[7630-01]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PRIVACY ACT ISSUANCES

Notice of Incorporation by Reference

Agency: Pennsylvania Avenue Development Corporation.

Action: Incorporation by reference of Privacy Act issuances.

Summary: Federal agencies are required by the Privacy Act of 1974 to give annual notice of certain records they maintain. The notices published last year were compiled by the Office of the Federal Register into "Privacy Act Issuances—1977 Compilation." The purpose of this document is to incorporate by reference the notices that appear in "Privacy Act Issuances—1977 Compilation" and to publish in full the systems that this agency has amended since publication of the 1977 Compilation.

Dates: This document fulfills the annual notice requirements of the Privacy Act for 1978.

For further information contact: Barbara S. Austin, Administrative Officer, Pennsylvania Avenue Development Corporation, Suite 1148, 425 13th Street NW., Washington, D.C. 20004, 202-566-1218.

Approval of the Director

The notices of systems of records of this agency which appear in "Privacy Act Issuances—1977 Compilation" are incorporated by reference. The Director of the Office of the Federal Register granted approval to incorporate by reference these Privacy Act issuances on July 13, 1978.

1977 Compilation Up-To-Date

Information about this agency's systems of records that appears in "Privacy Act Issuances—1977 Compilation" is complete and up-to-date. Since publication of the 1977 Compilation, this agency has made no changes to its systems of records.

Availability of 1977 Compilation

"Privacy Act Issuances—1977 Compilation" is available from Regional Depository Libraries at 50 locations around the country and can be examined at these libraries free of charge. The 1977 Compilation is also available at the General Services Administration Federal Information Centers, which are located at 38 central points around the country and may be examined at the central headquarters and all field offices of this agency. It is also available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Upon request, the Office of the Federal Register will furnish a photocopy of the full text of a particular records system published in the 1977 Compilation for a nominal fee.

Location of Notices in 1977 Compilation

Notices of this agency's systems of records appear in Volume II of the 1977 Compilation at 42 FR, page 48782 on September 23, 1977. The price of this volume is six dollars and seventy-five cents.

W. ANDERSON BARNES,
Executive Director.

[FR Doc. 78-24581 Filed 9-5-78; 8:45 am]

[7708-01]

PENSION BENEFIT GUARANTY CORPORATION

PRIVACY ACT ISSUANCES

Notice of Incorporation by Reference

Agency: Pension Benefit Guaranty Corporation.

Action: Incorporation by reference of Privacy Act issuances.

Summary: Federal agencies are required by the Privacy Act of 1974 to give annual notice of certain records they maintain. The notices published last year were compiled by the Office of the Federal Register into "Privacy Act Issuances—1977 Compilation." The purpose of this document is to incorporate by reference the notices that appear in "Privacy Act Issuances—1977 Compilation" and to publish a routine use which was revised since publication of the 1977 Compilation.

Dates: This document fulfills the annual notice requirements of the Privacy Act for 1978.

For further information contact: Richard J. Anderson, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006, 202-254-4895.

Approval of the Director

The notices of systems of records of the Pension Benefit Guaranty Corporation ("PBGC") which appear in "Privacy Act Issuances—1977 Compilation" are incorporated by reference. The Director of the Office of the Federal Register granted approval to incorporate by reference these Privacy Act issuances on July 13, 1978. Published below is a PBGC General Routine Use that this agency has amended since publication of the 1977 Compilation. This routine use is applicable to each PBGC system of records.

4. Routine Use—Disclosure During and in Anticipation of Litigation.

A record from this system of records may be disclosed during litigation, including disclosure to all counsel in the course of discovery or settlement negotiations and during the presentation of evidence to a court, magistrate or administrative tribunal, or during proceedings in reasonable anticipation thereof.

Availability of 1977 Compilation

"Privacy Act Issuances—1977 Compilation" is available from Regional Depository Libraries at 50 locations around the country and can be examined at these libraries free of charge. The 1977 Compilation is also available at the General Services Administration Federal Information Centers, which are located at 38 central points around the country. In addition, the 1977 Compilation may be examined at PBGC's offices at 2020 K Street NW., Washington, D.C. It is also available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Upon request, the Office of the Federal Register will furnish a photocopy of the full text of a particular records system published in the 1977 Compilation for a nominal fee.

