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§ 67.35–15 To whom addressed.

The applications and correspondence dealing with private aids to navigation and obstruction lighting should be addressed to the District Commander having jurisdiction over the area.

Subpart 67.40—Notification

§ 67.40–1 Notification to District Commander.

(a) *Class ''A'' structures.* In the case of structures to be located in areas where Class ''A'' requirements must be met, notification shall be given to the District Commander of the approximate date work will commence, as soon as known after a permit is received from the Corps of Engineers, U.S. Army, or 30 days in advance, if possible. Persons constructing structures must notify the District Commander by either telegram or overnight mail on the day they begin construction. Within this notice, they must inform him or her of the lights and sound signals they will use during construction. When construction has been completed, the maintainer shall notify the District Commander to that effect by letter, stating whether or not the authorized obstruction lights and/or sound signals are in operation. Final notification by letter shall be given when the lights used for general illumination, to facilitate the construction or operation of the structure, have been discontinued and the authorized obstruction lights placed in operation.

(b) *Class ''B'' structures.* Notification shall be given to the District Commander in the case of structures to be located in areas where Class ''B'' requirements must be met, in the same manner as prescribed in the case of Class ''A'' structures, except that the telegram on the day construction of the structure is commenced shall not be required.

(c) *Class ''C'' structures.* Notification shall be given to the District Commander in the case of structures to be located in areas where Class ''C'' requirements must be met, upon completion of the structure.

[CGFR 58–17, 23 FR 3377, May 20, 1958, as amended by CGFR 62–32, 27 FR 10101, Oct. 13, 1962; USCG–2001–10714, 69 FR 24984, May 5, 2004]

§ 67.40–5 Waivers.

(a) The District Commander is authorized to modify or waive any requirement prescribed in this part whenever, in his or her judgment, the safety of marine commerce will not be impaired by so doing.

(b) When the District Commander shall determine that changed circumstances in the case of a structure, whose obstruction lights and/or sound signal have been modified or waived, constitutes a hazard to marine navigation, he or she is authorized to revoke or revise his or her previous action and to require the structure to be appropriately marked by suitable obstruction lights and/or sound signals in accordance with this part.

[CGFR 58–17, 23 FR 3377, May 20, 1958, as amended by USCG–2001–10714, 69 FR 24984, May 5, 2004]

§ 67.40–10 Communication with owner.

Communication with the owners of private aids to navigation by the District Commander shall be addressed to their usual or last known place of business, or to their local representative, if any. Communication shall be by the method considered appropriate for the circumstances.

§ 67.40–15 Marking at owner's expense.

The District Commander may mark, for the protection of marine commerce, any structure whenever the owner thereof has failed suitably to mark the same in accordance with this part, and the owner shall reimburse the Coast Guard for all costs incurred.

§ 67.40–20 Charges invoiced to owner.

Charges to the owner for the cost of marking a structure by the Coast Guard shall be determined in accordance with Part 74 of this subchapter. All such charges shall be invoiced to the owner beginning with the date such marking is established and shall continue until notice is received by the