the public additional opportunity to comment.

DATES: Comments on the proposed rule must now be submitted on or before January 20, 1997.

ADDRESSES: Comments on the RAB proposed rule should be sent to the following address: Office of the Assistant Deputy Under Secretary of Defense (Environmental Cleanup), 3400 Defense Pentagon, Washington, DC 20301–3400. The public should send comments in writing, and whenever possible, a 3.5 inch computer disk containing comments in a common word processing format such as WordPerfect version 6.1. Comments may also be forwarded electronically to: readmw@acq.osd.mil. This will facilitate DOD's response to comments and reduce the associated costs.

FOR FURTHER INFORMATION CONTACT: Ms. Marcia Read, Office of the Assistant Deputy Under Secretary of Defense (Environmental Cleanup), (703) 697–9793.

SUPPLEMENTARY INFORMATION: A list of individuals providing comments on the RAB proposed rule can be viewed at the following Universal Resource Locator: http://www.dtic.mil/envirodod/rab__fedr.html.

Dated: November 13, 1996.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–29569 Filed 11–18–96; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 155 and 159

46 CFR Parts 2, 3, 4, 6, 7, 10, 12, 15, 16, 24, 25, 26, 28, 30, 31, 32, 34, 35, 39, 50, 56, 58, 61, 63, 68, 69, 70, 71, 72, 76, 77, 78, 80, 90, 91, 92, 93, 95, 96, 97, 105, 108, 109, 147A, 148, 150, 151, 153, 154, 159, 160, 164, 166, 167, 168, 170, 172, 188, 189, 193, 195, 196, and 197

[CGD 95–028]

RIN 2115–AF10

Harmonization With International Safety Standards

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: As part of its ongoing response to the President's Regulatory Reinvention Initiative, the Coast Guard proposes to amend its regulations for both inspected and uninspected vessels by removing obsolete, unnecessary and excessive provisions and to harmonize regulations with international safety standards. The Coast Guard expects these amendments will reduce the regulatory burden to industry by removing differences between requirements that apply to U.S. vessels in international trade and those that apply to similar vessels in international trade that fly the flag of responsible foreign nations.

DATES: Comments must be received on or before January 21, 1996.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 95–028), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to room 3406 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

A copy of the material listed in ''Incorporation by Reference'' of this preamble is available for inspection at room 1300, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: ENS Maggie McGowan, Project Manager, LCDR R. K. Butturini, Project Engineer, Office of Design and Engineering Standards (G–MSE), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001, telephone (202) 267–2206.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 95–028) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8 by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

A public meeting was held on April 20, 1995 (60 FR 16423) to discuss the Coast Guard's overall regulations and the regulatory process. The relevant comments received at the hearing or in response to the hearing notice have been considered for the changes included in this document. The Coast Guard held another public meeting on February 9, 1996 (60 FR 65988) to further discuss Coast Guard regulations and the changes discussed in a notice of proposed rulemaking (NPRM) of December 20, 1995 (60 FR 65988). As that NRPM also related to removal or revision of obsolete, unnecessary or excessive regulations and harmonization with international safety standards, relevant comments received at that hearing were considered in drafting the changes proposed in this document. Another public meeting to discuss the proposed changes in this rulemaking is not planned at this time.

Background and Purpose

This proposal has been sparked by several calls for regulatory review and reform. For example, on March 4, 1995, the President issued a memorandum calling on executive agencies to review regulations with the goals of: (1) Cutting obsolete regulations; (2) focusing on results instead of process and punishment; (3) convening meetings with the regulated community; and (4) expanding efforts to promote consensual rulemaking. The President's memorandum coincided with U.S. maritime industry requests for greater alignment of Coast Guard regulations with internationally accepted standards to reduce cost disadvantages and thereby improve the competitiveness of the U.S. industry.

The ongoing National Performance Review effort, which stresses reducing red tape and maximizing results, provides an impetus for the harmonization of regulations with appropriate, successful international safety standards. Additionally, the Coast Guard recognizes the need to eliminate outdated regulations and to increase available compliance options for the regulated community. In the May 31, 1995 Federal Register (60 FR 28376), the Coast Guard reiterated its intention to harmonize Coast Guard regulations with international safety standards.

To accomplish these goals and respond to calls for regulatory reform, the Coast Guard expanded its ongoing Coast Guard Regulatory Reform (CGRR) initiative. Under CGRR, the Coast Guard is examining ways to remove disincentives for ship owners to fly the

American flag, while also ensuring the marine environment is protected. The Coast Guard is doing this principally by making existing regulations more efficient and, wherever possible, aligning U.S. marine safety regulations with internationally accepted standards.

As part of the Coast Guard Regulatory Reform initiative, the Coast Guard has initiated three regulatory projects to remove unnecessary and excessive provisions from Coast Guard regulations. The first of these projects, ''Inspected and Uninspected Commercial Vessels; Removal of Obsolete and Unnecessary Regulations,'' had a final rule published in the September 18, 1995 Federal Register (60 FR 48044). That rulemaking focused on regulations for which no adverse public comment was expected, such as requirements for nuclear vessels, ocean incinerator ships and ocean thermal energy conversion plantships. The second project, ''Adoption of Industry Standards,'' had a final rule published in the May 23, 1996 Federal Register (61 FR 25984). That rule made more substantial changes, removing or amending unnecessary provisions and adopting appropriate industry standards and practices in place of Coast Guard specific requirements.

This rulemaking, the third project, continues the Coast Guard's effort to reform its regulations. These proposed changes, if adopted, will remove superfluous and outdated requirements and align the regulations more closely with international standards.

Discussion of Proposed Rules

A number of comprehensive regulatory projects have already aligned many Coast Guard regulations with international standards. In addition to the two final rules already issued in this series, other projects have resulted in rules that align both U.S. lifesaving equipment regulations (61 FR 25272) and electrical engineering regulations (61 FR 28260) with international standards.

Both inspected and uninspected commercial vessels will be affected by this project. No phase-in period is considered necessary as this rule is not imposing new requirements.

The following discussion identifies the sections affected by this proposed rule and explains the reasons they are being revised. The discussion is divided by category. All references are to the 1995 edition of Titles 33 and 46 of the Code of Federal Regulations.

Amendments Which Incorporate Standards by Reference

The Coast Guard has systematically incorporated industry consensus standards in place of detailed regulations for over 20 years. This approach allows industry greater participation in the regulatory process, standardizes many safety processes, saves plan review time for industry and government, and makes the regulations more concise. Industry standards, such as those developed by the National Fire Protection Association (NFPA) or the American Society of Mechanical Engineers (ASME), are developed by technical committees composed of representatives from a cross section of interest groups affected by the standard. The Coast Guard monitors the incorporation of safety and regulatory concerns in the standards through Coast Guard representation on the technical committees which develop the industry standards.

Increasingly, the Coast Guard is also incorporating International Maritime Organization (IMO) resolutions by referencing them in Coast Guard regulations and referring to applicable International Convention for the Safety of Life at Sea (SOLAS) regulations in the Coast Guard's own regulations. The IMO, of which the U.S. is a member, is a specialized agency of the United Nations. First formed in 1948, the IMO is dedicated to the promotion of marine safety and environmental protection throughout the world and has been the body responsible for the achievement of a number of conventions and other agreements to help achieve its goals. Two of the primary conventions or treaties which have resulted from the IMO's efforts are the SOLAS Convention and the Convention for the Prevention of Pollution from Ships (MARPOL). The U.S. is signatory to and has ratified both of these Conventions. This means that these Conventions are U.S. law and, to the extent required by the conventions, U.S.-flagged vessels must comply with the provisions of these and all other conventions similarly ratified.

The term U.S. flag, or U.S. flagged, when applied to vessels, refers to those vessels which are registered in the U.S. These vessels are subject to U.S. laws, including applicable Coast Guard promulgated regulations. As discussed above, since the U.S. is bound by SOLAS and MARPOL, vessels which are registered in the U.S. must comply with the SOLAS and MARPOL Conventions, when applicable. SOLAS is applicable to all vessels during an international voyage. To demonstrate compliance with SOLAS, vessels must obtain a SOLAS certificate. Inspected vessels which are registered in the U.S. must also obtain a Certificate of Inspection, to demonstrate compliance with U.S. laws and Coast Guard regulations.

The purpose of both Coast Guard and SOLAS regulations is to ensure safety. After comparing the current Coast Guard requirements to current SOLAS requirements, the Coast Guard determined that in many respects SOLAS regulations and Coast Guard regulations provide an equivalent level of safety. SOLAS, however, uses a different approach in writing regulations, including the use of different units of measure and different testing procedures. Meeting two different standards, though similar, could be burdensome to U.S. flag SOLAS certificated vessels. Therefore, the Coast Guard is proposing to incorporate IMO Resolutions and industry standards by reference into Coast Guard regulations in place of the current Coast Guard requirements and to refer to SOLAS requirements where possible in the regulations without degrading safety. This approach will relieve U.S. flagged vessels of the burden of meeting two different standards while still ensuring safety. This will not create any new burdens on industry because references to SOLAS or international standards have been limited to those areas in which the requirements of SOLAS or the applicable standard are equivalent or less restrictive than current Coast Guard regulations or in which the Coast Guard regulations only apply to vessels undertaking an international voyage, and therefore SOLAS is applicable. For other cases, compliance with only SOLAS requirements has been offered as one option to achieve compliance.

33 CFR 155.140 and 155.235.

Current Coast Guard regulations incorporate IMO Resolution A.535(13), Recommendations on Emergency Towing Requirements for Tankers, November 17, 1983, by reference. On May 20, 1994, IMO adopted revised guidance on this issue, IMO Resolution MSC.35(63), Adoption of Guidelines for Emergency Towing Arrangements on Tankers. The Coast Guard proposes to amend 33 CFR 155.140 by incorporating MSC.35(63) in place of its predecessor Resolution A.535(13), and § 155.235 by changing the IMO standard referenced to the current IMO Resolution MSC.35(63).

Additionally, as a signatory government to SOLAS 1974, the Coast Guard is revising § 155.235 to reflect the amendments of SOLAS 1974, as amended 1994, chapter V, regulation

15–1. These changes will further reduce the risk of pollution. Section 155.235 only applies to oil tankers as defined in part 33 CFR 155.200.

These sections were also under revision in CGD 90–068 for which an interim final rule was published on December 22, 1993 (58 FR 67988). Due to the development of IMO Resolution MSC.35(63), and the scope of this NPRM, it was determined that these sections would be addressed in this rulemaking and not in CGD 90–068.

46 CFR Subpart 32.53

The Coast Guard has determined that applicable SOLAS provisions regarding inert gas systems are equivalent to current Coast Guard regulations in terms of safety and operating requirements. Therefore, the Coast Guard proposes to incorporate SOLAS Chapter II–2 Regulation 62, containing the SOLAS requirements for inert gas systems, by reference in Subpart 32.53 and remove the current sections of Subpart 32.53 which duplicate SOLAS requirements.

Subparts 34.30, 76.25, 95.30 and 193.30 and §§ 34.01–15, 35.01–3, 35.10–3, 76.01–2, 78.45–1, 95.01–2, 97.36–1, 108.430, 109.105, 109.563, 193.01–3, 193.30–1

The current Coast Guard regulations concerning automatic sprinkler systems describe the manner of installation of sprinkler systems if a system is required or installed. The current regulations do not include the advancements in sprinkler system technology and efficiency that have occurred during the past several decades. The current sprinkler regulations do not include new technologies such as quick response sprinkler heads, hydraulic calculation techniques for water flow, and provisions for nonmetallic piping. National Fire Protection Association Standard, NFPA 13, Standard for the Installation of Sprinkler Systems, is an established standard recently revised to include marine applications. NFPA 13 includes these new technologies as well as alternative system layouts and multiple occupancy classifications. The flexibility enhances vessel safety by providing the ability to design a sprinkler system that can meet any particular fire challenge that might be found on board a vessel. Therefore, the proposed rules, if adopted, would incorporate the National Fire Protection Association standard, NFPA 13–1996, into the regulations. The adoption of NFPA 13–1996 will not place a burden upon industry, as the utilization of NFPA 13–1996 for sprinkler installation is already an industry standard for sprinkler installations. NFPA 13–1996 is also an integral part of Coast Guard enforcement policy for automatic sprinkler system design, installation and maintenance.

Additionally, the proposed rules would incorporate American Society for Testing and Materials (ASTM) standard F 1626–1995, Standard Practice for Preparing Shipboard Fire Control Plans, into the regulations for all types of vessels. Coast Guard regulations currently require all vessels to have shipboard fire control plans, but no uniform requirements for the plan exist. The proposed rule would standardize the acceptable symbols to be used for all shipboard fire control plans.

Sections 56.01–2 and Table 56.60–2(a)

The American Society of Mechanical Engineers (ASME) develops standards for mechanical engineering applications, including the ASME Code which is a standard for construction specifications. In accordance with 46 CFR 56.60–1(a)(2) of Coast Guard regulations, materials used as piping system components must be selected from the material specifications of the ASME Code or from 46 CFR Table 56.60–2(a). Table 56.60–2(a) ''Adopted Specifications Not Listed in the ASME Code,'' is a listing of adopted bar stock and nonferrous forging and casting specifications not listed in the ASME Code, but which are still acceptable. It includes two footnotes, 7 and 9, which are proposed for revision. Footnotes 7 and 9 specify that a mercurous nitrate test must be performed for certain materials in accordance with ASTM B 154–92, Test Method for Mercurous Nitrate Test for Copper and Copper Alloy. The Coast Guard and ASTM jointly developed ASTM B 858M–95, Test Method for Determination of Susceptibility to Stress Corrosion Cracking in Copper Alloys Using an Ammonia Vapor Test, to replace ASTM B 154–92 because of the extremely toxic properties of mercury. Therefore, footnotes 7 and 9 in Table 56.60–2(a) and § 56.01–2, Incorporation by reference, are proposed for revision to refer to ASTM B 858M–95 instead of ASTM B 154–92. This change would merely substitute a test which uses ammonia in place of a test which uses mercury, due to the toxic properties of mercury.

Sections 56.50–50(c)(2) and 56.50–50(c)(3)

All U.S. flag passenger vessels on international voyages must be SOLAS certificated. As a result, the Coast Guard regulations which duplicate SOLAS requirements for vessels on international voyages are proposed for removal as unnecessary. The Coast Guard is proposing to substitute a reference to SOLAS requirements with regard to bilge systems for passenger vessels on an international voyage in place of the current repetition of the SOLAS requirements.