Location of Notices in 1977 Compilation

Notices of the PBGC's systems of records appear in Volume II of the 1977 Compilation at page 49696 (42 FR 49696). The price of this Volume is six dollars and seventy-five cents.

Dated: August 24, 1978.

MATTHEW M. LIND,
Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 78-24582 Filed 9-5-78; 8:45 am]

federal register

THURSDAY, SEPTEMBER 7, 1978
PART III



DEPARTMENT OF TRANSPORTATION

Coast Guard

■

NAVIGATION LIGHTS FOR SMALL VESSELS

Proposed Rulemaking

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77-233]

[33 CFR Part 89]

NAVIGATION LIGHTS FOR SMALL VESSELS

AGENCY: U.S. Coast Guard, DOT.

ACTION: Proposed rules.

SUMMARY: These proposed rules prescribe requirements for the approval procedures for, and the installation and performance of navigation lights on vessels of less than 20 meters in length to meet the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). 72 COLREGS contains technical performance requirements for navigation lights applicable to all vessels using International Rules waters. Although 72 COLREGS became effective on July 15, 1977, the Coast Guard placed the navigation light performance requirements in abeyance for small vessels until these regulations could be developed. These requirements would improve the overall quality of navigation lights as displayed on vessels operating on International Rules waters and therefore decrease the risk of collision between vessels at night and in periods of restricted visibility.

DATES: 1. Comments must be received on or before November 7, 1978. 2. Public hearings: The Coast Guard will hold a public hearing on October 5, 1978, beginning at 9:30 a.m., in San Francisco, Calif., and on October 17, 1978, beginning at 9 a.m., in Washington, D.C.

ADDRESS: Comments should be submitted to Commandant (G-CMC/81), (CGD 77-233), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. The San Francisco hearing will be held in the Cathedral Hill A Room at the Jack Tar Hotel, Van Ness Avenue at Geary Boulevard, San Francisco, Calif. 94101. The Washington hearing will be held in Room 2230 in the Nassif Building, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Chris Llana, Office of Marine Environment and Systems (G-WLE-4/73), Room 7315, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4958.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 77-233), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which each comment is made. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. Interested persons are invited to attend the hearings and present oral or written statements on this proposal. It is requested that anyone desiring to make comments notify Captain Danahy, Marine Safety Council (G-CMC/81) Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477, at least 10 days before the scheduled date of the public hearing and specify the approximate length of time needed for the presentation. Comments at the public hearings will normally be heard in the order the request to comment is received. It is urged that a written summary or copy of the oral presentation be included with the request.

DRAFTING INFORMATION

The principal persons involved in the drafting of this proposal are: Christopher Llana, Project Manager, Office of Marine Environment and Systems, and Edward Gill, Project Counsel, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

BACKGROUND

These proposed regulations would implement for vessels under 20 meters in length the navigation light requirements of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). Because regulations to put 72 COLREGS navigation light requirements into effect for small uninspected vessels had not been developed at the time 72 COLREGS came into force on July 15, 1977, the Coast Guard placed the 72 COLREGS navigation light requirements in abeyance. This originally applied until August 1, 1978, for all vessels having navigation lights in conformance with 1960 International Rules, but has been extended until publication of the final rule.

The 72 COLREGS navigation light specifications are much more extensive and detailed than those in the 1960 International Rules. Whereas the 1960 rules dealt with configuration and range, the 72 COLREGS specify configuration, range, exact color, transmissivity, horizontal and vertical sector minimum intensities, spillover limitations, and screens. The convention leaves few details for a country to independently regulate.

The 72 COLREGS navigation light requirements seek to prevent collisions at night and in periods of restricted visibility by providing the vessel operator with information otherwise only available during daylight. Navigation lights provide information on vessel size, function, current status, heading, and speed—essential information if the navigation rules are to be followed. The 72 COLREGS technical performance requirements insure the accurate and unambiguous display of this information.

