the section.

(b) A new paragraph (b) is added as follows:

§ 1900.35 Processing requests for records.

(b) Notwithstanding paragraph (a) of this section, the Coordinator may determine that there is no basis for searching for requested records or that the appropriate answer to a request obviates the need to determine the existence or non-existence of records responsive to the request. Whenever the Coordinator makes such a determination he shall respond to the requestor accordingly, and the requirements of paragraph (a) of this section and of §§ 1900.41 through 1900.47 shall not apply as to that request. This amendment shall become effective on June 11, 1975.

Dated: June 2, 1975.

JOHN F. BLAKE,
Deputy Director for Administration, Central Intelligence Agency.

[FR Doc. 75-15122 Filed 6-10-75; 8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-048]

LIGHTING OF BRIDGES

Delegation of Authority and Recodification of Regulations

The purpose of these amendments is to prescribe certain changes in the procedures for waiving or modifying the regulations for the lighting of bridges, for granting extensions of time to commence or complete bridges; for granting extensions of time allowed for the removal of bridges or their parts when prescribed as a condition to a bridge permit; for approving minor deviations of plans; and for extending the period in which the district commander may authorize temporary closures of drawbridges.

The regulations pertaining to bridges are mostly contained within Subchapter J of Title 33, Code of Federal Regulations. However, the regulations pertaining to bridge lighting are contained within Subchapter C of Title 33, Code of Federal Regulations. It is considered desirable that all bridge regulations be grouped within Subchapter J. Therefore, Part 68 is redesignated as Part 118.

The regulations in Part 68 pertaining to lighting on bridges infrequently used and unusual cases are being revised in the new Part 118 to provide the district commander authority to exempt bridges over waterways with no significant nighttime navigation from the lighting requirements. The district commander may also modify the prescribed lights or require special lighting in unusual circumstances.

Part 68 will be redesignated as follows:

§ 68.01-1, redesignated as § 118.1.
§ 68.01-5, redesignated as § 118.5.
§ 68.01-10, redesignated as § 118.10.
§ 68.01-15, redesignated as § 118.15.
§ 68.05-1, redesignated as § 118.20.
§ 68.05-5, redesignated as § 118.25.
§ 68.05-10, redesignated as § 118.30.
§ 68.10-1, redesignated as § 118.35.
§ 68.10-5, redesignated as § 118.40.
§ 68.10-10, redesignated as § 118.45.
§ 68.10-15, redesignated as § 118.50.
§ 68.10-20, redesignated as § 118.55.
§ 68.10-25, redesignated as § 118.60.
§ 68.15-1, redesignated as § 118.65.
§ 68.15-5, redesignated as § 118.70.
§ 68.15-10, redesignated as § 118.75.
§ 68.15-15, redesignated as § 118.80.
§ 68.15-20, redesignated as § 118.85.
§ 68.20-1, redesignated as § 118.90.
§ 68.20-5, redesignated as § 118.95.
§ 68.20-10, redesignated as § 118.100.
§ 68.20-15, redesignated as § 118.105.

Section 115.10 is amended to include limiting dates in permits for removal of bridges or their parts, where prescribed as a condition to a permit. Such a removal condition is routinely inserted in permits where existing bridges are being replaced in whole or in part by the newly permitted bridge. Section 115.10 is amended to change the time normally allowed to start replacement on repairs from two years to three years as is the current practice. It is also the current practice to allow 90 days for removal of bridges replaced in whole or in part.

These amendments are issued without notice and public procedure under 5 U.S.C. 553(b)(3)A in that the amendments contain rules of agency procedure and practice.

Therefore, Title 33 of the Code of Federal Regulations is amended as follows:

PART 115—BRIDGE LOCATION AND CLEARANCES, ADMINISTRATIVE PROCEDURE

1. By revising § 115.10 of Subchapter J to read as follows:

§ 115.10 Limiting date in permits.

(a) Specific time limitations are inserted in all permits for the commencement of construction and completion thereof. Normally three years for start of construction and two additional years for completion may be allowed.