Section 63.25–9

Incinerators are not required on board U. S. flag ships. However, when incinerators are utilized aboard ships, MARPOL dictates that the incinerators which are installed must be in compliance with IMO Marine Environment Protection Committee (MEPC) Resolution 59(33). The current Coast Guard regulations state that incinerators which produce hot water or generate steam must meet the requirements of 46 CFR Part 52–Power Boilers or Part 53–Heating Boilers, as applicable. The proposed revision to this section would incorporate the IMO MEPC Resolution 59(33), Revised Guidelines for the Implementation of Annex V of MARPOL 73/78, adopted on October 30, 1992, in place of current Coast Guard regulations. This Resolution, which addresses incinerators, was developed with extensive active participation by the U.S. Coast Guard, through its representation of the U.S. at the IMO. Under the proposed rule, the American Society for Testing and Materials (ASTM) standard ASTM F–1323–90 (when combined with Annexes A1 through A3 of MEPC Resolution 59(33)) and the International Standards Organization (ISO) standard 13617 would also be accepted as equivalent standards to MEPC Resolution 59(33). The ISO standard 13617 (1995), ''Shipbuilding-Shipboard Incinerator-Requirements,'' is equivalent to MEPC Resolution 59(33). Also, ASTM F–1323–90, when combined with Annexes A1 through A3 of MEPC Resolution 59(33), is equivalent to MEPC Resolution 59(33).

Sections 31.10–33, 72.30–5, 93.20, 170.098, 172.010, 172.015, 172.020, 172.030, and 172.040

In response to the growing need for broader regulation of the carriage of all cargoes which may pose a hazard to ships or personnel, the Maritime Safety Committee (MSC) of the IMO replaced the original Chapter VI of SOLAS, which contained detailed regulations on the carriage of grain in bulk, with requirements of a more general nature and placed the detailed provisions on grain in a mandatory code. SOLAS Chapter VI previously titled ''Carriage of Grain'' is now titled ''Carriage of Cargoes.'' At the 59th session in May 1991, MSC adopted amendments to

SOLAS Chapter VI Part C Regulation 9 (resolution MSC.23[59]) to make compliance with the International Code for the Safe Carriage of Grain in Bulk (code) mandatory. The code includes required stability, loading requirements, and Documents of Authorization for each vessel that loads grain in bulk. The Coast Guard is proposing to amend the Coast Guard's stability regulations (46 CFR subchapter S) to adopt the requirements of the Code. These regulations will apply to all vessels that load grain in bulk in U.S. waters, except those engaged solely on voyages on rivers, lakes, bays, and sounds, or on voyages between Great Lakes ports and specific St. Lawrence River ports as referred to in Article 5 of the Load Line Convention. These voyages are exempted from the definition of international voyages under the Load Line Convention and SOLAS. The St. Lawrence River ports exempted include those ports as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island, and as far east as a line drawn along the 63rd meridian from Anticosti Island to the north shore of the St. Lawrence River. As a contracting government to SOLAS 1974, the Coast Guard needs to revise its regulations to reflect the revisions to chapter VI of SOLAS 1974 which will enhance the safety of vessels carrying grain in bulk. Also, these regulations exempt those vessels on voyages specified in § 172.030. These exempted vessels are required to comply with the provisions of this section.

This NPRM proposes to adopt the IMO's ''International Code for the Safe Carriage of Grain in Bulk'' using an incorporation by reference into 46 CFR 172, Subpart B. Currently, Subpart B is reserved for Bulk Grain. In order to consolidate the requirements pertaining to bulk grain vessels in Subpart B, it is necessary to remove 46 CFR 31.10–33, 46 CFR 72.30–5, 46 CFR 93.20 and 46 CFR 170.098 and modify the text of 46 CFR 170.100.

This revision will not advantage or disadvantage U.S. registered vessels because they currently meet the requirements of the IMO Code. The principal changes in the grain regulations are dispensation from trimming the ends of filled cargo holds in specifically suitable ships and the use of wire reinforcement mesh. In 1977, the U.S. acted unilaterally in relaxing the requirement for trimming the ends of filled cargo compartments on specifically suitable ships. This dispensation was eventually adopted by IMO. Similarly, in 1979 the U.S. submitted an information paper to IMO describing the trial use of welded, wire reinforcement as equivalent to wood when securing slack grain surfaces and stated the method was being tried on American ships. The method was successful and is now included in the new Code.

Adoption of the Code represents two other substantive changes:

(a) All ships built after January 1, 1994, will be required to have a table of permissible heeling moments.

(b) All ships built after January 1, 1994, will have the permissible angle of list due to a grain shift changed from ''12 degrees'' to ''12 degrees or the angle of deck edge immersion, whichever is less.''

Subpart 164.013.

The current regulations for polyethylene foam buoyant material for use in Coast Guard approved personal flotation devices (PFDs) direct prospective manufacturers to the Commander of the Coast Guard District in which the factory is located, to seek Coast Guard approval for this kind of PFD flotation foam. The current regulations require that a Coast Guard marine inspector visit the factory, prepare a report, and submit it to the Commandant with samples. These regulations also specify a combination of performance and construction requirements that the foam must meet to be accepted by the Coast Guard. The procedure for acceptance states that a marine inspector is to visit the factory and provide a report to the Commandant for acceptance of the material. On May 20, 1993 the Coast Guard published a final rule promulgating a new subpart 164.019 (58 FR 29494), which established new requirements for PFD component acceptance and quality control of all components for use in Coast Guard-Approved PFDs.

Under the proposed regulations, production oversight and initial acceptance tests would be handled by independent laboratories accepted by the Coast Guard under currently established procedures outlined in 46 CFR 164.019 and 159.010, instead of being performed by a marine inspector. Under the proposed regulations, the independent laboratory would submit a report to the Commandant for initial approval. Commandant (G–MSE) would then have the option of accepting the material based upon a satisfactory initial investigation and adequate documentation of the material and its production quality control and oversight. Appeals procedures will remain the same. The specifications for these materials in the Coast Guard regulations would be revised by this proposal to reference the performance requirements in UL 1191, which is an industry standard for PFD components. The major differences between the current regulations and the new proposed standard would be that with this change the materials would be typically produced in thin sheets and would not have to be slitted in a trigonal pattern. As a result the subpart would also be renamed from ''Foam, Unicellular Polyethylene (Buoyant, Slab, Slitted Trigonal Pattern)'' to ''Foam, Unicellular Polyethylene, Buoyant.'' Markings must be in accordance with § 164.023–15.

Amendments Which Clarify Regulations, Offer Options, or Reflect Current Practice

33 CFR 159.5 and 159.7

Under this NPRM, §§ 159.5 and 159.7 of Title 33 on Marine Sanitation Devices (MSDs) are proposed for revision to delete reference to various past deadlines by which requirements had to be met. All the deleted deadlines have passed and the remaining text can be consolidated into regulations which contain only current requirements.

Additionally, two new proposed sections §§ 159.5(b) and 159.7(a)(2) would permit the use of Type I MSDs on vessels 19.8 meters (65 feet) in length or less. Under the current MSD regulations contained in 33 CFR 159, Type I MSDs may not be installed on ''existing'' vessels on or after January 31, 1978, or on ''new'' vessels on or after January 31, 1980. Type I and Type II MSDs treat sewage. Type I MSDs meet a lower effluent standard than the larger and more complex Type II MSDs. Type III MSDs are holding tanks that do not treat sewage, but hold it onboard until it can be pumped out to a reception facility, or into waters outside the territorial seas of the U.S. In 1978, when it became apparent that there would be no Type II MSDs available that were suitable for small vessels, the Coast Guard published a waiver of the prohibition on installation of Type I MSDs for vessels 19.8 meters (65 feet) in length or less (43 FR 29637, July 10, 1978). There are still no MSDs meeting the Type II treatment standard which are suitable for small vessels. Since pumpout facilities are not available everywhere, not all small vessels can use Type III holding tanks. For these reasons, the waiver has remained in effect since 1978, and the text of the regulations published in 33 CFR 159.5 and 159.7 have not accurately reflected the Coast Guard's enforcement policy of the MSD regulations. Should Type II

MSDs suitable for small vessels become available, the Coast Guard, in consultation with the Environmental Protection Agency (EPA), will consider reinstating the requirement for new MSDs on all vessels to be either Type II or Type III.

The Coast Guard proposes to add a new § 159.7(b) to replace the note which now appears at the end of § 159.7. This new section would describe the current requirement in the note to prevent all discharge of sewage in EPA-designated no-discharge zones. The proposed regulation would state the requirement more clearly and succinctly than the present note and make enforcement of the requirement easier.

The Coast Guard also proposes to replace §§ 159.201 and 159.205 regarding the application for acceptance, and criteria for recognized facilities for the testing of marine sanitation devices, with one paragraph under § 159.201 that references 46 CFR 159.010 discussing independent laboratories. The standards and procedures for independent laboratories in 46 CFR 159.010 are similar to those in §§ 159.201 and 159.205, and the Coast Guard wants to consolidate the standards and procedures for acceptance of independent laboratories (including ''recognized facilities'') in one set of regulations. Recognized facilities already accepted under present §§ 159.201 and 159.205 would not be required to reapply under the proposed revised regulation.

46 CFR 2.75–19 and 2.75–50

The Coast Guard is proposing to replace the obsolete term, Merchant Marine Council, with the proper name for this body, the Marine Safety Council, in § 2.75–19 and § 2.75–50.

Section 12.25–1

The Coast Guard is proposing to remove the obsolete terms, such as shipping commissioner, from § 12.25–1.

Section 25.30–5

This section is proposed for revision to amend ''Coast Guard publication CG–190, Equipment Lists'' to read ''COMDTINST M167143 (Series) Equipment Lists.''

Section 28.380

Current Coast Guard regulations require that ''An internal combustion engine exhaust, galley uptake, or similar source of ignition must be kept clear of and suitably insulated from combustible material.'' The NTSB recommended that the Coast Guard clarify its definition to include electrical heating tape. The Coast Guard has determined that electrical heating tape constituted a ''similar source of ignition'' for application of § 28.380(b). Therefore, the Coast Guard proposes to clarify § 28.380(b) by inserting ''electrical heating tape'' before ''similar source of ignition'' in the text of the regulation.

46 CFR 32.57–10

Current Coast Guard regulations require a kickout panel for ''A'' Class doors for stairtowers on tank vessels. Kickout panels are more expensive to install than other similar devices such as crash doors or locks which may be forced. Coast Guard regulations allow the installation of these similar devices in other subchapters on other types of vessels. No decrease in safety has been experienced by these vessels as a result. The proposed amendment to paragraph 32.57–10(d)(4) would replace the requirement to install kickout panels on these doors by allowing the installation of crash doors or locks which may be forced. This proposed amendment would give ship builders greater flexibility, allow the ship builder to save money without compromising safety, and harmonize the tanker regulations with the other subchapters.

46 CFR 56.20–15

Current regulations discussing resiliently seated valves do not clearly state locations where resiliently seated valves are required. The proposed rules, if adopted, would clarify the locations where the three categories of resiliently seated valves, Positive shutoff, Category A and Category B, are allowed or required. This proposed amendment would not add any new requirements, but would only clarify the current Coast Guard requirements.

Section 61.15–12

The proposed amendment to Coast Guard regulations will change the Coast Guard requirement to replace non-metallic expansion joints from ten years after the date of manufacture to ten years after the joint is placed into service. The intent of the regulation to renew non-metallic expansion joints is to prevent failure of these joints by mandating that these joints are replaced before corrosive action has occurred to the extent that the joint will fail. Intensive corrosion generally begins after the joint has been placed into service. Therefore, the ten year time period for non-metallic expansion joints should begin when the joint is placed into service. The proposed regulation will require that non-metallic expansion joints are renewed ten years after the joint is placed into service.

Section 69.117

Current Coast Guard regulations designate measuring organizations authorized to measure or remeasure vessels under the Convention, Standard, or Dual Measurement Systems to issue tonnage certificates. The tonnage measurement regulations contained in 46 CFR 69.117(f) provide for the exemption of water ballast spaces under certain conditions when calculating a vessel's gross tonnage under the Standard Measurement System. The existing tonnage measurement regulations contained in 46 CFR 69.117(f) require justification of the operating conditions to be submitted to the measuring organization. The measuring organization reviews the submittal for completeness, then forwards the submittal to the Coast Guard for approval. The Coast Guard notifies the measuring organization of whether the justification is approved, and the measuring organization incorporates the information from the Coast Guard's decision into tonnage calculations when assigning the vessel's tonnage. This process is not in the best interests of the Coast Guard or its customers. It requires a duplicitous review by both the Coast Guard and the measuring organization, and causes unnecessary delays in response time to the customer. The proposed revision to the regulations would delegate authority to the measuring organization to approve or disapprove the submission for the exemption of water ballast spaces when calculating a vessel's gross tonnage. As stated in 46 CFR 69.27 and 46 U.S.C. 14103, the Coast Guard may delegate the authority to measure vessels. The standard utilized to determine water ballast space exemptions would not change. Appeals of any decisions made by a measuring organization would be the responsibility of the Coast Guard in accordance with 46 CFR 69.21. Also, the Coast Guard would maintain general oversight over the process through the Coast Guard's authority to approve or disapprove the measuring organizations.

Sections 77.35–10 and 96.35–10

Current Coast Guard regulations require flame safety lamps for the fireman's outfit for passenger and cargo vessels. Oxygen depletion meters perform the same function as flame safety lamps, and are technologically more advanced. 46 CFR 108.497 requires an oxygen depletion meter for the fireman's outfit for mobile offshore drilling units. By enforcement policy, the Coast Guard has allowed oxygen depletion meters which have been

designated by a Coast Guard recognized independent laboratory as intrinsically safe to be carried in lieu of flame safety lamps for the fireman's outfit requirements in other subchapters. The Coast Guard is proposing to amend its regulations so as to codify this option.

Sections 92.07–1, 32.56–1, and 32.57–1

After comparing the current Coast Guard requirements to SOLAS regulations, the Coast Guard has determined that the SOLAS regulations for Method IC structural fire protection for cargo ships provide an equivalent level of fire protection as that provided by current Coast Guard requirements. As discussed previously, U.S. flag ships on international voyages must be in compliance with Coast Guard regulations as well as SOLAS regulations. Meeting two different standards, though equivalent, could be burdensome to U.S. flag SOLAS certificated vessels. Therefore, the Coast Guard is proposing to amend the regulations prescribing structural fire protection requirements to allow vessels which must meet SOLAS Method IC the option of meeting only SOLAS. The Coast Guard is not requiring any vessel not on an international voyage to comply with the SOLAS requirements in this area, SOLAS certification will be an optional method to demonstrate adequate structural fire protection for the vessel.

Section 108.417

The current regulation contains an editorial error, stating that an oil line must be connected to a fire pump. The Coast Guard proposes to correct this editorial error by revising this regulation to state that an oil line must not be connected to a fire pump.