CRITERIA

In formulating these proposed regulations, certain criteria were given consideration. First, it was determined that the specifications in 72 COLREGS must be the underlying basis for the regulations. Further, while the navigation rules are often thought to be important for large ships only, this is not true. The rules apply equally to vessels of all sizes, and observance of the rules by all vessels is vital if collisions are to be avoided. Recognizing this, the Inter-Governmental Maritime Consultative Organization (IMCO) gave consideration to small vessels in the preparation of 72 COLREGS.

The navigation light treatment in 72 COLREGS varies both with vessel size and type. Different requirements apply to vessels less than 7 meters in length with a maximum speed of less than 7 knots, vessels less than 12 meters in length, and vessels between 12 and 20 meters in length. Different requirements also apply to powered vessels, sailing vessels, and vessels under oars. Although the configuration and range requirements vary with vessel size and type, many of the technical performance specifications apply uniformly to all types of vessels. The 72 COLREGS specifications which apply generally to navigation lights as well as those which are specifically addressed to navigation lights for vessels less than 20 meters in length are incorporated in these proposed implementing regulations.

The Coast Guard recognizes that the relatively larger number of smaller vessels when considered with the maneuvering characteristics of those vessels makes special treatment for small vessel navigation lights desirable. The regulations for large vessel navigation lights are not practicable when applied in whole to small vessels. The second criterion in the development of these proposed regulations, then, is practicability. Small vessel

navigation lights should be relatively inexpensive and be of a design adaptable to mass production. The Coast Guard has used what flexibility there is in 72 COLREGS to provide less stringent requirements for small vessel navigation lights than apply to vessels 20 meters in length or over.

These two criteria would not necessarily lead to the same results if considered separately. They, to some extent, represent competing interests—interests which are both valid and pressing. These proposed rules have evolved to their current form after extensive input was weighed and analyzed. This input concerned the legal, the technical, and the economic aspects of the navigation light issue.

Examples of input include Coast Guard laboratory testing of numerous navigation lights on the market; industry data and positions; foreign navigation light standards; consideration by the National Boating Safety Advisory Council, and by the rules of the Road Advisory Committee; and legal analysis of 72 COLREGS requirements.

The input has been given broad consideration at the technical, legal, and policymaking levels within the Coast Guard. The resulting proposal reflects Coast Guard policy of applying navigation light requirements to small vessels which are reasonable and practicable, but which also conform to the safety specifications of 72 COLREGS.

Scope

The scope of these proposed regulations has departed from past practice in an effort to make the substantive navigation light requirements more effective than they have been. The operator of a small vessel is responsible for properly displaying navigation lights. The consumer usually has no choice but to accept the navigation lights as they come on the boat. If the lights are improperly designed or installed, usually the small vessel operator is unaware of it, and yet the operator would still be liable both for the violation of the international rules and possibly for damages should there be an accident caused by the improper display of navigation lights. The International Navigational Rules Act of 1977 (Pub. L. 95-75; 91 Stat. 308; 33 U.S.C. 1601) provides for a $500 civil penalty against any person operating a vessel in violation of the international rules (72 COLREGS).

These proposed regulations would for the first time provide for the approval of lights which are in conformance with the international rules that are intended for installation on vessels less than 20 meters in length. They would also provide standards for the installation of those lights in conformance with the international rules.

Application

The 72 COLREGS apply to all vessels using international rules waters. Currently the United States does not have a mechanism for identifying those navigation lights which conform to 72 COLREGS and those which do not. These proposed regulations would set up such a mechanism. An approval procedure and installation requirements would apply to future navigation light installations and criteria would be established for evaluating existing navigation light installations.

August 1, 1981, is proposed as the effective date for the regulations governing new navigation light installations. August 1 is the start of the model year for many boat manufacturers, and by delaying the effective date until 1981, manufacturers would have time to design, obtain approval for, and market conforming navigation lights. It is proposed that lights installed before August 1, 1981, must meet objective field standards rather than laboratory standards. The standards for existing navigation light installations would become effective when the final rule is published. Enforcement of compliance with 72 COLREGS requirements will commence at that time.