(b) Specific time limitations are inserted in all permits for the removal of bridges being replaced in whole or in part by the newly permitted bridges where removal thereof is required as a condition of the permit. Normally 90 days for removal after completion of the new bridge or opening to land transportation, whichever occurs first, may be allowed.

(c) A district commander may grant one extension of time not to exceed two years for the commencement of construction, and extensions of time not to exceed two years for completion of construction. A district commander may grant one extension of time for removal of bridges being replaced in whole or in part not to exceed one additional 90 day period.

2. By amending § 115.50 of Subchapter J by adding a new paragraph (k) (2) to read as follows:

§ 115.50 Bridges across waterways.

(k) * * *

(2) When an application is received for approval of deviation from plans of a bridge previously approved by the Commandant, a district commander may approve the application if:

(i) The proposed deviation does not reduce the approved horizontal or vertical clearances or location of the navigation span; and

(ii) The impacts on the environment already considered are not significantly altered.

3. By amending § 115.60 of Subchapter J by adding a new paragraph (e) (2) to read as follows:

§ 115.60 Procedures for handling applications for bridge construction authorization.

(e) * * *

(2) When a district commander approves or denies an application for deviation from plans already approved he signs the approval or denial and informs the applicant of the approval or denial. However, when an application for deviation of plans is denied by a district commander, the applicant is informed that he may request review and reconsideration by the Commandant. In all cases of denial, the Commandant may review and reconsider the denial action of a district commander.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.1a [Amended]

4. By amending the first sentence of § 117.1a(b) of Subchapter J by striking the number "15", and inserting the words "60 consecutive", in place thereof.

5. Part 68 of Subchapter C is transferred to Subchapter J and redesignated as Part 118. Part 68 is vacated and reserved. As redesignated and revised, Part 118 reads as set forth below.

PART 118—LIGHTING OF BRIDGES

Sec.	General requirements.
118.5	Penalty for failure to maintain.
118.10	Interference or obstruction prohibited.
118.15	Penalty for interference or obstruction.
118.20	Obtaining information.
118.25	Application procedure.
118.30	Action by Coast Guard.
118.35	Signals pertaining to the operation of bridges.
118.40	Lighting during bridge construction.
118.45	Lighting for the protection of aerial navigation.
118.50	Inspection.
118.55	Periods of operation.
118.60	Visibility of lights.
118.65	Lights on fixed bridges.
118.70	Lights on swing bridges.
118.75	Lights on single-opening drawbridges.
118.80	Lights on bascule bridges.
118.85	Lights on vertical lift bridges.
118.90	Bridges crossing channel obliquely.
118.95	Lights on sheer booms.
118.100	Modification of requirements.
118.105	Bridges infrequently used and unusual cases.

AUTHORITY: Sec. 4, 34 Stat. 85, as amended, secs. 84, 85, 92, 633, 63 Stat. 500, 501, 503, 545; 33 U.S.C. 494, 14 U.S.C. 84, 85, 92, 633.

§ 118.1 General requirements.

All persons owning, occupying or operating bridges over the navigable waters of the United States shall maintain at their own expense such lights and other signals required for safety of maritime navigation as may be prescribed by the Commandant, and on any international bridge constructed after March 23, 1906, such additional signals as may be prescribed by the Commandant.

§ 118.5 Penalty for failure to maintain.

Any person required to maintain lights and other signals upon any bridge or abutment over or in the navigable waters of the United States who fails or refuses to maintain such lights and other signals, or to obey any of the lawful rules and regulations relating to the same is subject to a penalty as provided in 14 U.S.C. 85.

§ 118.10 Interference or obstruction prohibited.

No person shall obstruct or interfere with any lights or signals maintained in

accordance with the regulations prescribed in this part.

§ 118.15 Penalty for interference or obstruction.

Any person violating the provisions of § 68.01-10 of this chapter shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding \$500 for each offense. Each day during which such violation shall continue shall be considered a new offense.

§ 118.20 Obtaining information.