Section 159.007–9

Independent laboratories now carry out most factory production inspections. The Coast Guard is proposing to add a paragraph (d) to § 159.007–9 requiring manufacturers to provide access for Coast Guard inspectors or representatives of the Coast Guard recognized by independent laboratories to any place where equipment is manufactured or stored.

Sections 160.001–3, 160.001–5, 160.002–5, 160.002–7, 160.005–5, 160.005–7, 160.050–5, 160.050–7, 160.053–6, 160.055–7, and 160.055–9

The current regulations state that Coast Guard marine inspectors may perform tests and will perform production inspections in addition to the manufacturer's normal quality assurance program, to satisfy the inspector that the life preservers or ring buoys being manufactured meet the requirements of the Coast Guard regulations. Work vests covered in § 160.053, are an exception to the regularly scheduled factory inspections. For initial product approval (certification), the current Coast Guard regulations direct prospective manufacturers to the Commander of the Coast Guard District in which the factory is located. Current Coast Guard regulations require that a Coast Guard marine inspector visit the factory which manufactures the device, prepare a report, and submit the report to the Commandant with samples. In 1983, as allowed in Section 159.001–7, the Coast Guard substituted the § 159.007 production inspection and test procedures and approval procedures for these procedures.

Under the proposed regulations, production oversight and initial approval tests would not be done by the Coast Guard. Instead, production oversight and initial approval tests would be performed by independent laboratories accepted by the Coast Guard under 46 CFR 159.010. The independent laboratory would then submit a report with its findings to the Commandant for initial approval of the life preserver. Commandant (G-MSE) may approve the equipment design based upon a satisfactory initial investigation by the independent laboratory and adequate documentation of the design and its production quality control and oversight. The items affected will include: life preservers, kapok, adult and child, models 3 and 5; life preservers, fibrous glass, adult and child, models 52 and 56; unicellular plastic ring life buoys; unicellular plastic foam work vests; and unicellular plastic foam life preservers for merchant vessels. In response to industry requests for larger lots, the proposed regulations for life preservers will include production lot sizes up to 1000 units with appropriate sample sizes.

Additionally, the footnotes referring to the PFD information pamphlet requirements in 33 CFR part 181 are proposed for deletion as the pamphlet requirements are covered under production oversight.

These proposed rules would require nonstandard life preserver designs that require in-water testing to demonstrate equivalent performance to the Coast Guard standard designs documented in these subparts. Additionally, nonstandard designs would have to be tested for approval by a laboratory that has demonstrated the ability to conduct such tests and has completed a Memorandum of Understanding (MOU) with the Coast Guard according to 46 CFR 159.010–7 for related types of personal flotation devices (PFDs). The items affected will include life preservers, kapok, adult and child, models 3 and 5; life preservers, fibrous glass, adult and child, models 52 and 56; unicellular plastic foam work vests; and unicellular plastic foam life preservers for merchant vessels.

Sections 160.026–6, 160.026–7, and 160.062–6

Current regulations state that Coast Guard marine inspectors will sample, test, and inspect certain marine equipment. Current regulations state that the inspector would prepare and submit a report regarding this equipment to the Commandant (G–MSE), who would assign an approval number. Under the proposed regulations, independent laboratories accepted by the Coast Guard under 46 CFR 159.010 will sample, test, and inspect this equipment. Under the proposed regulations, the independent laboratory will submit a report to the Commandant. The Commandant (G–MSE) will then assign an approval number for the equipment. The items affected will include emergency drinking water for merchant vessels and hydraulic releases for lifesaving equipment.

Sections 160.048–6, 160.049–6, 160.050–6, and 160.064–4

These sections prescribe the markings which must appear on all throwable PFDs which are ''approved'' to meet the recreational boat carriage requirements of 33 CFR 175.15 and, in some cases, various commercial vessel carriage requirements in parts of 46 CFR. The carriage requirements set out the number and type of PFDs which must be carried aboard different vessels while those vessels are in transit. The current regulations require markings on Type IV throwable PFDs to indicate that smaller recreational boats, sixteen feet long and shorter, and all canoes and kayaks may use throwable PFDs to meet the carriage requirements. However, recent changes to the carriage requirements in 33 CFR 175 Subpart B published in the August 4, 1993 Federal Register (58 FR 41602), have rendered the current marking requirements for throwable PFDs incorrect. As of May 1, 1995, throwable PFDs may not be used to meet the carriage requirement of 33 CFR 175.15. Wearable PFDs are now required on all recreational boats regardless of length or type of boat (except for exempt vessels). Therefore boats under 16 feet in length and canoes and kayaks of any length, which previously could fulfill the

carriage requirements with throwable PFDs must now carry wearable PFDs. As a result, the Coast Guard is proposing to change the marking requirements for throwable PFDs to now state that the device is ''Approved for use on recreational boats only as a throwable device.''

Sections 170.075, 170.080, 170.085, 170.093, 170.098, 170.100, 170.110, 170.120, 170.170, 170.173, 170.175, 170.185, 170.190, 170.235

Title 46 U.S.C. 3316 authorizes the Coast Guard to accept plan review, inspections, and examinations performed by the American Bureau of Shipping (ABS) as evidence of a vessel's compliance with Coast Guard rules and regulations for classed and unclassed vessels. Since 1984, the Coast Guard has authorized the ABS to perform stability reviews on certain categories of vessels that are issued Load Line Certificates. The ABS has been recognized as an authorized load line assigning authority of the Coast Guard for U.S. vessels since 1929, and is well-qualified to conduct stability related plan review on behalf of the Coast Guard. The proposed amendments to the regulations would allow ABS to perform stability related reviews, including the issuance of stability letters, for U.S. flag vessels.

Amendments To Align Regulations With International Standards

Classification societies are organizations which establish and administer standards, called Rules, for the design, construction, and operational maintenance of ships and other marine structures. Classification of a vessel by one of these societies certifies for the benefit of investors and others concerned with the financial viability of a particular ship, that the ship is in compliance with the Society's Rules. The American Bureau of Shipping (ABS), a not-for-profit, independent technical organization, classes vessels registered in 94 different countries. ABS, authorized by U.S. statute to perform certain functions as representatives of the Coast Guard, has signed a Memorandum of Understanding with the Coast Guard, allowing the Coast Guard to participate in the technical committees which develop ABS Class Rules.

The Coast Guard compared its regulations to established marine standards, including SOLAS, and the rules of the only currently recognized U.S. classification society, ABS. This comparison identified many regulations which prescribe requirements in excess of established marine standards, which were drafted when many technologies were new and the Coast Guard had less experience with their safety record. Over time, as the technologies and machinery became commonplace and developed a clear safety record, other organizations developed relaxed standards for many of these technologies. The Coast Guard has been monitoring this relaxation in many areas and, where appropriate, has determined that the relaxed standards still provide for an adequate level of safety. The Coast Guard is therefore proposing to amend its regulations to be consistent with proven financial market based and international standards for instances in which, in the Coast Guard's opinion, vessels subject to these established marine standards have not experienced an increase in casualties attributable to this difference.

Sections 31.10–21, 91.40–3, and 189.40–3

The Coast Guard is proposing to harmonize its regulations with IMO's, by allowing vessels over 15 years of age to participate in the Underwater in Lieu of Drydock (UWILD) program. These vessels are not currently permitted to enroll in the program. As its name suggests, the UWILD program is designed to permit vessels to be inspected underwater instead of in a drydock. The vessel, if allowed to participate in the program, may be inspected underwater instead of alternate drydock examinations. When the UWILD program was first initiated, the Coast Guard utilized a conservative approach, permitting only vessels under 15 years of age to participate in the program. Those vessels which have enrolled in the program must meet certain criterion to remain in the program after the vessel is over 15 years of age. On the other hand, SOLAS allows vessels which are older than 15 years of age to participate in this program after receiving special consideration. Vessels over 15 years of age which have participated in the program under SOLAS have not been shown to be unsafe. Therefore, the Coast Guard proposes to amend its regulations to allow all vessels, including those older than 15 years of age, to enroll in the UWILD program after receiving special consideration. The same criterion, described in the CFR in those sections for drydocking, currently used to determine whether vessels which have previously enrolled in the program may continue to participate in the UWILD program once the vessel is greater than 15 years of age will be used to evaluate whether vessels greater than 15 years of age may initially enroll in the program.

Subparts 31.37, 71.47, 91.37 and §§ 31.10–5, 31.10–16, 71.25–25, 71.65–1, 91.25–25, 91.55–1 and 189.35–9

The Coast Guard has reviewed its regulations for the design and testing of shipboard cargo gear. Currently, 46 CFR 31–20, 31.37–23, 71.47–20, 71.47–23, 91.37–20 and 91.37–23 allow cargo gear plans to be submitted for approval to the Coast Guard, classification societies recognized by the Commandant, or a recognized cargo gear organization. The only currently recognized classification society is the American Bureau of Shipping (ABS) and the only currently recognized cargo gear organization is the International Cargo Gear Bureau, Inc. (ICGB). Additionally, 46 CFR 31.37–5(b), 71.47–5(b) and 91.37–5(b) allow Coast Guard marine inspectors to accept cargo gear certificates and registers issued by organizations or associations recognized by the Coast Guard as evidence of compliance with the requirements in subparts 31.37, 71.47 and 91.37.

The option to utilize third parties for cargo gear plan approval and inspection has proven successful. It is common marine industry practice to rely on third parties for surveys and certification of cargo gear. In fact, cargo gear inspections by Coast Guard marine inspectors have become rare, except in the case of inspection of cargo handling gear prior to explosives handling operations where the COTP finds it necessary due to the hazardous nature of the cargo. Third party organizations or associations maintain a high skill level for cargo gear inspections and can often be scheduled more conveniently for the ship operator than Coast Guard inspectors.

The proposed amendments to the rules would remove the option for Coast Guard inspection of cargo gear as well as remove the existing detailed regulations for the design and inspection of cargo gear. If the proposed rules are adopted, certificates and test documents from the recognized industry organizations would be presented to the Coast Guard by vessel owners during the regular inspection for certification as proof that the cargo gear has been inspected in a satisfactory manner.

This approach is consistent with the Coast Guard's efforts to implement alternative compliance methods. This proposed rule would not undermine the authority of the Officer in Charge, Marine Inspection to inspect cargo gear when the adequacy of the cargo gear is suspected. The regulations in 46 CFR 31.10–15 describe the scope of the Inspection for Certification, and states that the inspection shall be such as to

ensure that a vessel's equipment is in satisfactory condition and fit for the service for which it is intended. The regulations in 46 CFR 71.25–50 and 46 CFR 91.25–50 state that nothing in those subparts shall be construed as limiting the inspector from making such tests or inspections as deemed necessary to be assured of the safety and seaworthiness of the vessel. Thus the marine inspector would still be able to inspect the cargo gear if inspection is deemed necessary. When the Coast Guard does find it necessary to inspect cargo handling gear prior to explosives handling operations, guidance can currently be found in Navigation Vessel Inspection Circular (NVIC) No. 2–96. This NVIC provides guidance to Coast Guard Marine Safety field units concerning the inspection of shipboard and shoreside cargo gear prior to its use in explosives handling operations. NVIC 2–96 currently refers field units to follow the procedures laid out in 46 CFR 91.37 for certain tests and procedures prior to permitting explosives handling operations. However, this rulemaking proposes to remove the existing regulations at 46 CFR 91.37. Upon or before publication of a final rule, the Coast Guard will issue a change to NVIC 2–96 that will reference equivalent industry standards instead of referring to 46 CFR 91.37.

Section 32.55–20

This section is proposed for revision to state that tank vessels may arrange tank vents and headers in accordance with either SOLAS tank vent requirements or the current Coast Guard tank vent requirements. Current Coast Guard regulations require that tank vents for Grade A liquids must extend to a height above the weather deck equal to at least 13.1 feet (approximately 4 meters), or an adjustable system must be provided which is capable of reaching a height of 13.1 feet when extended vertically. Current Coast Guard regulations also state that the vent header must terminate at a distance comparable to 13.1 feet (approximately 4 meters) from any living or working space, ventilator inlet, or source of ignition. On the other hand, SOLAS requires a pressure vent height of 2 meters and a distance of 5 meters from the vent header from any living or working space, ventilator inlet, or source of ignition. In addition, SOLAS has loading vent requirements. The Coast Guard regulations exceed the SOLAS regulations for vent heights. The Coast Guard is proposing to amend the vent height and vent header distance requirements to allow vessels to be consistent with international standards. This should provide a financial savings to the marine industry because of the lower cost for materials and the greater possibility for international usage of ship designs without changing the design to meet differing U.S. standards. All previously approved arrangements will continue to be considered satisfactory.

Sections 34.10–5, 76.10–5, 95.10–5 and 193.10–5

Current Coast Guard regulations prohibit branch pipe lines from being connected to the fire main for other than fire or deck wash purposes. This prohibition limits piping usages. The proposed rules, if adopted, would allow greater flexibility by removing the blanket prohibition against the connection of branch lines to the fire main. Under the proposed rules, the only limitation on branches off the fire main would be that the fire main would have to be capable of meeting firefighting requirements and the requirements of any additional services installed on the fire main simultaneously. The Coast Guard's enforcement policy for many years, in accordance with NVIC 6–72, has been consistent with this proposed regulatory change.

Section 34.20–5

SOLAS regulations governing the sizing of deck foam systems were developed with active participation by the Coast Guard, through its role as the U.S. representative to IMO. The SOLAS regulations for foam systems have proven to result in safe and effective designs for approximately twenty years. Current Coast Guard regulations require a greater foam application rate for tanker deck foam systems than SOLAS requires. This disparity causes a financial burden for U.S. flag merchant ship owners and operators. Therefore, the Coast Guard proposes to harmonize its deck foam regulations with the applicable SOLAS provisions.

Sections 56.01–2, 56.10–5 and 56.60–25

The Coast Guard participated in the development of a comprehensive set of guidelines for the shipboard application of plastic pipe with the International Maritime Organization (IMO). The proposed rules, if adopted, would replace the current Coast Guard regulations in this area by incorporating the resulting IMO Resolution A.753(18), Guidelines for the Application of Plastic Pipes on Ships, into the Coast Guard regulations to harmonize the Coast Guard regulations with international standards for the use of plastic pipe aboard ship. The current Coast Guard regulations allow only a very limited usage of plastic pipe on board vessels. The proposed amendment would afford U.S. ship operators greater flexibility by allowing a greater use of plastic pipes throughout a vessel.