Existing vessels

The Coast Guard is proposing dual standards for future and existing navigation light installations as an alternative to requiring the retrofit of new lights. There are more than 10 million recreational boats in the United States. Of these about 500,000 carry international rules lights because they may operate on international rules waters. Many more carry international rules lights, although they operate exclusively on inland waters. The Coast Guard believes that, because of the economic impact, requiring a blanket retrofit of navigation lights would be unwarranted, and given the large number of vessels and the currently limited supply of lights meeting 72 COLREGS requirements, would not be feasible.

Coast Guard testing of navigation lights has indicated that a few existing navigation light models would conform with the proposed rules for new lights. (The raw data and results of the tests are available for examination in the public docket.) Given that, there must be some number of vessels which are currently displaying lights conforming to 72 COLREGS requirements. Regulations requiring a blanket retrofit of navigation lights with "approved" new lights would be overbroad.

A conclusive determination of compliance of existing navigation light installations with annex I to 72 COLREGS technical specifications would involve removal of each light to a laboratory for precise photometric testing. In addition, time consuming measurements would have to be made with the light installed on the vessel. A minimum of four lights per vessel would have to be tested. Resources are not available to test even one set of lights out of 10,000. However, as the Coast Guard feels that the effectiveness of navigation lights currently on many vessels is inadequate, some method of determining compliance is needed that can be applied by the owner/operator of a vessel and by Coast Guard boarding officers.

The only practical test which they can apply to navigation lights on small vessels is visual inspection. Accordingly, the proposed rules presume technical conformance with 72 COLREGS requirements *unless* a visual inspection indicates that the light *does not* conform. The limited measurement accuracy inherent in a visual inspection puts practical limits on the performance requirements on which a determination of nonconformance can be based. The proposed rules consider three basic areas of performance: (1) configuration, (2) horizontal sectors, and (3) visibility obscuration. The configuration requirements relate to the number, type, and location of the navigation lights making up the light "picture" required by the International Rules of the Road. Proper configuration is easily ascertainable by eye. The limits of the horizontal sectors (practical cutoff) cannot be determined by visual inspection with the accuracy possible using laboratory equipment. However, if a navigation light is clearly not in conformance, either due to improper mounting or design, visual inspection will reveal that fact. The proposed rules provide for a 10° precision range for visual inspection (i.e. if a visual inspection determines that the horizontal sector is off by 10° or more, the navigation light will be held to be in nonconformance with 72 COLREGS requirements). The third area of inspection is visibility obscuration. On some boats the lights are mounted behind obstructions on the vessel in such a manner that the light cannot be seen throughout the required sector. Such faults are readily detected by a visual inspection.

The requirements for International Rules navigation lights are enforceable against the operator of the vessel. It is the responsibility of the operator to check for navigation light conformance with the International Rules and to make any changes necessary if they do not conform to the rules.

New vessels and new installations

Beginning on August 1, 1981, all International Rules navigation lights would have to meet the more stringent

requirements applicable to the manufacture and installation of lights. Because the regulations can be made known well in advance of the effective date for new light requirements, the application of 72 COLREGS navigation light specifications can be more controlled.

The performance of new lights can be measured quite accurately in a test lab equipped with the specialized instruments needed to determine intensity, chromaticity, etc. Under these ideal conditions accurate measurement can be made to within a degree of sector arc. Chromaticity can be measured in terms of internationally accepted color coordinates rather than the subjective evaluations of "red", "white", or "green". The test procedures possible in a well equipped laboratory provide a high degree of certainty in a pass-fail determination, as compared to what is possible in a determination of conformance for navigation lights on existing vessels.

The installer of navigation lights on new vessels is normally in a position to accurately determine alignment and otherwise made provision for the correct installation of the navigation lights. The installer, usually the boat manufacturer, should be familiar with the various rules on navigation lights. In any case, the proposed rules would require that the light manufacturer provide instructions in sufficient detail so that the lights can be correctly installed.

The Coast Guard believes that requirements for new navigation lights for vessels less than 20 meters in length should be less stringent than the requirements for large vessels. The proposed rules provide this relief in three ways.