Persons desiring information concerning the marking of bridges shall address their inquiry to the District Commander having jurisdiction over the area concerned, or to the Commandant.

§ 118.25 Application procedure.

Approval of lights and other signals required shall be obtained, prior to construction, from the District Commander of the area in which the structure will be situated. Application shall be by letter accompanied by duplicate sets of drawings showing (a) plan and elevation of the structure showing lights and signals proposed, and (b) small scale vicinity chart showing proposed bridge and all other bridges within 1,000 feet above or below the proposed bridge.

§ 118.30 Action by Coast Guard.

(a) The District Commander receiving the application will review it and approve the lights and other signals proposed, or mark on the drawings, the lights and other signals required, and in the case of lights, cite the applicable section of this chapter which prescribes the lights required for the particular type bridge.

(b) Upon approval, one set of drawings will be returned to the applicant with the notation "navigational lights and/or other signals approved as shown", date, name and title of the District Commander.

§ 118.35 Signals pertaining to the operation of bridges.

Lights and signals necessary for the execution of rules and regulations pertaining to the operation of bridges issued by the Secretary of the Army will be prescribed by the District Engineer.

§ 118.40 Lighting during bridge construction.

(a) While a bridge is under construction the District Commander having jurisdiction over the area in which the bridge is being built will prescribe the temporary lights and other signals to be displayed for the protection of navigation.

(b) When unusual conditions exist, the District Commander will confer with the District Engineer having jurisdiction over the construction work before prescribing the temporary lights and other signals to be displayed during construction of the bridge.

(c) When the construction of a bridge is completed the permanent lights and other signals approved by the District Commander for the completed bridge shall be displayed.

§ 118.45 Lighting for the protection of aerial navigation.

The owner of a bridge which constitutes a hazard to aerial navigation should maintain, in addition to the lights prescribed in this part, such lights as may be prescribed by the Administrator, Federal Aviation Agency.

§ 118.50 Inspection.

Lights and signals maintained as required by the provisions of this chapter are subject to inspection at any time by the Coast Guard or such agent as may be appointed by the Commandant.

§ 118.55 Periods of operation.

(a) Lights shall be displayed from sunset to sunrise and at other times when the visibility is less than one mile.

(b) Operators shall not be required to exhibit the prescribed lights during seasons when vessels are unable to navigate in the vicinity of the bridge.

(c) The operation of signals other than lights shall be as prescribed by the District Commander. Each case shall be considered individually.

§ 118.60 Visibility of lights.

All lights required by the regulations in this part shall be securely attached to the structure and shall be of sufficient candlepower as to be visible against the background lighting at a distance of at least 2,000 yards 90 percent of the nights of the year. They shall be located as prescribed by the Commandant, with colors and arcs of visibility as specified.

[CFR 58-50, 24 F.R. 5608, July 11, 1959]

§ 118.65 Lights on fixed bridges.

(a) Each fixed bridge span over a navigable channel shall be lighted so that the center of the navigable channel under each span will be marked by a range of two green lights, and each margin of each navigable channel will be marked by a red light: *Provided*, That when a margin of a channel is limited by a pier, only those lights prescribed in paragraph (b) of this section shall be required to mark such channel margin. The green lights shall each show through a horizontal arc of 360°; they shall be securely mounted just below the outermost edge of the bridge span structure so as to be visible from an approaching vessel. Each red light shall show through a horizontal arc of 180°, and shall be securely mounted just below the outermost edge of the bridge span structure to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

NOTE.—Until such time that major repairs to or replacements of existing fixed span navigation lights colored green are made, it is permitted that only one of these lights marking the centerline of the same channel under a span shall be visible to an approaching vessel. When major repairs to or replacement of such existing green lights are made they shall conform with this paragraph.