Sections 56.07–10 and 56.60–2

For the design of a piping system, in the determination of which materials may be used, current Coast Guard regulations do not allow the tabulated yield strength of a material to be used in calculations. Current Coast Guard regulations reduce the allowable yield strengths of materials used in piping systems to 80 percent of the tabulated value unless dynamic effects are taken into account. The ABS rules, containing no similar restriction have shown to be successful. Therefore, the proposed rules, if adopted, would harmonize Coast Guard regulations with ABS rules by removing the reduction to 80 percent of the allowable yield strength and requiring that ship motion be considered in piping system designs.

Section 56.50–90

Current Coast Guard regulations do not allow perforations in sounding tubes fitted for oil tanks. The ABS rules contain no similar prohibition and have been shown to be successful with no degradation in safety. The proposed rules, if adopted, would remove the prohibition of perforations in sounding tubes fitted for oil tanks and harmonize this aspect of Coast Guard requirements with ABS rules.

Sections 56.50–103 and 56.97–40

Current Coast Guard regulations do not allow the installation of fixed oxygen-acetylene distribution piping. The Coast Guard has historically prohibited such installations due to concern over leaks of flammable gases. However, ABS and foreign class society rules allowing the installation of fixed oxygen-acetylene piping have been shown to be successful without adverse effects on safety. Therefore the proposed rules, if adopted, would add two new sections to allow the installation of fixed oxygen-acetylene distribution piping on all vessels.

Section 56.95–10

Current Coast Guard regulations contain requirements for radiographic testing of welds in certain types of piping installations. These provisions require radiographic testing for a broader range of pipe sizes than ABS rules. The ABS rules, requiring radiographic testing for a smaller range of pipe sizes than Coast Guard regulations, have proven safe and effective. The Coast Guard proposes to

eliminate the cost disadvantage caused by the current Coast Guard requirements to perform radiographic testing on a larger number of welds, by harmonizing the Coast Guard requirements for radiographic testing with ABS rules.

Section 61.10–5

The Coast Guard is proposing to amend the examination interval for pressure vessels from 2.5 years to 5 years. Coast Guard records indicate that pressure vessel failure has not been a significant problem. The longer 5 year examination interval has proven to have no negative effect on safety through the successful use of this interval by ABS, without experiencing a degradation of safety. Each examination required by the Coast Guard imposes a burden upon the shipowner in the form of operating time lost. Therefore, the Coast Guard is proposing to reduce this burden by increasing the interval between required pressure vessel examinations from 2.5 years to a 5 year interval.

Sections 61.20–5, 31.10–20, 71.50–1, 91.40–1, and 189.40–1

The Coast Guard is proposing to amend the examination interval for sea valves, sea chests, sea strainers, and valves for the emergency bilge suction from 2.5 years to 5 years. Coast Guard records indicate that sea valves, sea chests, sea strainers, and valves for the emergency bilge suction do not demonstrate a significant failure rate. The longer 5 year examination interval has proven to have no negative effect on safety through the successful use of this interval by ABS, without experiencing a degradation of safety. Each examination required by the Coast Guard imposes a burden upon the shipowner in the form of operating time lost. Therefore, the Coast Guard is proposing to reduce this burden by increasing the interval between required examinations from 2.5 years to a 5 year interval.

Section 197.462

Current Coast Guard regulations for diving systems require annual pressure tests for pressure vessels and pressure piping. This requirement is excessive when compared to other successful standards for diving systems, such as ABS rules, which require pressure testing every 3 years. The proposed rules, if adopted, would harmonize the Coast Guard regulations with ABS rules and vessel drydocking intervals by extending the pressure testing interval from 1 year to 3 years. Under the proposed rules, pressure vessels and pressure piping in diving systems would still continue to be required to be annually inspected for damage or deterioration that would affect the safety of the system. Any required repairs would still have to be made to the satisfaction of the Officer in Charge, Marine Inspection.

Amendments Which Remove Obsolete or Unnecessary Requirements

The following sections listed contain references to laws or statutes which have been repealed or recodified. Therefore, references to these obsolete laws would be removed or revised as appropriate. The sections which would be revised or removed are: Sections 2.01–1, 2.01–10, 2.01–20, 2.01–40, 2.01–50, 2.01–60, 2.85–1, 3.01–1, 3.03–1, 3.10–1, 4.01–3, 4.40–3, 4.40–5, 4.40–30, 6.07, 6.15, 7.1, 12.01–5, 12.02–19, 12.25–35, 24.01–1, 24.10–9, 24.10–15, 24.10–17, 24.10–21, 24.15–5, 25.40–1, 26.03–5, 26.10, 30.01–20, 30.10–19, 30.10–43, 30.10–47, 30.20–10(a), 32.53–1, 32.55–30, 35.01–40, 35.07–10, 50.10–5, 50.10–10, 50.10–15, 68.01, 68.01–1, 68.01–3, 68.01–15, 70.01–1, 70.05–15, 70.05–25, 70.10–11, 70.10–25, 70.10–33, 71.01–10, 71.30–1, 72.01–1, 78.37–10, 78.65–1, 80.01, 80.40, 90.01–1, 90.05–30, 90.10–9, 90.10–21, 90.10–23, 90.10–27, 90.10–36, 97.53–1, 105.01–1, 105.35–1, 109.431, the authority cite for Part 147A, the authority cite for Part 148, 148.01–1, subchapter O Note, 150.110, 151.03–30, 151.03–41, 153.2, 166.01, 167.01–1, 167.05–15, 167.05–20, 167.05–30, 167.10–1, 167.25–20, 168.01–10, 188.01–1, 188.01–3, 188.05–2, 188.05–10, 188.05–30, 188.10–13, 188.10–45, 188.10–49, 188.10–55, 188.10–65, 196.53–1, 197.480, Subparts 2.45 and 2.50.

The printed deadlines for compliance with certain regulations have passed. Therefore, these deadlines are obsolete and are proposed for removal. The following sections contain expired deadlines. These sections are proposed for removal or revision as appropriate:

Sections 10.202, 10.470, 10.472, 10.474, Subpart 12.07, §§ 12.17, 12.17–1, 12.17–5, 12.17–7, 12.17–10, 12.17–15, 12.17–20, 15.815, 16.205, 16.207, 25.26–5, 25.26–20, 28.120, 30.01–15, 32.50–35, 35.30–20, 35.35–85, 39.10–13, 69.11, 109.121, 153.470 Note, 153.482, 153.1118, 160.053–1, 167.45–60, 167.45–75, 195.30–90, 195.35–90, and 197.540.

Subpart 2.50

The Coast Guard is proposing to remove Subpart 2.50 because this subpart contains no regulations.

Sections 12.15–13 and 12.15–15

Each of these sections contains a paragraph which allows for the presentation of temporary letters dated prior to December 1, 1966. These paragraphs are proposed for removal, as any such letters would now, thirty years later, be unacceptable to the Coast Guard as proof for Merchant Mariner Documents.

Sections 24.01–5, 30.01–3, 50.01–5, 70.01–5, 90.01–5, 168.01–5, and 188.01–5

These sections are proposed for removal as these sections are obsolete and duplicative. These sections detail the arrangements for the transfer of the Coast Guard from the Department of the Treasury to the Department of Transportation.

Section 32.55–40

This section is proposed for removal as this section contains no regulations.

Sections 34.10–10, 76.10–10, and 95.10–10.

Current Coast Guard regulations prescribe the thread size for National Standard fire hose coupling threads. The Coast Guard proposes that it is not necessary to prescribe the details for hose couplings, but only the performance intended. The usage of a particular thread size is not a safety concern. The safety concern lies only in the requirement that the coupling, which allows the connection of any fire hose to any fire station, be of a uniform type. Uniformity of the hose couplings on the ship will be the responsibility of the ship operator. Therefore, the specific thread size requirements are proposed for removal.

Sections 35.25–15, 35.25–20, 61.05–20, 78.17–30, 78.33–20, 78.55–1, 97.15–15, 97.30–20, 97.45–1, 109.423, and 109.555

Current Coast Guard regulations require boiler safety valves to be sealed after the Coast Guard tests the valves. These regulations were originally intended to discourage vessel crews from tampering with boiler safety valves in order to operate the boiler at a higher than designed pressure. Modern ships are designed so that the steam propulsion system delivers optimum performance at the designed steam pressure. Additionally, modern ships generally adhere to fixed schedules, without as much time spent at sea between ports. Therefore, modern mariners do not have the same incentives to gag safety valves as mariners in the past might have. The requirement to seal boiler safety valves is an antiquated requirement and is inconsistent with the President's call for greater industry/government partnerships. Therefore, the provisions

for sealing boiler safety valves are proposed for removal.

Section 56.50–30(b)(6)

This section, which requires a sentinel valve for an economizer when a valved bypass is installed, is not necessary, and is therefore proposed for removal. Sentinel valves originally served as indicators of hazardous boiler operation by giving audible indication that the system is overheated and overpressured. Modern boiler automated controls have superseded the need for sentinel valves. Several fail safe mechanisms are incorporated into the boiler automated controls to prevent operation of the boiler with a low water level. Consequently, there is no need for sentinel valves on the economizer and this requirement is proposed for removal.

Section 58.10–10(b)

This paragraph refers to the installation of asbestos to protect semidiesel or hotbulb diesels. Asbestos may not now be installed on vessels and semidiesels and hotbulb diesels are technologically obsolete. Therefore, this paragraph is proposed for removal.

Section 63.25–3

As part of the Presidential Regulatory Reform Initiative, the Coast Guard solicited public comments regarding regulatory reform. Comments received from industry stated that the Coast Guard requirement to test the electric hot water supply boiler controls was financially burdensome to the maritime industry. Each test required by regulation imposes a burden in the form of operating time lost. Additionally, the electric hot water supply boiler is not vital to the operation of the ship. Therefore, the requirement to test the electric hot water supply boiler controls at every inspection for certification has been determined to be unnecessary and is proposed for removal.

Subpart 70.30, §§ 90.30–1 and 90.30–5

The provisions of these subparts address vessels acquired under the Act of August 9, 1954 and installations of equipment made during the unlimited national emergency declared by the President on May 27, 1941. These subparts are no longer necessary and are therefore proposed for removal. The Act of August 9, 1954 has been recodified, resulting in an erroneous citation. The regulations addressing equipment made during the unlimited national emergency declared by the President on May 27, 1941, are no longer necessary because Coast Guard records indicate that there are no more of these vessels in commercial service. Coast Guard records indicate that installations of equipment made during the unlimited national emergency declared by the President on May 27, 1941, now exist only in historical or museum type capacities.

Section 72.05–10

The Coast Guard is proposing to remove the requirement that there be an opening at the top of doors so that smoke may be detected by a manual patrol. Modern smoke detectors have obviated the need for these openings, which actually degrade the fire safety of corridors, and manual patrols are no longer used by the type of vessels required to meet these standards.

Subpart 78.43

The Coast Guard proposes to remove the regulation regarding railroad passenger car ferries, as railroad passenger car ferries are no longer in use. Therefore, this regulation is unnecessary.

Sections 78.47–27 and 97.37–20

Gas masks are no longer required by the Coast Guard, therefore the references to gas masks are proposed for removal.

Section 105.10–1

This section is proposed for removal as this section is unnecessary. This section contains no regulations or definitions. This section only states that some terms which are used are defined, therefore this section is proposed for removal.

Sections 160.001–1 and 160.001–2

Section 160.001–1, contained in the general regulations for life preservers, states that certain federal and military specifications for thread are later referenced in the subpart. However, the listed specifications are no longer referenced, thereby making this section obsolete. The contents of this section are therefore being deleted. The section is being revised to contain other information of general applicability to life preservers.

Section 160.001–2 specifies in paragraph (b) that the minimum buoyancy for life preservers must be at least 75 N (16.5 lbs.), which is equal to the buoyancy of cork and balsa wood life preservers. As cork and balsa life preservers are no longer approved, the Coast Guard is proposing to increase the minimum buoyancy value for the preservers to 100 N (22 lbs.), the buoyancy of the lowest currently approved adult design. Current Coast Guard regulations do not allow for the approval of any type of life preserver with a buoyancy less than 100 N (22 lbs.) and therefore this change will have no substantive effect.

Current paragraph 160.001–2(d) requires that life preservers must be reversible. However, the Coast Guard has approved designs which are not reversible. In addition, SOLAS provides for approval of designs that clearly can be put on in only one way. Therefore, the Coast Guard proposes to revise this section to reflect that a non-reversible life preserver may be approved, as well as adding a provision to allow approval of designs that are capable of being donned in more than one way, but which tests show a majority of users don correctly without demonstration and the design poses no significant risk to the user if the device is inadvertently donned inside-out.

Sections 160.006, 160.006–1, 160.006–4, and 160.006–5

These sections of 46 CFR subpart 160.006 apply to the cleaning process for PFDs. They are being proposed for removal and the title changed because there have been no applications for the approval of cleaning processes in many years and there are currently no approved cleaning processes for PFDs.

Sections 160.024–6, 160.035–2, 160.035–3, 160.035–4, 160.035–5, 160.035–6, 160.035–7, and 160.035–9

The regulations setting out specifications for, or requiring the carriage of, the following items are proposed for removal as the regulations are obsolete: the container for storing the signals on lifeboats and liferafts; classifications for motor lifeboats; specifications for riveting lifeboats; specifications for the keel, stem, sternpost, gunwales, shell plating, floors, nosings, breast plates, thwarts, sides and end benches, stanchions, footings, rudders, buoyancy tanks for lifeboats; steel hand propelled lifeboats; Class 2 lifeboats; wooden lifeboats; definitions of the cubic capacity of lifeboats and the number of persons a lifeboat may be permitted to accommodate.

Sections 167.65–45 and 196.05–1

These sections are proposed for revision to remove references to Coast Guard Districts which no longer exist, District 3 and District 12.

Section 170.210

The Coast Guard indefinitely delayed the implementation of this section by a notice in the Federal Register on December 10, 1992 [57 FR 58406] to further investigate the costs associated with the performance of the periodic

lightweight survey the section requires. After careful consideration the Coast Guard has determined that the requirements of this section will not significantly contribute to enhanced vessel safety and, if implemented, would result in an unnecessary and excessive economic burden. Therefore, this section, containing the provisions for periodic lightweight verification for those vessels not required to be SOLAS certificated are proposed for removal.

Statutory Language Repeated

Section 3.01–3

This section is proposed for removal because this section duplicates the authority citation for the subpart.

Section 30.20–1

This section repeats the definition of Officer in Charge, Marine Inspection, which is stated in § 30.10–47.

Section 30.20–10(b)

Section 30.20–10(b) describes the conditions in which certificates of inspection may be revoked or suspended. Section 30.20–10(b) is proposed for deletion as the information contained in § 30.20–10(b) is also contained in § 31.05–10(c).