First, the term "practical cutoff", which is used but not defined in 72 COLREGS, is defined liberally in the proposed rules for small vessels. Practical cutoff is the point near the end of a prescribed horizontal sector at which the intensity of illumination from the light is considered to have become insignificant. For large vessels, practical cutoff is considered to be 10 percent of the minimum required sector intensity. For vessels under 20 meters in length, the proposed definition is 50 percent of the minimum required intensity. This definition allows for spilling over beyond the sector of the extraneous light from lens glow, internal reflection, etc., which cannot otherwise be eliminated except by the use of large screens. Such screens are impracticable on most small vessels.

Second, production lights for small vessels would be allowed to show the horizontal sector intensities within 2° of the angles specified by 72 COLREGS. State-of-the-art light design and production techniques are not sufficiently advanced to allow conformance to 72 COLREGS horizontal sector intensity requirements if production lamps are used. The test light submitted for type approval may be fitted with an ideal lamp and therefore a tolerance is not allowed in the test light's performance. Lights can be produced at a reasonable cost which will conform to this requirement. Increasing the tolerance beyond 2°to provide further relief from the literal 72 COLREGS requirements would therefore be unjustified.

Relief is also given in the installation of the light on the vessel. Because the shape and structure on many boats do not lend themselves to the precise mounting of navigation lights, a 2° installation tolerance would be permitted.

The proposed rules would impose several requirements not contained in 72 COLREGS to facilitate the proper installation and display of navigation lights. Manufacturers would be required to incorporate features in the light housing design to aid in alignment, and to provide adequate labeling information on the proper use of their product. Another provision wuld make accidental reversal of the colored lenses impossible in combination sidelights.

The proposed regulations contain a test procedure by which type approval will be determined and which will be used to spot check production lights. The test procedure assures consistency in method and accuracy from one test laboratory to another.

Evaluation

This proposal has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, March 8, 1978). A draft evaluation of the proposal has been prepared, and has been included in the public docket.

In consideration of the foregoing, it is proposed that subchapter DD of title 33 of the Code of Federal Regulations be amended by adding a new part 89 to read as follows:

Subpart A—General

Sec.
89.1 Purpose and applicability.
89.3 Definitions.
89.5 Requirements.

Subpart B—Manufacturer Requirements

Sec.
89.11 Applicability.
89.13 Type approval.
89.14 Practical cutoff.
89.15 Production tolerance.
89.17 Construction.
89.19 Labeling.

Subpart C—Installation Requirements

Sec.
89.41 Applicability.
89.43 Use of approved navigation lights.
89.45 Configuration.
89.47 Alignment.
89.49 Obscuration.

Subpart D—Testing

Sec.
89.61 Test laboratories.
89.63 Angular measurements.
89.65 Test lamp voltage.
89.67 Instrument separation.
89.69 Horizontal intensity.
89.71 Vertical intensity.
89.73 Chromaticity.
89.75 Test report.

Authority: Pub. L. 95-75; Sec. 8, 91 Stat. 310; (33 U.S.C. 1607); 49 CFR 1.46(n)(11).

Subpart A—General

§ 89.1 Purpose and applicability.

This part prescribes rules for the approval procedures for, and the installation of navigation lights on vessels of less than 20 meters in length to meet the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS). (Note 1)

Note. 1.—The 72 COLREGS are published as Appendix A of Part 87 of this Subchapter.

§ 89.3 Definitions.

As used in this part:

(a) "International rules navigation lights"—means navigation lights used or intended for use on international rules waters.

(b) "International rules waters"—means those waters on which the 72 COLREGS apply. The lines of demarcation delineating these waters are set out in part 82 of this title.

(c) "Length"—means length overall measured in plan view.

(d) "Manufacture"—means manufacture, construct, assemble, or import for sale.

§ 89.5 Requirements.

(a) Each international rules navigation light installed on a vessel before August 1, 1981, must meet the 72 COLREGS requirements for navigation lights. This requirement is presumed to be met unless it can be determined by visual inspection that—

(1) the configuration does not conform to the requirements of part C and annex I of the 72 COLREGS;

(2) the horizontal arc of visability deviates 10 degrees or more from the requirements of rule 21 of the 72 COLREGS; or

(3) the horizontal arc of visibility is obscured by a part of the vessel for more than six degrees for an all-around light, more than two degrees for a masthead light, or at all for a sternlight or a sidelight.