(b) *Pier lights*. When the navigable channel extends from pier to pier or when piers are located within the navigable

channel, each end of such piers shall be lighted with a red light. Each such light shall show through a horizontal arc of 180°, and shall be securely fastened at the end of the pier as low as practicable but not lower than 2 feet above navigable high water to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

(c) *Main channel*. When necessary, the District Commander may prescribe that fixed bridges having two or more spans over a navigable channel shall have the main channel span marked with a set of three white lights arranged in a vertical line directly above each green light on the main channel span. Each white light shall show through a horizontal arc of 180°, and shall be mounted so that ½ of the horizontal arc will show on either side of a line parallel to the axis of the channel. These three white lights shall be securely mounted on the bridge structure and spaced as nearly 15 feet apart as the structure of the bridge will permit, with a minimum spacing of 7 feet. The lowest white light in the line of three lights shall be placed not less than 10 nor more than 15 feet above each green light on the main channel span.

NOTE: Until such time that major repairs to or replacements of existing main channel lights showing white are made, it is permitted that these lights show through a horizontal arc of not less than 60° nor more than 180° with ½ of such arc showing either side of a line parallel to the axis of the main channel. When major repairs or replacement of such existing white lights are made, they shall conform with this paragraph.

§ 118.70 Lights on swing bridges.

(a) *Swing span lights on through bridges*. Each swing span of every through swing bridge shall be lighted with three lanterns so that when viewed from an approaching vessel the swing span when closed will display three red lights on top of the span structure, one at each end of the span on the same level and one at the center of the span no less than 10 feet above the other two lights, and when open for navigation will display three green lights on top of the span structure in a line parallel to and directly above the long axis of the span, one at each end of the span on the same level, and one at the center of the span no less than 10 feet above the other two lights. Each lantern shall show through alternate red and green horizontal arcs of 60° each, the axis of adjacent arcs to be 90° from each other; each light shall be securely mounted with the axis of the green arcs parallel to the long axis of the swing span.

(b) *Swing span lights on deck and half-through bridges*. Each swing span of every deck, half-through, girder, or similar type swing bridge shall be lighted with four lanterns so that when viewed from an approaching vessel the swing span when closed will display one red light at each end, and when open to navigation will display two green lights from each end. Each lantern shall show

through one red and two green horizontal arcs of 60° each, the axis of each green arc to be 90° from the axis of the red arc; each light shall be securely mounted at the floor level of the span as near to the side of the span as practicable with the axis of the red light normal to the long axis of the swing span and so that the red light will be visible from an approaching vessel when the span is closed.

(c) *Pier lights*. Every swing bridge shall be lighted so that each end of the piers adjacent to the navigable channel (draw piers) or each end of their protection piers, (draw pier protection piers) and each end of the piers protecting the pivot pier (pivot protection pier) will be marked by a red light. Each of these lights shall show through a horizontal arc of 180° and shall be mounted as low as practicable below the floor level of the swing span to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

(d) *Axis lights*. Every swing bridge shall be lighted so that the intersection of the bridge axis with each side of the pivot pier and the channel side of each draw pier which has a protection pier will be marked by a red light: *Provided*, That if the draw and draw protection piers are straight along their channel faces these lights shall not be required. Each such light shall show through a horizontal arc of 180°, and shall be mounted on the navigable channel face of the pier as low as practicable below the floor level of the swing span to show 90° either side of a line normal to the axis of the navigable channel so as to be visible from an approaching vessel.

(e) *Omission of lights*. Where the permanent navigable channel passes on only one side of the pivot pier of any swing span, the District Commander may authorize the omission of lighting of the unused channel.

§ 118.75 Lights on single-opening drawbridges.

(a) *Bridges in this class*. Bridges of the folding, pontoon and similar type single opening drawbridges are included in this class.

(b) *Draw span lights*. Each draw span of every single opening drawbridge shall be lighted with two lanterns so that when viewed from an approaching vessel the draw span when closed will display two red lights, one at each end of the span and when open to navigation will display two green lights, one at each end of the span. Each lantern shall show alternate red and green horizontal arcs of 60° each, the axis of adjacent arcs to be located 90° from each other; each lantern shall be securely mounted 15 feet above the roadway with the axis of the green arcs parallel to the long axis of the swing span.