Section 30.20–50

Section 30.20–50 states that any person affected by a decision or action may appeal therefrom in accordance with 46 CFR subpart 1.03. Section 30.20–50 is proposed for removal, as the appeal procedures contained in 46 CFR subpart 1.03 specifically state they apply throughout title 46.

Section 32.60–25

In § 32.60–25, paragraph (b) is proposed for removal, as this paragraph only directs the reader to see 46 CFR subpart 32.57 for structural fire protection regulations for tank vessels contracted for on or after January 1, 1963.

Sections 35.12, 78.53, 97.43, 167.65–50, and 196.43

These subparts and section apply to placards of lifesaving signals. These subparts and section are no longer necessary because regulations for the necessary information for lifesaving signals are contained in the newly revised Subchapter W (61 FR 25272), which contains lifesaving requirements for all vessels. Therefore, these regulations are proposed for removal from individual subchapters.

Section 154.1445

Section 154.1445 is proposed for removal as this section contains lifesaving requirements. Lifesaving requirements are now contained in the newly revised Subchapter W (61 FR 25272).

Sections 160.013–4, 160.016–3, 160.041–5(a), 160.044–4(a), 160.054–5(a), 160.056–5, and 160.061–6

The regulations listed state that the Coast Guard may inspect the place of manufacture for the following items: hatchets (lifeboat and liferaft) for merchant vessels; flame safety lamps, first aid kits for merchant vessels; lifeboat bilge pumps for merchant vessels; first aid kits for inflatable liferafts; rescue boats; and emergency fishing tackle kits for merchant vessels. The Coast Guard proposes to remove these regulations because they unnecessarily duplicate provisions in 46 CFR 159.005. 46 CFR 159.005–5(3) states that the manufacturer of approved equipment must allow access to the place of manufacture to an official representative of the Coast Guard.

Sections 160.013–6, 160.041–7, 160.043–7, 160.044–6, 160.054–7, 160.058–6, 160.061–7, 160.062–6 (a), (b), and (d)

These regulations apply to the procedures for approvals of: hatchets (lifeboats and liferafts) for merchant vessels; first aid kits for merchant vessels; jackknives (with can opener) for merchant vessels; lifeboat bilge pumps for merchant vessels, first aid kits for inflatable liferafts; sea water desalter kits for merchant vessels, emergency fishing tackle kits for merchant vessels; hydraulic and manual lifesaving equipment releases. The Coast Guard proposes to remove these regulations because they unnecessarily duplicate provisions in 46 CFR 159.005. 46 CFR 159.005 describes approval procedures for equipment and materials which require preapproval inspections and tests by an independent laboratory; or preapproval inspections and tests by the manufacturer; or no preapproval inspections or tests. The approvals described in the cites listed above meet one of these conditions, therefore the specific approval procedures for the individual types of equipment may be removed. Finally, the proposed changes would streamline the Coast Guard's regulations.

Incorporation by Reference

Material that would be incorporated by reference is contained in 33 CFR 155.140 and 159.2, and 46 CFR 34.01–15, 35.01–3, 56.01–2, 63.05–1, 76.01–2, 78.01–2, 95.01–2, 97.01–2, 108.101, 109.105, 164.013–2, 172.020, and 193.01–3. Copies of the material are available for inspection where indicated under **ADDRESSES**. Copies of the material are available from the sources listed in 33 CFR 155.140 and 159.2, and 46 CFR 34.01–15, 35.01–3, 56.01–2, 63.05–1, 76.01–2, 78.01–2, 95.01–2, 97.01–2, 108.101, 109.105, 164.013–2, 172.020, and 193.01–3. Copies of the material are available for inspection in Room 1308, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

Before publishing a final rule, the Coast Guard will submit this material to the Director of the Federal Register for approval of the incorporation by reference.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This regulation proposes to remove obsolete, unnecessary or excessive provisions, and to harmonize existing regulations with current international and national safety standards, therefore, the economic impact of this regulation is expected to be minimal.

Vessel owners or operators will not be required to purchase the international and national standards incorporated by reference in this proposed rule. If purchased, the total one-time cost of all the reference materials included in this proposal is estimated to be $250. The Coast Guard did not itemize the cost of reference materials by vessel type. However, the cost of purchasing these materials is estimated to be significantly less than $250 per vessel because the vessel owner or operator will only need to reference materials for standards that apply to their vessel type(s). Vessels owners or operators needing to reference these publications can chose to purchase them. However, most of the reference materials are available in the public forum at no cost.

A portion of the tank vessel industry may be affected by the cost of fitting additional emergency towing equipment. These vessels were required under 33 CFR Part 155, Emergency towing capability for oil tankers (58 FR

67996), to install this equipment on either the bow or stern by 1997. This proposal will make the arrangement required on both ends of a vessel at an estimated one-time cost per vessel of $47,175 by 1999 as required currently in SOLAS. This proposal will only affect oil tankships between 20,000 to 50,000 deadweight tons that are not presently subject to SOLAS. In some cases, the Coast Guard has allowed delayed compliance of 33 CFR 155 for existing oil tankships until 1999. This proposal changes the existing 33 CFR 155 implementation date of 1997 to 1999 for all tankships including those ships that may require an additional towing arrangement installation. This proposed delay will allow tank vessel owners or operators the flexibility to comply without additional drydocking expense and provides them the time to research and compare installation costs.

Furthermore, the Coast Guard believes that harmonizing its regulations to international and national standards will benefit the maritime industry by simplifying the requirements to which their vessels are subject.

The Coast Guard solicits cost data and comments to confirm the economic impact, if any, of these proposed requirements from all interested parties.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields; (2) governmental jurisdictions with populations of less than 50,000; and (3) a ''small business'' as defined by section 3 of the Small Business Act (15 U.S.C. 632(a)). Pursuant to 15 U.S.C. 632(a), the standard industrial classification codes and size standards are set forth in the table following 13 CFR 121.601.

The Coast Guard believes this proposed rule will have no significant economic impact on small entities because it amends portions of regulations that: (1) are purely administrative; (2) do not reflect common marine industry practice; (3) do not have general applicability; or (4) are repeated in other sections (see Regulation Evaluation section of this document for cost estimates). In cases where small entities may need to use publications, referred to in this proposal, they are available in the public forum at no cost or can be purchased at minimal cost. In addition, the proposed requirement to install an emergency towing arrangement only affects oil tankships between 20,000 and 50,000 deadweight tons not presently subject to SOLAS. The Coast Guard is not aware of any vessels in this category owned or operated by a small entity. If, however, you think that your business or organization qualifies as a small entity as described and that this proposal will have a significant economic impact on your business or organization, please submit a comment (see ''ADDRESSES'') explaining why you think it qualifies and in what way and to what degree this proposal will economically affect it.

Collection of Information

This proposal contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, as reviewed by 59 FR 38654, July 29, 1994, this proposal is categorically excluded from further environmental documentation. The rule is a matter of ''manning, documentation, admeasurement, inspection, and equipping of vessels'' as well as, ''equipment approval and carriage requirements'' within the meaning of subparagraphs 2.B.2.e(34)(d) and (e) of Commandant Instruction M16475.1B that clearly has no significant environmental impact. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under ''ADDRESSES.''

List of Subjects

33 CFR 155

Hazardous substances, Incorporation by reference, Oil Pollution, Reporting and recordkeeping requirements.

33 CFR 159

Incorporation by reference, Sewage disposal, Vessels.

46 CFR 2

Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR 3

Oceanographic research vessels, Reporting and recordkeeping requirements, Research.

46 CFR 4

Administrative practice and procedure, Alcohol abuse, Drug abuse, Drug testing, Investigations, Marine safety, National Transportation Safety Board, Nuclear vessels, Radiation protection, Reporting and recordkeeping requirements, Safety, Transportation.

46 CFR 6

Navigation (water), Reporting and recordkeeping requirements, Vessels.

46 CFR 7

Law enforcement, Vessels.

46 CFR 10

Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR 12

Reporting and recordkeeping requirements, Seaman.

46 CFR 15

Reporting and recordkeeping requirements, Seaman, Vessels.

46 CFR 16

Drug testing, Marine safety, Reporting and recordkeeping requirements, Safety, Transportation.

46 CFR 24

Marine safety.

46 CFR 25

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR 26

Marine safety, Penalties, Reporting and recordkeeping requirements.

46 CFR 28

Fire prevention, Fishing vessels, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Seaman.

46 CFR 30

Cargo vessels, Foreign relations, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements, Seaman.

46 CFR 31

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR 32

Cargo vessels, Fire prevention, Marine safety, Navigation (water), Occupational

safety and health, Reporting and recordkeeping requirements, Seaman.

46 CFR 34

Cargo vessels, Fire prevention, Incorporation by reference, Marine safety.

46 CFR 35

Cargo vessels, Incorporation by reference, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seaman.

46 CFR 39

Cargo vessels, Fire prevention, Hazardous materials transportation, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements.

46 CFR 50

Reporting and recordkeeping requirements, Vessels.

46 CFR 56

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

46 CFR 58

Reporting and recordkeeping requirements, Vessels.

46 CFR 61

Reporting and recordkeeping requirements, Vessels.

46 CFR 63

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

46 CFR 68

Vessels

46 CFR 69

Measurement standards, Penalties, Reporting and recordkeeping requirements, Vessels.

46 CFR 70

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR 71

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR 72

Fire prevention, Marine safety, Occupational safety and health, Passenger vessels, Seamen.

46 CFR 76

Fire prevention, Incorporation by reference, Marine safety, Passenger vessels.

46 CFR 77

Marine safety, Navigation (water), Passenger vessels.

46 CFR 78

Incorporation by reference, Marine safety, Navigation (water), Passenger vessels, Penalties, Reporting and recordkeeping requirements.

46 CFR 80

Advertising, Marine safety, Passenger vessels, Penalties, Travel.

46 CFR 90

Cargo vessels, Marine safety.

46 CFR 91

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR 92

Cargo vessels, Fire prevention, Marine safety, Occupational safety and health, Seamen.

46 CFR 93

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR 95

Cargo vessels, Fire prevention, Incorporation by reference, Marine safety.

46 CFR 96

Cargo vessels, Marine safety, Navigation (water).

46 CFR 97

Cargo vessels, Incorporation by reference, Marine safety, Navigation (water), Reporting and recordkeeping requirements.

46 CFR 105

Cargo vessels, Fishing vessels, Hazardous materials transportation, Marine safety, Petroleum, Seamen.

46 CFR 108

Fire prevention, Incorporation by reference, Marine safety, Occupational safety and health, Oil and gas exploration, Vessels.

46 CFR 109

Incorporation by reference, Marine safety, Occupational safety and health, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR 147A

Fire prevention, Hazardous substances, Occupational safety and health, Pesticides and pests, Seamen, Vessels.

46 CFR 148

Cargo vessels, Hazardous materials transportation, Marine safety.

46 CFR 150

Hazardous materials transportation, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements.

46 CFR 151

Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR 153

Administrative practice and procedure, Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR 154

Cargo vessels, Gases, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements.

46 CFR 159

Business and industry, Laboratories, Marine safety, Reporting and recordkeeping requirements.

46 CFR 160

Marine safety, Reporting and recordkeeping requirements.

46 CFR 164

Fire prevention, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements.

46 CFR 166

Schools, Seamen, Vessels.

46 CFR 167

Fire prevention, Marine safety, Reporting and recordkeeping requirements, Schools, Seamen, Vessels.

46 CFR 168

Occupational safety and health, Schools, Seamen, Vessels.

46 CFR 170

Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR 172

Cargo vessels, Hazardous materials transportation, Incorporation by reference, Marine safety.

46 CFR 188

Marine safety, Oceanographic research vessels.

46 CFR 189

Marine safety, Oceanographic research vessels, Reporting and recordkeeping requirements.

46 CFR 193

Fire prevention, Incorporation by reference, Marine safety, Oceanographic research vessels.

46 CFR 195

Marine safety, Navigation (water), Oceanographic research vessels.

46 CFR 196

Marine safety, Oceanographic research vessels, Reporting and recordkeeping requirements.

46 CFR 197

Benzene, Diving, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Vessels.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR parts 155 and 159 and 46 CFR Parts 2, 3, 4, 6, 7, 10, 12, 15, 16, 24, 25, 26, 28, 30, 31, 32, 34, 35, 39, 50, 56, 58, 61, 63 68, 69, 70, 71, 72, 76, 77, 78, 80, 90, 91, 92, 93, 95, 96, 97, 105, 108, 109, 147A, 148, 150, 151, 153, 154, 159, 160, 164, 166, 167, 168, 170, 172, 188, 189, 193, 195, 196, and 197 as follows:

33 CFR _____

PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

1. The authority citation for Part 155 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j)(1), 46 U.S.C. 3715; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46. Sections 155.100 through 155.130, 155.350 through 155.400, 155.430, 155.440, 155.470, and 155.1010 through 155.1070 also issued under 33 U.S.C. 1903(b). Sections 155.480, 155.750(e), and 155.775 are issued under 46 U.S.C. 2103 and section 4110, Pub. L. 101–380, 104 Stat. 515 (46 U.S.C. 3703 note).

Note: Additional requirements for vessels carrying oil or hazardous materials are contained in 46 CFR parts 30 through 36, 150, 151, and 153.

§ 155.140 [Amended]

2. In § 155.140, paragraph (b) is amended by adding in alphabetical order to the organizations referenced, the following standards:

§ 155.140 Incorporation by reference.

* * * * *

(b) * * *

International Maritime Organization (IMO) Publications

* * * * *

Resolution MSC.35(63).

Adoption of Guidelines for Emergency Towing Arrangements on Tankers, May 20, 1994.....155.235

* * * * *

3. Section 155.235 is revised to read as follows:

§ 155.235 Emergency towing capability for oil tankers.

An emergency towing arrangement shall be fitted at both ends on board all oil tankers of not less than 20,000 deadweight tons (dwt), constructed on or after [publication date of the final rule]. For oil tankers constructed before [publication date of the final rule], such an arrangement shall be fitted at the first scheduled dry-docking after [publication date of the final rule] but not later than 1 January 1999. The design and construction of the towing arrangement shall be in accordance with IMO resolution MSC.35(63).

PART 159—MARINE SANITATION DEVICES

4. The authority citation for Part 159 continues to read as follows:

Authority: Sec. 312(b)(1), 86 Stat. 871 (33 U.S.C. 1322(b)(1)); 49 CFR 1.45(b) and 1.46(l) and (m).