(b) The requirements for international rules navigation lights manufactured on or after August 1, 1981, are contained in subpart B of this part.

(c) The requirements for installing international rules navigation lights on or after August 1, 1981, are contained in subpart C of this part.

Subpart B—Manufacturer Requirements

§ 89.11 Applicability.

This subpart applies to manufacturers of navigation lights who seek Coast Guard approval for lights that are intended to be used on vessels under 20 meters in length and that are intended to conform with the 72 COLREGS.

§ 89.13 Type approval.

(a) Each manufacturer must obtain type approval for each model navigation light before that model can be sold as an approved international rules navigation light.

(b) Type approval is obtained by submitting the following to the Commandant (G-WLE-4/73):

(1) Test results obtained in accordance with subpart D of this part.

(2) The sample navigation light used to obtain the test results required in paragraph (b)(1).

(3) A copy of the labeling information required by § 89.19(a).

(4) A copy of the installation instructions required by § 89.19(c).

(c) The sample light submitted for testing may be specially selected, adjusted, and provided with an ideal lamp, but must otherwise be mechanically indentical to production lights. The ideal lamp must be of the same type as used in production lights.

(d) The sample light and other data submitted for approval become the property of the Coast Guard.

(e) Type approval will be granted after the Coast Guard has determined that the sample light, labeling information, and installation instructions are in conformance with the requirements of 72 COLREGS and this subpart.

(f) Production lights of an approved model are subject to spot testing by the Coast Guard. If the production lights of an approved model do not conform with the requirements of this subpart, the Coast Guard may revoke or suspend type approval for that model navigation light.

§ 89.14 Practical cut-off.

(a) For the purposes of this part, the term "practical cut-off" used in section 9 of annex I to the 72 COLREGS means 50 percent of minimum required intensity.

(b) For practical cut-off to be reached, the intensity must decrease to 10 percent of minimum required intensity by 20° outside the prescribed horizontal sector.

§ 89.15 Production tolerances.

(a) Each production light must show the horizontal sector intensities within two degrees of the angles specified by section 9 of annex I to the 72 COLREGS.

(b) Each production light must conform to all other 72 COLREGS performance requirements.

§ 89.17 Construction.

(a) Each navigation light housing must be constructed so that it may be accurately aligned during installation.

(b) The construction required under paragraph (a) may be accomplished by using—

(1) flat vertical mounting surfaces, either transverse or longitudinal;

(2) index marking; or

(3) a template.

(c) The red and green lenses in combination sidelights, if removable, must not be interchangeable.

§ 89.19 Labeling.

(a) Each navigation light, or the smallest package in which it is shipped, must be marked with the following information.

(1) Manufacturer identification (name and address).

(2) Coast Guard approval number.

(3) Type of light (masthead, sidelight, etc.).

(4) Application (sailing vessels, nonsailing vessels, or all types of vessels; less than 12 meters in length, or less than 20 meters in length).

(5) Lamp type by manufacturer identification.

(6) Lamp wattage and rated voltage.

(b) The lamp type must be permanently marked on the navigation light where it can be seen by a person changing the lamp.

(c) Each light must be packaged with instructions sufficiently detailed to provide for installation of the light in conformance with subpart C of this Part.

Subpart C—Installation Requirements

§ 89.41 Applicability.

The Coast Guard will consider navigation lights installed on vessels under 20 meters in length on or after August 1, 1981, to be in compliance with 72 COLREGS if they meet the requirements of this subpart.

§ 89.43 Use of approved navigation lights.

Each navigation light installed must be an approved light.

§ 89.45 Configuration.

Each navigation light must be installed in conformance with the configuration requirements of Part C and annex I of the 72 COLREGS.

§ 89.47 Alignment.

Each navigation light must be installed so that the horizontal alignment of its housing is within two degrees of the alignment required by rule 21 of the 72 COLREGS.

§ 89.49 Obscuration.

(a) Each all-around light must be installed so that the horizontal arc of visibility is not obscured for more than six degrees.