(c) *Pier or abutment lights*. Every swing bridge shall be lighted so that the be mounted as described in paragraph end of each pier, abutment or fixed portion of the bridge adjacent to the navigable channel through the draw, or each

end of the protection piers for such piers, abutments, or fixed portion of the bridge will be marked by a red light. Each red light shall show through an arc of 180°, and shall be securely mounted on the pier, abutment or fixed portion of the bridge as low as practicable to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

§ 118.80 Lights on bascule bridges.

(a) *Lift span lights.* Each lift span of every bascule bridge shall be lighted so that the free end of the span will be marked on each side by a green light which shows only when the span is fully open for the passage of a vessel and by a red light which shows for all other positions of the lift span. Each red and each green light shall show through a horizontal arc of 180°. The lighting apparatus shall be securely mounted to the side of the span so that the light will show equally on either side of a line parallel to the axis of the channels, so that they will be visible from an approaching vessel.

NOTE: Until such time that major repairs to or replacement of lift span navigation lights are made, existing lights may show through a horizontal arc of less than 180°. When major repairs to or replacement of existing lights are made they shall conform with this paragraph.

(b) *Multiple parallel lift span lights.* The outermost side of each outer span of every bascule bridge with parallel multiple lifts shall be lighted as prescribed in paragraph (a) of this section; the lights shall be controlled so that the green lights will be displayed only when all spans are open for navigation. The inner sides of each outer lift span and both sides of each inner lift span of such bascule bridge shall be lighted by red lights for all positions of the lift span. These lights shall have the same arcs of illumination and shall be mounted as described in paragraph (a) of this section.

(c) *Pier lights.* Every bascule bridge shall be lighted so that each end of every pier, or protection pier where provided, in or adjacent to the navigable channels under the lift span or spans will be marked by a red light. Each such red light shall show through a horizontal arc of 180°, and shall be securely mounted as low as practicable on the end of the pier, or protection pier, to show 90° either side of a line parallel to the axis of the navigable channel so as to be visible from an approaching vessel.

(d) *Axis lights.* Every bascule bridge which has at least one pier provided with a protection pier shall be lighted so that the intersection of the long axis of the lift span with the channel side of each pier, or protection pier, will be marked by a red light: *Provided*, That if all such piers and protection piers are straight along their channel faces these lights shall not be required. Each such red light shall show through a horizontal arc of 180° and shall be securely mounted on the navigable channel face of the pier

as low as practicable to show 90° on either side of a line normal to the axis of the navigable channel so as to be visible from an approaching vessel.

§ 118.85 Lights on vertical lift bridges.

(a) *Lift span lights.* The vertical lift span of every vertical lift bridge shall be lighted so that the center of the navigable channel under the span will be marked by a range of two green lights when the vertical lift span is open for navigation, and by one red light on each side of all other positions of the lift span. The green lights shall each show through a horizontal arc of 360°; they shall be securely mounted just below the outermost edge of the bridge span structure so as to be visible from an approaching vessel. Each red light shall show through a horizontal arc of 180°, and shall be securely mounted just below the outermost edge of the lift span to show 90° on either side of the line parallel to the axis of the channel so that only one such light will be visible from an approaching vessel.

NOTE:—Until such time that major repairs to or replacement of lift span navigation lights are made, it is permitted that these lights show through a horizontal arc of not more than 60°. When major repairs to or replacement of such existing lights are made they shall conform with this paragraph.

(b) *Pier lights.* Every vertical lift bridge shall be lighted so that each end of every pier in or adjacent to navigable channels under the lift span, or each end of every protection pier when provided, will be marked by a red light. Each such light shall show through a horizontal arc of 180°, and shall be securely mounted as low as practicable on the end of the pier, or the protection pier, to show 90° on either side of a line parallel to the axis of the navigable channel so as to be visible from an approaching vessel.