§ 159.2 [Added]

5. Section 159.2 is added to read as follows:

§ 159.2 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section; the Coast Guard must publish notice of change in the Federal Register; and the material must be available to the public. All approved material is available for inspection at the Office of the Federal Register, 800 North Capitol Street NW., Suite 700, Washington, DC, and at the U.S. Coast Guard, Lifesaving and Fire Safety Division (G–MSE–4), 2100 Second Street SW., Washington, DC 20593–0001, and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the sections affected are as follows:

International Maritime Organization (IMO), Publications Section, 4 Albert Embankment, London, SE1 75 R, England

Resolution MEPC.2(VI), Recommendation on International Effluent Standards and Guidelines for Performance Tests for Sewage Treatment Plants, December 1976 .....159.7

6. In § 159.3, the definition of *Length* is added in alphabetical order to read as follows:

§ 159.3 Definitions.

* * * * *

(g) *Length* means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments are not to be included in the measurement.

* * * * *

7. Section 159.5 is revised to read as follows:

§ 159.5 Requirements for vessel manufacturers.

No manufacturer may manufacture for sale, sell, offer for sale, or distribute for sale or resale any vessel equipped with installed toilet facilities unless it is equipped with:

(a) An operable Type II or III device that has a label on it under § 159.16 or that is certified under § 159.12 or § 159.12a; or

(b) If the vessel is 19.7 meters (65 feet) or less in length, an operable Type I device that has a label on it under § 159.16 or that is certified under § 159.12.

8. In § 159.7, the note is removed and the section is revised to read as follows:

§ 159.7 Requirements for vessel operators.

(a) No person may operate any vessel equipped with installed toilet facilities unless it is equipped with:

(1) An operable Type II or III device that has a label on it under § 159.16 or that is certified under § 159.12 or § 159.12a;

(2) If the vessel is 19.7 meters (65 feet) or less in length, an operable Type I device that has a label on it under § 159.16 or that is certified under § 159.12; or

(b) When operating a vessel on a body of water where the discharge of treated or untreated sewage is prohibited by the Environmental Protection Agency under 40 CFR 140.3 or 140.4, the operator must secure each Type I or Type II device in a manner which prevents discharge of treated or untreated sewage. Acceptable methods of securing the device include—

(1) Closing the seacock and removing the handle;

(2) Padlocking the seacock in the closed position;

(3) Using a non-releasable wire-tie to hold the seacock in the closed position; or

(4) Locking the door to the space enclosing the toilets with a padlock or door handle key lock.

(c) When operating a vessel on a body of water where the discharge of untreated sewage is prohibited by the Environmental Protection Agency under 40 CFR 140.3, the operator must secure each Type III device in a manner which prevents discharge of sewage. Acceptable methods of securing the device include—

(1) Closing each valve leading to an overboard discharge and removing the handle;

(2) Padlocking each valve leading to an overboard discharge in the closed position; or

(3) Using a non-releasable wire-tie to hold each valve leading to an overboard discharge in the closed position.

9. Section 159.201 is revised to read as follows:

§ 159.201 Recognition of facilities.

A recognized facility is an independent laboratory accepted by the Coast Guard under 46 CFR 159.010 to perform the tests and inspections required under this part. A list of accepted laboratories is available from the Commandant (G–MSE–4).

10. Section 159.205 is removed and reserved.

46 CFR _____

PART 2—VESSEL INSPECTIONS

11. The authority citation for Part 2 continues to read as follows:

Authority: 14 U.S.C. 664; 31 U.S.C. 9701; 33 U.S.C. 1903; 43 U.S.C. 1333, 1356; 46 U.S.C. 2110, 3306, 3703, 5115, 8105; E.O. 12234, 45 FR 58801, 3 CFR 1980 Comp., p. 277; 49 CFR 1.46; Subpart 2.45 also issued under the authority of Act Dec. 27, 1950, Ch. 1155, secs 1, 2, 64 Stat 1120 (see 46 U.S.C. App. Note prec. 1).

12. In § 2.01–1, paragraphs (a)(1) and (d)(2) are revised to read as follows:

§ 2.01–1 Applications for inspections.

(a) * * *

(1) Applications for inspections of vessels required to be inspected under Subtitle II, Title 46 of the U.S.C. or under 50 U.S.C. 198 shall be made by the master, owner or agent on the following Coast Guard forms which are obtainable from the Officer in Charge, Marine Inspection, at any local U.S. Coast Guard Marine Safety Office.

* * * * *

(d) * * *

(2) Certain foreign-built vessels are not permitted to engage in the U.S. coastwise trade (domestic trade) unless specifically authorized by law. Therefore, when foreign-built vessels are intended for use in the coastwise trade as defined by the Bureau of Customs, such vessels will not be inspected and certificated unless specifically authorized by law to engage in the coastwise trade.

13. In § 2.01–10, the first sentence of paragraph (b) is revised to read as follows:

§ 2.01–10 Inspection requirements—domestic vessels.

* * * * *

(b) The Coast Guard on its own initiative may examine or inspect or reinspect at any time any vessel subject to inspection under Subtitle II, Title 46 of the U.S.C. * * *

14. Section 2.01–20 is revised to read as follows:

§ 2.01–20 Revocation of certificates of inspection.

Under the authority of 46 U.S.C. 3313 and 46 U.S.C. 3710, a certificate of inspection issued to a vessel may be suspended or revoked if a vessel is found not to comply with the terms of its certificate or fails to meet a standard required by this chapter.

15. In § 2.01–40, paragraph (a) is revised to read as follows:

§ 2.01–40 Passengers or persons in addition to crew on cargo or tank vessels.

(a) Under the authority of 46 U.S.C. 3304, a documented vessel transporting cargo may be allowed by its certificate of inspection to carry not more than 12 individuals in addition to the crew on international voyages and not more than 16 individuals in addition to crew on other voyages.

* * * * *

16. In § 2.01–45, paragraph (a) is revised to read as follows:

§ 2.01–45 Excursion permit.

(a) Under the authority of 46 U.S.C. 2113, a passenger vessel may be permitted to engage in excursions and carry additional numbers of passengers. For details see part 71 of subchapter H (Passenger Vessels) of this chapter.

* * * * *

17. In § 2.01–50, paragraph (a) is revised to read as follows:

§ 2.01–50 Persons other than crew on towing, oyster, or fishing steam vessels.

(a) A steam vessel engaged in towing, oyster dredging and planting, and fishing may be permitted to carry persons in addition to its crew.

* * * * *

Subpart 2.45—[Removed]

18. Subpart 2.45 is removed.

Subpart 2.50—[Removed]

19. Subpart 2.50 is removed.

§ 2.75–19 [Amended]

20. In § 2.75–19, paragraph (a) is amended by removing the words ''Merchant Marine Council'' and replacing them with the terms ''Marine Safety Council.''

§ 2.75–50 [Amended]

21. In § 2.75–50, paragraph (a) is amended by removing the words ''Merchant Marine Council'' and replacing them with the terms ''Marine Safety Council''.

22. Section 2.85–1 is revised to read as follows:

§ 2.85–1 Assignment of load lines.

Most U.S. vessels, and foreign vessels in U.S. waters are required to have load line assignments in accordance with [46 U.S.C. Chapter 51]. The load lines marks when placed on a vessel indicate the maximum draft to which such vessel can be lawfully submerged, in the various circumstances and seasons applicable to such vessel. See subchapter E (Load Lines) of this chapter for applicable details governing assignment and marking of load lines.

PART 3—DESIGNATION OF OCEANOGRAPHIC RESEARCH VESSELS

23. The authority citation for Part 3 continues to read as follows:

Authority: 46 U.S.C. 2113, 3306; 49 CFR 1.46.

§ 3.01–1 [Amended]

24. Section 3.01–1 is amended by removing the terms ''46 U.S.C. 441'' and replacing it with the terms ''46 U.S.C. 2101(18)''.

§ 3.01–3 [Removed]

25. Section 3.01–3 is removed.

§ 3.03–1 [Amended]

26. Section 3.03–1 is amended by removing the terms ''46 U.S.C. 441'' and replacing it with the terms ''46 U.S.C. 2101(18)''.

§ 3.10–1 [Amended]

27. In § 3.10–1, paragraph (a) is amended by removing the terms ''under the provisions of 46 U.S.C. 441''.

PART 4—MARINE CASUALTIES AND INVESTIGATIONS

28. The authority citation for Part 4 continues to read as follows:

Authority: 33 U.S.C. 1231; 43 U.S.C. 1333; 46 U.S.C. 2103, 2306, 6101, 6301, 6305; 50 U.S.C. 198; 49 CFR 1.46. Authority for

subpart 4.40: 49 U.S.C. 1903(a)(1)(E); 49 CFR 1.46.

§ 4.01–3 [Added]

29. In § 4.01–3, paragraph (d) is added to read as follows:

§ 4.01–3 Reporting exclusion.

* * * * *

(d) Except as provided in subpart 4.40, public vessels are excluded from the requirements of this part.

30. Section 4.03–40 is revised to read as follows:

§ 4.03–40 Public vessels.

Public vessel means a vessel that—

(a) Is owned, or demise chartered, and operated by the U.S. Government or a government of a foreign country including a vessel operated by the Coast Guard or Saint Lawrence Seaway Development Corporation, but not a vessel owned or operated by the Department of Transportation or any corporation organized or controlled by the Department; and

(b) Is not engaged in commercial service.

§ 4.40–3 [Amended]

31. In § 4.40–3, paragraph (b) is amended by removing the terms ''R.S. 4450 (46 U.S.C. 239)'' and replacing them with the terms ''46 U.S.C. Chapter 63''.

32. In § 4.40–5, paragraph (a) is revised to read as follows:

§ 4.40–5 Definitions.

* * * * *

(a) *Act* means title III of Public Law 93–633, the Independent Safety Board Act of 1974 (49 U.S.C. 1131).

* * * * *

§ 4.40–30 [Amended]

33. In § 4.40–30, paragraph (f) is amended by removing the terms ''R.S. 4450 (46 U.S.C. 239)'' and replacing it with the terms ''46 U.S.C. Chapter 63''.

PART 6—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

34. The authority citation for Part 6 continues to read as follows:

Authority: Act Dec. 27, 1950, Ch. 1155, secs. 1, 2, 64 Stat. 1120 (see 46 U.S.C. App. Note prec. 1); 49 CFR 1.46.

§ 6.07 [Amended]

35. In § 6.07, paragraph (a) is amended by removing the terms ''subsection (h) of R.S. 4551, as amended (46 U.S.C. 643)'' and replacing it with the terms ''46 U.S.C. 10311 (c)''. Paragraph (b) is amended by removing the terms ''R.S. 4551 (h), as amended (46 U.S.C. 643)'' and replacing it with the terms ''46 U.S.C. 10311 (c)''.

§ 6.15 [Removed]

36. Section 6.15 is removed.

PART 7—BOUNDARY LINES

37. The authority citation for Part 7 continues to read as follows:

Authority: 14 U.S.C. 633; 33 U.S.C. 151; 49 CFR 1.46.

§ 7.1 [Amended]

38. Section 7.1 is amended by removing the terms ''46 U.S.C. 88, the Coastwise Loadline Act;'' and replacing it with the terms ''46 U.S.C. 5102 (b)(6), which exempts from loadline requirements certain vessels on domestic voyages;''.

PART 10—LICENSING OF MARITIME PERSONNEL

39. The authority citation for Part 10 continues to read as follows:

Authority: 31 U.S.C. 9701, 46 U.S.C. 2101, 2103, 7101, 7106, 7107; 49 CFR 1.45, 1.46; section 10.107 is also issued under the authority of 44 U.S.C. 3507.

§ 10.202 [Amended]

40. In § 10.202, paragraph (e) is amended by removing the last sentence.

§ 10.470 [Amended]

41. In § 10.470, paragraphs (b)(2)(ii), (d)(2)(ii), (f)(2)(ii), (h)(2)(i), and (j)(2)(ii), are amended by removing the two last sentences.

§ 10.472 [Amended]

42. In § 10.472, paragraph (a)(2)(ii) is amended by removing the two last sentences.

§ 10.474 [Amended]

43. In § 10.474, paragraph (a)(2)(ii) is amended by removing the two last sentences.

PART 12—CERTIFICATION OF SEAMEN

44. The authority citation for Part 12 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2103, 2110, 7301, 7701; 49 CFR 1.46.

§ 12.01–5 [Removed]

45. Section 12.01–5 is removed.

§ 12.02–19 [Amended]

46. Section 12.02–19 is amended by removing the terms ''R.S. 4450, as amended (46 U.S.C. 239)'' and replacing it with the terms ''46 U.S.C. Chapter 77''.

Subpart 12.07—[Removed]

47. Subpart 12.07 is removed.

§ 12.15–13 [Amended]

48. In § 12.15–13, paragraph (a)(1) is removed and paragraphs (a)(2), (a)(3), and (a)(4) are redesignated paragraphs (a)(1), (a)(2), and (a)(3) respectively.

§ 12.15–15 [Removed]

49. In § 12.15–15, paragraph (a)(1) is removed and paragraphs (a)(2), (a)(3), and (a)(4) are redesignated as paragraphs (a)(1), (a)(2), and (a)(3) respectively.

§ 12.17–1 [Removed]

50. Section 12.17–1 is removed.

§ 12.17–5 [Removed]

51. Section 12.17–5 is removed.

§ 12.17–7 [Removed]

52. Section 12.17–7 is removed.

§ 12.17–10 [Removed]

53. Section 12.17–10 is removed.

§ 12.17–15 [Removed]

54. Section 12.17–15 is removed.

§ 12.17–20 [Removed]

55. Section 12.17–20 is removed.

56. Section 12.25–1 is revised to read as follows:

§ 12.25–1 Certification required.

Every person employed in a rating other than able seaman or qualified member of the engine department of U.S. merchant vessels requiring such certificated persons shall produce a merchant mariner's document to the master, or person in charge if appropriate, before signing a shipping articles agreement.

§ 12.25–35 [Amended]

57. In § 12.25–35, paragraph (b) is amended by removing the terms ''under the provisions of title 53 of the Revised Statutes and the regulations in this subchapter''.

PART 15—MANNING REQUIREMENTS

58. The authority citation for Part 15 continues to read as follows:

Authority: 46 U.S.C. 3703, 8105; 49 CFR 1.46.

§ 15.815 [Amended]

59. In § 15.815, paragraph (c) is amended by removing the terms ''On or after June 1, 1995,'' and by capitalizing the ''e'' in the term ''each''.

PART 16—CHEMICAL TESTING

60. The authority citation for Part 16 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 7101, 7301, and 7701; 49 CFR 1.46.

§ 16.205 [Removed]

61. In § 16.205, paragraphs (a), (b), (c), (d), and (e) are removed and paragraphs (f) and (g) are redesignated paragraphs (a) and (b) respectively.