(b) Each masthead light must be installed so that the prescribed horizontal arc of visibility is not obscured for more than two degrees.

(c) Each sidelight and each sternlight must be installed so that the prescribed horizontal arc of visibility is not obscured.

Subpart D—Testing

§ 89.61 Test laboratories.

(a) For the purposes of this section, "independent test laboratory" means a test laboratory that is neither owned nor controlled by a manufacturer of navigation lights.

(b) Testing must be carried out at an independent test laboratory acceptable to the Commandant.

(c) An independent test laboratory is acceptable if it is found to possess equipment and personnel sufficient to test navigation lights in accordance with the test procedure specified in this subpart for their conformity with the requirements of annex I to the 72 COLREGS, and with the requirements of subpart B of this part.

(d) The determination of acceptability will be made by, and the list of acceptable test laboratories maintained by, the Commandant (G-WLE-4/73).

§ 89.63 Angular measurements.

All angular measurements must be made with reference to the midpoint of the lamp filament.

§ 89.65 Test lamp voltage.

The test lamp must be operated for five hours at rated voltage before intensity measurements are made. The voltage used for all tests must be rated voltage ±0.01 volts.

§ 89.67 Instrument separation.

The test light must be separated from the instrument measuring intensity by a distance sufficient to provide a valid inverse-square law relationship.

§ 89.69 Horizontal intensity.

(a) The test equipment and procedures used must provide an accuracy of ±1 degree in the measurement of horizontal arc.

(b) The test instrument and procedures used must provide an accuracy of ±10 percent in the measurement of intensity.

(c) Horizontal sector intensity data must be taken in the horizontal plane passing through the midpoint of the lamp filament. Intensity data must be taken throughout the prescribed sector, and within 25 degrees of the sector limits outside the sector.

(d) Measurements must be taken at intervals of one degree or less from ten degrees outside the sector to five degrees inside the sector, and at intervals of five degrees or less within the remainder of the sector. For all-round lights measurements must be taken at intervals of ten degrees or less.

§ 89.71 Vertical intensity.

(a) The test equipment and procedures used must provide an accuracy of ±1 degree in the measurement of vertical arc.

(b) The test instrument and procedures used must provide an accuracy of ±10 percent in the measurement of intensity.

(c) Vertical sector intensity data must be taken in a vertical plane passing through the midpoint of the lamp filament and—

(1) Bisecting the prescribed horizontal sector ±² degrees for sidelights, masthead lights, and sternlights; and

(2) At any orientation for all-round lights.

(d) For lights not intended for use on sailing vessels, vertical sector intensity data must be taken at intervals of 2 degrees or less through a vertical arc of 10 degrees above and below the horizontal.

(e) For lights intended for use on sailing vessels, vertical sector intensity data must be taken at intervals of 2 degrees or less through a vertical arc of 10 degrees above and below the horizontal, and at intervals of 5 degrees or less through the vertical arc extending from 10 degrees to 30 degrees above and below the horizontal.

§ 89.73 Chromaticity.

(a) The test instrument and procedures used must provide an accuracy of ±0.01 in the measurement of International Commission on Illumination color coordinates.

(b) Chromaticity must be measured within the horizontal plan passing through the midpoint of the lamp filament and—

(1) At the midpoint of the prescribed horizontal sector ±2 degrees for sidelights, masthead lights, and stern lights; and

(2) Within the vertical plane within which the vertical sector intensity was measured for all-round lights [§ 89.71(c)].

§ 89.75 Test report.

(a) If testing shows that the sample navigation light conforms to the requirements of 72 COLREGS, a test report must be prepared certifying that fact.

(b) A navigation light conforms to the requirements of 72 COLREGS and of this part if its performance as measured deviates from those requirements by no more than the accuracies specified by this subpart.

(c) The test report must include the following:

(1) All test data.

(2) Copies of certificates of calibration on all instruments.

(3) A summary of results indicating compliance with 72 COLREGS requirements.

(Pub. L. 95-75; Sec. 8, 91 Stat. 310 (33 U.S.C. 1607); 49 CFR 1.46(n)(11))

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: August 31, 1978.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 78-25190 Filed 9-6-78; 8:45 am]