(c) *Axis lights.* Every lift bridge which has at least one pier provided with a protection pier shall be lighted so that the intersection of the lift span axis with the channel side of each pier adjacent to the navigable channel will be marked by a red light: *Provided*, That if every such pier, or protection pier, is straight along its channel face these lights shall not be required. Each such light shall show through a horizontal arc of 180°, and shall be securely mounted on the navigable channel face of the pier as low as practicable to show 90° on either side of a line normal to the axis of the navigable channel so as to be visible from an approaching vessel.

§ 118.90 Bridges crossing channel obliquely.

Bridges crossing a body of water at an angle other than 90° with the axis of the channel shall be lighted in accordance with the regulations in this part with such modifications as are necessary in each particular case.

§ 118.95 Lights on sheer booms.

The lights on sheer booms, isolated piers, and obstructions not part of the

bridge or bridge approach structure come under the purview of § 66.01-35 of subchapter C of Title 33 of the Code of Federal Regulations and shall show a white or green light if kept on the left of vessels approaching from seaward, and shall show a white or red light if kept on the right of vessels approaching from seaward. For rivers the same rule shall apply, white or green lights shall be shown from the right descending bank; white or red lights to be shown from the left descending bank. The color of the light and its characteristics (fixed, flashing, occulting, etc.) shall be determined by the District Commander.

§ 118.100 Modification of requirements.

The District Commander may modify or change the requirements for the display of lights and signals on any bridge within the purview of the regulations in this part when a change in local conditions warrant such modification.

§ 118.105 Bridges infrequently used and unusual cases.

Bridges over waterways with no significant nighttime navigation may be exempted from the lighting requirements of this part in whole or in part with the approval of the district commander. The district commander may modify the prescribed lights or require special lighting in specific or unusual cases where the lights prescribed in this part may not provide adequately for the safe passage of nighttime navigation.

(14 U.S.C. 633; 33 U.S.C. 409, 521, 49 U.S.C. 1655(g), 33 CFR 1.05-1(c)(4); 49 CFR 1.46 (b), 1.46(c)(5)(6))

Effective date. These amendments shall become effective on July 11, 1975.

Dated: June 4, 1975.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 75-15263 Filed 6-10-75; 8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION [CGD 75-003]

PART 33—LIFESAVING EQUIPMENT

Cross Reference; Editorial Correction

Several sections in Subchapter J of Title 46 of the Code of Federal Regulations have recently been revised and renumbered. One of these sections is cross-referenced in Part 33 of Subchapter D of Title 46, but the cross-reference was not amended at the time the sections were renumbered. As a result, the present cross-reference appearing in Part 33 of Subchapter D is incorrect. The purpose of this amendment is to update the cross-reference in Part 33 of Subchapter D to reflect the new number of the section referenced.

Since this amendment consists of only an editorial change and therefore does not affect the substance of the regulation being amended, good cause exists for omitting notice and public procedure

thereon pursuant to 5 U.S.C. 553(b) (3) (B).

In consideration of the foregoing, Part 33 of Title 46 of the Code of Federal Regulations is amended as follows:

1. In § 33.50-1, by striking the reference "Subpart 113.60" and inserting the reference "§ 111.75-15(h)" in place thereof. (46 U.S.C. 391a, 49 U.S.C. 1655(b) (1); 49 CFR 1.46(b))

Effective date. This amendment becomes effective on July 11, 1975.

Dated: June 4, 1975.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 75-15264 Filed 6-10-75; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL
COMMUNICATIONS COMMISSION

[FCC 75-623]

PART 74—EXPERIMENTAL, AUXILIARY,
AND SPECIAL BROADCAST, AND OTHER
PROGRAM DISTRIBUTIONAL SERVICES

Station Records of TV and FM Translators
and FM Boosters

In the matter of amendment of §§ 74.765, 74.1265, 74.781, and 74.1281 of the rules pertaining to station records of TV translators and FM translators and FM boosters.

1. Sections 74.781 and 74.1281 of the Commission's rules provide for the maintenance of station records for translator stations and FM booster stations. These rules provide that the licensee shall maintain adequate records, including the current instrument of authorization, official correspondence with the Commission, maintenance records, contracts, permissions for rebroadcast, and other pertinent documents. The rules further provide that the records shall be made available to authorized Commission personnel upon request and that station records shall be retained for a period of two years. The rules do not prescribe a location where such station records are to be maintained. It is this omission which we seek to rectify in this proceeding.