§ 16.207 [Removed]

62. In § 16.207, paragraph (b) is removed and the paragraph designation ''(a)'' is removed.

PART 24—GENERAL PROVISIONS

63. The authority citation for Part 24 continues to read as follows:

Authority: 46 U.S.C. 2113, 3306, 4104, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

64. In subpart 24.01, the title is revised to read as follows:

Subpart 24.01—Purpose

65. Section 24.01–1 is revised to read as follows:

§ 24.01–1 Purpose of regulations.

The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for uninspected commercial vessels, certain motor vessels, vessels propelled by said carrying passengers for hire, and barges carrying passengers for hire.

§ 24.01–5 [Removed]

66. Section 24.01–5 is removed.

§ 24.10–9 [Amended]

67. Section 24.10–9 is amended by removing the terms ''title 52, Revised Statutes, and acts amendatory thereof or supplementary thereto, and rules and regulations thereunder'' and replacing them with the terms ''Subtitle II, Title 46 U.S. Code and regulations issued under these statutes''.

§ 24.10–15 [Amended]

68. Section 24.10–15 is amended by removing the terms ''title 52, Revised Statutes, and acts amendatory thereof or supplementary thereto, and rules and regulations thereunder'' and replacing them with the terms ''Subtitle II, Title 46 U.S. Code and regulations issued under these statutes''.

§ 24.10–17 [Amended]

69. In § 24.10–17, paragraph (a) is amended by removing the terms '', since such a boat is also subject to the Act of April 25, 1940, as amended (46 U.S.C. 526–526u), and the regulations promulgated thereunder''.

§ 24.10–21 [Amended]

70. Section 24.10–21 is amended by removing the terms ''title 52, Revised Statutes, and acts amendatory thereof or supplementary thereto, and rules and regulations thereunder'' and replacing them with the terms ''Subtitle II, Title 46 U.S. Code and regulations issued under these statutes''.

§ 24.15–5 [Amended]

71. Section 24.15–5 is amended by removing the terms ''the Motorboat Act of 1940 (46 U.S.C. 526–526u) and the regulations in'' and removing the paragraph designation ''(a)''.

PART 25—REQUIREMENTS

72. The authority citation for Part 25 continues to read as follows:

Authority: 33 U.S.C. 1903(b); 46 U.S.C. 3306, 4302; 49 CFR 1.46.

§ 25.26–5 [Amended]

73. In § 25.26–5, paragraphs (b) introductory text and (c) introductory text are amended by removing the terms ''After March 10, 1994,'' and capitalizing the letter ''t'' in the term ''the''.

§ 25.26–20 [Amended]

74. In § 25.26–20, paragraphs (a) introductory text and (b) introductory text are amended by removing the terms ''After March 10, 1994,'' and capitalizing the letter ''t'' in the term ''the''.

75. In § 25.40–1, paragraphs (c) and (d) introductory text are revised to read as follows:

§ 25.40–1 Tanks and engine spaces.

* * * * *

(c) Boats which are manufactured or used primarily for commercial use; which are leased, rented or chartered to another for the latter commercial use; which are engaged in the carriage of six or fewer passengers; or which are in compliance with the requirements of 33 CFR part 183 are exempted from these requirements.

(d) Boats built after July 31, 1978, which are manufactured or used primarily for noncommercial use; which are rented, leased or chartered to another for the latter's noncommercial use; or which are engaged in conveying six or fewer passengers are exempted from the requirements of paragraph (a) for fuel tank compartments that:

* * * * *

PART 26—OPERATIONS

76. The authority citation for Part 26 continues to read as follows:

Authority: 46 U.S.C. 3306, 4104, 6101, 8105; E.O. 12234, 45 FR 58801, 3 CFR 1980 Comp., p. 277; 49 CFR 1.46.

77. Section 26.03–5 is revised to read as follows:

§ 26.03–5 Action required after accident.

(a) Whenever an undocumented vessel is involved in a marine casualty, the master or individual in charge shall—

(1) Render necessary assistance to each individual affected to save that affected individual from danger caused by a marine casualty, so far as the master or individual in charge can do so without serious danger to the master's or the individual's vessel or to individuals on board; and

(2) Give the master's or individual's name and address and identification of the vessel to the master or individual in charge of any other vessel involved in the casualty, to any individual injured, and to the owner of any property damaged.

(b) Undocumented vessels involved in marine casualties shall report the casualty in accordance with the requirements of 33 CFR part 173, subpart C.

Subpart 26.10—[Removed]

78. Subpart 26.10 is removed.

PART 28—REQUIREMENTS FOR COMMERCIAL FISHING INDUSTRY VESSELS

79. The authority citation for Part 28 continues to read as follows:

Authority: 46 U.S.C. 3316, 4502, 4506, 6104, 10603; 49 U.S.C. 5103, 5106; 49 CFR 1.46.

80. In § 28.120, paragraph (c) is removed, paragraphs (d), (e), (f), (g), and (h) are redesignated paragraphs (c), (d), (e), (f), and (g) respectively, and paragraph (a) is revised to read as follows:

§ 28.120 Survival craft.

(a) Except as provided in paragraphs (b) through (g) of this section, each vessel must carry the survival craft specified in tale 28.120(a), table 28.120(b), or table 28.120(c), as appropriate for the vessel, in an aggregate capacity to accommodate the total number of individuals on board.

* * * * *

§ 28.380 [Amended]

81. In § 28.380, paragraph (b) is amended by inserting the term ''electrical heating tape,'' between the terms ''galley uptake,'' and ''or similar source of ignition.''

PART 30—GENERAL PROVISIONS

82. The authority citation for Part 30 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. 5103, 5106; 49 CFR 1.45, 1.46; Section

30.01–2 also issued under the authority of 44 U.S.C. 3507; Section 30.01–5 also issued under the authority of Sec. 4109, Pub. L. 101–380, 104 Stat. 515.

§ 30.01–3 [Removed]

83. Section 30.01–3 is removed.

§ 30.01–15 [Removed]

84. In § 30.01–15, paragraph (a) is removed and the paragraph designation ''(b)'' is removed.

§ 30.01–20 [Removed]

85. Section 30.01–20 is removed.

§ 30.10–19 [Amended]

86. Section 30.10–19 is amended by removing the terms ''title 52, R.S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder and the inspections required thereby'' and replacing them with the terms ''Subtitle II, Title 46, U.S. Code and regulations issued under these statutes''.

§ 30.10–43 [Amended]

87. Section 30.10–43 is amended by removing the terms ''title 52, R.S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder and the inspections required thereby'' and replacing them with the terms ''Subtitle II, Title 46, U.S. Code and regulations issued under these statutes''.

§ 30.10–47 [Amended]

88. Section 30.10–47 is amended by removing the terms ''title 52, R.S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder and the inspections required thereby'' and replacing them with the terms ''Subtitle II, Title 46, U.S. Code and regulations issued under these statutes''.

Subpart 30.20—[Removed]

89. Subpart 30.20 is removed.

PART 31—INSPECTION AND CERTIFICATION

90. The authority citation for Part 31 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p. 351; 49 CFR 1.46. Section 31.10–21a also issued under the authority of Sect. 4109, Pub.L. 101–380, 104 Stat. 515.

91. In § 31.10–5, paragraph (a)(1) is revised to read as follows:

§ 31.10–5 Inspection of new tank vessels—TB/ALL.

(a) * * *

(1) The plans and specifications shall include the arrangement of the cargo gear. Plans and specifications for cargo gear shall be approved by either a recognized classification society or the International Cargo Gear Bureau, whose home office is located at 17 Battery Place, New York, NY 10004, prior to submission to the Officer in Charge, Marine Inspection.

* * * * *

92. In § 31.10–16, paragraphs (a), (b)(3), (c) and (e) are revised to read as follows:

§ 31.10–16 Inspection and certification of cargo gear—TB/ALL

(a) The owner, operator or master shall provide the Officer in Charge, Marine Inspection with all current valid certificates and registers of cargo gear issued by competent persons or a recognized organization or nonprofit association approved by the Commandant to certify the suitability of the cargo gear.

(b) * * *

(3) Indicate that the cargo gear described in the certificate or register complies with the standards of the organization or association authorized to issue the certificate or register.

(c) Competent persons for the purposes of this section are defined as—

(1) Surveyors of a classification society recognized by the Commandant under 46 U.S.C. 3316;

(2) Surveyors of a recognized cargo gear organization;

(3) Responsible officials or employees of the testing laboratories, companies, or organizations who conduct tests of pieces of loose cargo gear, wire rope, or the annealing of gear as may be required by the standards of the organization or association authorized to issue the certificate or register.

(d) * * *

(e) The authorization for an organization to perform the required inspection is granted at the discretion of the Commandant (G–MOC), and will continue until suspended, canceled, or modified. The following organizations are currently recognized, by the Commandant (G–MOC), as having the technical competence to handle the required inspection:

The International Cargo Gear Bureau, Inc., with home office at 17 Battery Place, New York, NY 10004.

93. In § 31.10–20, paragraphs (a) and (d) are revised to read as follows:

§ 31.10–20 Definitions relating to hull examinations—TB/ALL.

(a) Drydock examination means hauling out of a vessel or placing a vessel in a drydock or slipway for an examination of all accessible parts of the vessel's underwater body and all through-hull fittings.

* * * * *

(d) Underwater survey means the examination, while the vessel is afloat, of all accessible parts of the vessel's underwater body and all through-hull fittings.

94. In § 31.10–21, paragraphs (d)(4), (e) introductory text and (e)(1) are revised to read as follows:

§ 31.10–21 Drydock examination, internal structural examination, cargo tank internal examination, and underwater survey intervals—TB/ALL.

* * * * *

(d) * * *

(4) The means that will be provided for examining through-hull fittings.

* * * * *

(e) Vessels otherwise qualifying under paragraph (d) of this section, that are 15 years of age or older may be considered for continued participation in or entry into the underwater survey program on a case-by-case basis if—

(1) Before the vessel's next scheduled drydocking, the owner or operator submits a request for participation or continued participation to Commandant (G–MOC);

* * * * *

§ 31.10–33 [Removed]

95. Section 31.10–33 is removed.

Subpart 31.37—[Removed]

96. Subpart 31.37 is removed.

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

97. The authority citation for Part 32 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR. 1980; Comp., p. 277; 49 CFR 1.46; Subpart 32.59 also under the authority of Sect. 4109, Pub. L. 101–380, 104 Stat. 515.

98. In § 32.53–1, paragraph (c) is revised to read as follows:

§ 32.53–1 Application—T/ALL.

* * * * *

(c) This part does not apply to vessels as stated in 46 U.S.C. 3702.

99. In § 32.53–10, paragraphs (c), (d), (e), and (f) are removed and paragraph (b) is revised to read as follows:

§ 32.53–10 General—T/ALL.

* * * * *

(b) Each inert gas system must be designed, constructed and installed in accordance with the provisions of SOLAS II–2, Regulation 62, with the following provisions:

(1) Acceptable types of water seals include the wet and semiwet type. Other types of seals may be accepted on a case by case basis if approval is given by the Coast Guard Marine Safety Center.

(2) If a vapor collection system required to meet part 39 of this subchapter is connected to the inert gas system, the instruction manual required by SOLAS II–2. Regulation 62.21 must include procedures relating to vapor collection operations.

§ 32.53–15 [Removed]

100. Section 32.53–15 is removed.

§ 32.53–20 [Removed]

101. Section 32.53–20 is removed.

§ 32.53–25 [Removed]

102. Section 32.53–25 is removed.

§ 32.53–30 [Removed]

103. Section 32.53–30 is removed.

§ 32.53–35 [Removed]

104. Section 32.53–35 is removed.

§ 32.53–40 [Removed]

105. Section 32.53–40 is removed.

§ 32.53–45 [Removed]

106. Section 32.53–45 is removed.

§ 32.53–50 [Removed]

107. Section 32.53–50 is removed.

§ 32.53–55 [Removed]

108. Section 32.53–55 is removed.

§ 32.53–60 [Removed]

109. Section 32.53–60 is removed.

§ 32.53–65 [Removed]

110. Section 32.53–65 is removed.

§ 32.53–70 [Removed]

111. Section 32.53–70 is removed.

§ 32.53–75 [Removed]

112. Section 32.53–75 is removed.

§ 32.53–80 [Removed]

113. Section 32.53–80 is removed.

§ 32.53–85 [Removed]

114. Section 32.53–85 is removed.

115. In § 32.55–20, paragraph (e) is added to read as follows:

§ 32.55–20 Venting of cargo tanks of tankships constructed on or after July 1, 1951—T/ALL.

* * * * *

(e) Tank vents which meet the requirements of SOLAS will be considered equivalent to the provisions of this section.

§ 32.55–40 [Removed]

116. Section 32.55–40 is removed.

117. In § 32.56–1, the text is redesignated as paragraph (a) and paragraph (b) is added to read as follows:

§ 32.56–1 Application—T/ALL.

* * * * *

(b) SOLAS-certificated vessels may be considered equivalent to the provisions of this subpart.

118. In § 32.57–1, the text is redesignated as paragraph (a) and paragraph (b) is added to read as follows:

§ 32.57–1 Application—TB/ALL.

* * * * *

(b) SOLAS-certificated vessels may be considered equivalent to the provisions of this subpart.

119. In § 32.57–10, paragraph (d)(4) is revised to read as follows:

§ 32.57–10 Construction—TB/ALL.

* * * * *

(d) * * *

(4) The integrity of any deck in way of a stairway opening, other than a stairtower, shall be maintained by means of ''A'' or ''B'' Class bulkheads and doors at one level. The integrity of a stairtower shall be maintained by ''A'' Class doors at every level. The doors shall be self-closing type. No means shall be provided for locking such doors, except that crash doors or locking devices capable of being easily forced in an emergency may be employed provided a permanent and conspicuous notice to this effect is attached to both sides of the door. Holdback hooks, or other means of permanently holding the door open will not be permitted. However, magnetic holdbacks operated from the bridge or from other suitable remote control positions are acceptable.

* * * * *

§ 32.60–25 [Removed]

120. In § 32.60–25, paragraph (b) is removed and the paragraph designation (a) is removed.

PART 34—FIREFIGHTING EQUIPMENT

121. The authority citation for Part 34 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 34.01–15 [Amended]

122. In § 34.01–15, paragraph (b) is amended by adding in alphabetical order to the organizations referenced, the following standard:

§ 34.01–15 Incorporation by reference.

* * * * *

(b) * * *

National Fire Protection Association (NFPA)

1 Batterymarch Park, Quincy, MA 02269–9101

NFPA 13–1996, Standard for the Installation of Sprinkler Systems.....34.30–1

§ 34.10–5 [Amended]

123. In § 34.10–5, paragraph (f) is revised to read as follows:

§ 34.10–5 Fire pumps—T/ALL.