2. Section 1.526 of the rules specifies the records to be maintained by stations in the broadcasting service and the location where they will be made available for inspection, but translator stations and FM booster stations are specifically exempt from that rule. As a consequence, question has arisen as to where translator and FM booster licensees should maintain their records for Commission inspection. Since translator licensees seldom have studios or other readily accessible offices in the community where the translator is licensed, this does present somewhat of a problem and we think that the uncertainty of the licensees is well founded. We propose, therefore, to amend the rules to provide guidance to our translator licensees as to where station records should be kept.

3. Licensee-owned translators, i.e., translators owned by the licensee of the primary station, could, obviously, main-

tain the translator records at the same place where the primary station records are maintained. Generally, however, the translators are located in a different community distant from the city of license of the primary station. In such a situation, we think that the translator records should be maintained in one of the principal communities served by the translator. In the case of a non-licensee-owned translator, records should be maintained in some convenient, readily accessible home, office, public building, or place of business. The important thing is that the place where the records are maintained should be in one of the principal communities served by the translator, should be convenient to authorized Commission personnel, and should be convenient to the person who is keeping the records. A private home, for example, may not always be accessible and keeping station records in a home could disrupt the privacy of the family which resides there. Also, records kept in a private home could be lost if the family moves out of town.

4. For the reasons stated, we are clarifying our rules to provide that the records to be maintained must be kept at a residence, office, public building, or place of business, or other suitable place within one of the principal communities of license of the translator. The place where the records are kept is to be fully disclosed and identified in the notice required by sections 74.765(b) and 74.1265(b) of the rules, relating to the posting of certain information at the transmitter site. The licensee, in deciding where the records will be kept, should consider carefully accessibility, convenience, privacy, safety, and stability.

5. These amendments to the rules are adopted pursuant to the authority contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended. Since the changes are qualifications, i.e., interpretative, the notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) do not apply.

Accordingly, it is ordered, That, effective June 11, 1975, sections 74.765, 74.1265, 74.781, and 74.1281 of the Commission's rules are amended as set forth below.

Adopted: May 28, 1975.

Released: June 5, 1975.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

Part 74 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 74.765, paragraph (b) is revised to read as follows:

§ 74.765 Posting of station license.

(b) The call sign of the translator together with the name, address, and tele-

phone number of the licensee or local representative of the licensee if the licensee does not reside in the community served by the translator, and the name and address of a person and place where station records are maintained, shall be displayed at the translator site on the structure supporting the transmitting antenna, so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition by the licensee.

2. In § 74.781, paragraph (c) is revised to read as follows:

§ 74.781 Station records.

(c) The station records shall be maintained for inspection at a residence, office, public building, place of business, or other suitable place, in one of the communities of license of the translator, and the name of the person keeping such records, together with the address of the place where the records are kept, shall be posted in accordance with section 74.765(b) of the rules. The station records shall be made available upon request to any authorized representative of the Commission.

3. In § 74.1265, paragraph (b) is revised to read as follows:

§ 74.1265 Posting of station license.

(b) The call sign of the translator or booster together with the name, address, and telephone number of the licensee or local representative of the licensee if the licensee does not reside in the community served by the translator or booster, and the name and address of a person and place where station records are maintained, shall be displayed at the translator or booster site on the structure supporting the transmitting antenna, so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition by the licensee.

4. In § 74.1281, paragraph (c) is revised to read as follows:

§ 74.1281 Station records.

(c) The station records shall be maintained for inspection at a residence, office, public building, place of business, or other suitable place, in one of the communities of license of the translator or booster, and the name of the person keeping such records, together with the address of the place where the records are kept, shall be posted in accordance with section 74.1265(b) of the rules. The station records shall be made available upon request to any authorized representative of the Commission.

[FR Doc. 75-15389 Filed 6-10-75; 8:45 am]