* * * * *

(f) Fire pumps may be used for other purposes provided at least one of the required pumps is kept available for use on the fire system at all times. In no case shall a pump having connection to an oil line be used as a fire pump. Branch lines connected to the fire main for purposes other than fire and deck wash shall be arranged so that the requirements of paragraph (b) of this section and any other services installed on the fire main can be met simultaneously.

* * * * *

§ 34.10–10 [Amended]

124. In § 34.10–10, paragraph (h) is revised to read as follows:

§ 34.10–10 Fire station hydrants, hose and nozzles—T/ALL.

* * * * *

(h) Fire station hydrant connections shall be brass, bronze, or other equivalent metal. A uniform coupling design shall be used for each hose diameter throughout the vessel.

* * * * *

§ 34.15 [Removed]

125. In § 34.15–5, paragraph (d) is removed and paragraph (e) is redesignated paragraph (d).

§ 34.20–5 [Amended]

126. In § 34.20–5, paragraph (b)(1) is revised to read as follows:

§ 34.20–5 Quantity of foam required—T/ALL.

* * * * *

(b) * * *

(1) For usual petroleum products the rate of supply of foam solution shall be not less than the greatest of the following:

(i) 0.6 liters/min per square meter of cargo tanks deck area, where cargo tanks deck area means the maximum breadth of the ship multiplied by the total longitudinal extent of the cargo tank spaces;

(ii) 6 liters/min per square meter of the horizontal sectional area of the single tank having the largest such area; or

(iii) 3 liters/min per square meter of the area protected by the largest

monitor, such area being entirely forward of the monitor, but not less than 1,250 liters/min.

* * * * *

Subpart 34.30—[Added]

127. Subpart 34.30, consisting of § 34.30–1, is added to read as follows:

Subpart 34.30—Automatic Sprinkler Systems, Details

§ 34.30–1 Application—TB/ALL.

Automatic sprinkler systems shall comply with NFPA 13–1996.

PART 35—OPERATIONS

128. The authority citation for Part 35 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 35.01–3 [Amended]

129. In § 35.01–3, paragraph (b) is amended by adding in numerical order of the incorporated standards the following standard:

§ 35.01–3 Incorporation by reference.

* * * * *

(b) * * *

ASTM F 1626–1995 Standard Practice for Preparing Shipboard Fire Control Plans 35.10–3

§ 35.01–40 [Removed]

130. Section 35.01–40 is removed.

§ 35.07–10 [Amended]

131. In § 35.07–10, paragraph (b)(3) is amended by removing the terms ''46 U.S.C., sections 85e and 88e, and'' and paragraph (c)(2) is amended by removing the terms ''See 46 U.S.C. 85e and 88e.''

132. Section 35.10–3 is revised to read as follows:

§ 35.10–3 Display of plans—TB/ALL.

Barges constructed on or after [date of publication of the final rule] with sleeping accommodations for more than six persons and all self-propelled vessels shall have permanently exhibited for the guidance of the officer in charge of the vessel the following plans:

(a) General arrangement plans showing for each deck the fire control stations, the various sections enclosed by fire-resisting bulkheads, together with particulars of the fire alarms, detecting systems, the sprinkler installation (if any), the fire extinguishing appliances, means of access to different compartments, decks, etc., and the ventilating systems including particulars of the master fan controls the positions of dampers, the location of the remote means of stopping fans, and identification numbers of the ventilating fans serving each section. If cargo compartments are ''specially suitable for vehicles,'' they shall be so indicated on the plan. Alternatively, at the discretion of the Commandant, the aforementioned details may be set out in any other medium, such as a booklet or on computer software, provided that the aforementioned details are available to each officer and a copy is retained on board at all times and is accessible during emergencies. The symbols used to identify the aforementioned details shall be in accordance with ASTM F 1626–1995.

(b) Plans showing clearly for each deck the boundaries of the watertight compartments, the openings therein with the means of closure and position of any controls thereof, and the arrangements for the correction of any list due to flooding.

(c) The aforementioned information shall be kept up-to-date, any alteration being recorded thereon in the applicable medium as soon as practicable.

Subpart 35.12—[Removed]

133. Subpart 35.12 is removed.

134. Section 35.25–15 is revised to read as follows:

§ 35.25–15 Carrying of excess steam—TB/ALL.

It shall be the duty of the chief engineer of any tank vessel to see that a steam pressure is not carried in excess of that allowed by the certificate of inspection, and to see that the safety valves, once set by the inspector, are in no way tampered with or made inoperative.

§ 35.25–20 [Removed]

135. Section 35.25–20 is removed.

§ 35.30–20 [Amended]

136. In § 35.20–20, paragraph (d) is amended by removing the first sentence.

§ 35.30–40 [Removed]

137. In § 35.30–40, paragraph (b) is removed and reserved.

138. Section 35.35–85 is revised to read as follows:

§ 35.35–85 Air compressors—TB/ALL.

No person may operate, install, or reinstall an air compressor in a cargo area described in § 32.35–15 of this chapter.

PART 39—VAPOR CONTROL SYSTEMS

139. The authority citation for Part 39 continues to read as follows:

Authority. 33 U.S.C. 1231; 46 U.S.C. 3306, 3703, 3715(b); 45 FR 58801, 3 CFR 1980 Comp., p. 277; 49 CFR 1.46.

§ 39.10–13 [Removed]

140. In § 39.10–13, paragraph (b) is removed and paragraphs (c), (d), and (e) are redesignated paragraphs (b), (c), and (d) respectively.

PART 50—GENERAL PROVISIONS

141. The authority citation for Part 50 continues to read as follows:

Authority. 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp. p. 277; 49 CFR 1.45, 1.46; Section 50.01–20 also issued under the authority of 44 U.S.C. 3507.

§ 50.01–5 [Removed]

142. Section 50.01–5 is removed.

§ 50.10–5 [Amended]

143. Section 50.10–5 is amended by removing the terms ''title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto and rules and regulations thereunder,'' and replacing them with the terms ''Subtitle II, Title 46, U.S. Code''.

§ 50.10–10 [Amended]

144. Section 50.10–10 is amended by removing the terms ''title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto and rules and regulations thereunder,'' and replacing them with the terms ''Subtitle II, Title 46, U.S. Code''.

§ 50.10–15 [Amended]

145. Section 50.10–15 is amended by removing the terms ''title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto and rules and regulations thereunder,'' and replacing them with the terms ''Subtitle II, Title 46, U.S. Code''.

PART 56—PIPING SYSTEMS AND APPURTENANCES

146. The authority citation for Part 56 continues to read as follows:

Authority: 33 U.S.C. 1321(j), 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 56.01–2 [Amended]

147. In § 56.01–2, paragraph (b) is amended by revising the address for the ''American Society for Testing and Materials (ASTM)''; by removing the

entry ''ASTM B 154–82, Mercurous Nitrate Test for Copper and Copper Alloy, 56.60–2''; removing the entry ''ASTM F 1173–88'' and replacing it with ''ASTM F 1173–95''; and by adding, in alphabetical order to the organizations whose standards are incorporated by reference, the following additional standards:

§ 56.01–2 Incorporation by reference.

* * * * *

(b) * * *

American Society for Testing and Materials (ASTM), ASTM International Headquarters, 100 Barr Harbor Dr., West Conshocken, PA 19248–2959,

* * * * *

ASTM B 858M–95 Standard Test Method for Determination of Susceptibility to Stress Corrosion Cracking in Copper Alloys Using an Ammonia Vapor Test .....56.60–2(a)

* * * * *

International Maritime Organization, 4 Albert Embankment, London, SE1 7SR, United Kingdom.

Resolution A.753(18) Guidelines on the Application of Plastic Pipes on Ships 56.60–25

* * * * *

148. In § 56.07–10, paragraphs (c) and (e) are revised to read as follows:

§ 56.07–10 Design conditions and criteria (modifies 101–104.7).

* * * * *

(c) *Ship motion dynamic effects (replaces 101.5.3).* Piping system designs shall account for the effects of ship motion and flexure, including weight, yaw, sway, roll, pitch, heave and vibration.

* * * * *

(e) *Pressure design (modifies 102.3, 104.1.2 and 104.4).*

(1) Materials for use in piping must be selected as described in § 56.60–1(a) of this part. Tabulated allowable stress values for these materials shall be measured as indicated in 102.3.1 of ANSI–B–31.1, Tables 56.60–1(a) and 56.60–2(a).

(2) Allowable stress values, as found in the ASME Code, which are restricted in application by footnote or which are italicized shall not be used. Where multiple stresses are listed for a material, the lowest value of the listing shall be used unless otherwise approved by the Commandant. In all cases the temperature is understood to be the actual temperature of the component.

(3) Where the operator desires to use a material not listed, permission must be obtained from the Commandant. Requirements for testing found in § 56.97–40(a)(2) and § 56.97–40(a)(4) may affect design and should be considered. Special design limitations may be found for specific systems. Refer to subpart 56.50 for specific requirements.

* * * * *

149. In § 56.10–5, paragraph (d) is revised to read as follows:

§ 56.10–5 Pipe.

* * * * *

(d) *Nonmetallic pipe.* Plastic pipe may be used subject to the conditions described in § 56.60–25.

150. Section 56.20–15 is revised to read as follows:

§ 56.20–15 Valves employing resilient material.

(a) A valve in which the closure is accomplished by resilient nonmetallic material instead of a metal to metal seat shall comply with the design, material, construction and testing for valves specified in this part.

(b) Valves shall be divided into three categories, Positive shutoff, Category A and Category B, and shall be tested and used as follows:

(1) *Positive shutoff valves.* The closed valve must pass less than 10 ml/hr (0.34 fluid oz/hr) of liquid or less than 3 l/hr (0.11 cubic ft/hr.) of gas per inch nominal size through the line after removal of all resilient material and testing at full rated pressure. Packing material must be fire resistant. Piping subject to internal head pressure from a tank containing oil must be fitted with Positive shutoff valves located at the tank in accordance with § 56.50–60(d). Otherwise Positive shutoff valves may be used in any location in lieu of a required Category A or Category B valve.

(2) *Category A valves.* The closed valve must pass less than the greater of 5 percent of its fully open flow rate or 15 percent (NPS), where ''NPS'' is the nominal pipe size, of its fully open flow rate through the line after complete removal of all resilient seating material and testing at full rated pressure. Category A valves may be used in any location except where positive shutoff valves are required by § 56.50–60(d). Category A valves are required in the following locations:

(i) Valves at vital piping system manifolds;

(ii) Isolation valves in cross-connects between two piping systems, at least one of which is vital system, where failure of the valve in a fire would prevent the vital system(s) from functioning as designed.

(iii) Valves providing closure for any opening in the shell of the vessel.

(3) *Category B valves.* The closed valve will not provide effective closure of the line or will permit appreciable leakage from the valve after the resilient material is damaged or destroyed. Category B valves are not required to be tested and may be used in any location except where a Category A or positive shutoff valve is required.

(c) If a valve designer elects to use either calculations or actual fire testing in lieu of material removal and pressure testing, the proposed calculation method or test plan must be accepted by the Commandant (G–MSE).

§ 56.50–30 [Removed]

151. In § 56.50–30, paragraph (b)(6) is removed.

§ 56.50–50 [Amended]

152. In § 56.50–50, paragraph (c)(3) is removed, paragraph (c)(4) is redesignated paragraph (c)(3), and paragraph (c)(2) is revised to read as follows:

§ 56.50–50 Bilge and ballast piping.

* * * * *

(c) * * *

(2) Each passenger vessel on an international voyage must comply with the provisions of SOLAS II–1/21.

* * * * *

§ 56.50–90 [Amended]

153. In § 56.50–90, paragraph (e) is amended by removing the sentence ''No perforations or openings will be permitted throughout the length of a sounding pipe where fitted to oil tanks.''

§ 56.50–103 [Added]

154. A new section. § 56.50–103 is added to read as follows:

§ 56.50–103 Fixed oxygen-acetylene distribution piping.

(a) This section applies to fixed piping installed for the distribution of oxygen and acetylene carried in cylinders as vessel stores.

(b) The piping system shall include a means, located as close to the supply cylinders as possible, of regulating the pressure from the supply cylinders to the suitable pressure at the outlet stations.

(c) Oxygen and acetylene distribution piping and fittings must be:

(1) Seamless steel for acetylene;

(2) Seamless steel or copper for oxygen; and,

(3) Of at least standard wall thickness throughout the distribution system.

(d) When more than two cylinders are connected to a manifold, the supply pipe between each cylinder and the manifold shall be fitted with a non-return valve.

(e) Except for the cylinder manifolds, acetylene is not to be piped at a pressure in excess of 100 kPa (14.7 psi).

(f) All pipe joints shall have welded connections.

(g) Branch lines shall not run through unventilated spaces or accommodation spaces.

(h) Relief valves or rupture discs shall be installed as relief devices in the piping system if the maximum design pressure of the piping system can be exceeded. The relief device set pressure shall not exceed the maximum design pressure of the piping system. Relief devices shall discharge to a location in the weather at least 3 m (10 ft) from sources of ignition or openings to spaces or tanks.

(i) Outlet stations are to be provided with suitable protective devices which will prevent the back flow of gas into the supply lines and prevent the passage of flame into the supply lines.

(j) Shutoff valves shall be fitted at each outlet.

§ 56.60–2 [Removed]

155. In § 56.60–2, paragraph (a) is removed. Paragraph (b) introductory text is redesignated as introductory text to the section. Paragraphs (b)(1), (b)(2), (b)(3), (b)(3)(i), (b)(3)(i)(A), and (b)(3)(i)(B) are redesignated paragraphs (a), (b), (c), (c)(1), (c)(1)(i), and (c)(1)(ii) respectively. Paragraphs (b)(3)(ii) and (b)(3)(ii)(A) are redesignated paragraph (c)(2) and revised, and in Table 56.60–2(a), footnotes 7 and 9 are revised to read as follows:

§ 56.60–2 Limitations on materials.

* * * * *

(c) * * *

(1) * * *

(2) For those specifications in which no filler metal is used in the welding process, the ultrasonic examination as required by item S–6 in ASTM A–376 shall be certified as having been met for service about 800°F.

Table 56.60–2(a)—Adopted Specifications not Listed in the ASME Code.

* * * * *

[7] An ammonia vapor test, in accordance with ASTM B 858M–95, shall be performed on a representative model of each finished product design.

[8] * * *

[9] An ammonia vapor test, in accordance with ASTM B 858M–95, shall be performed on a representative model for each finished product design. Tension tests shall be performed to determine tensile strength, yield strength, and elongation. Minimum values shall be those listed in table 3 of ASTM B283.

* * * * *

156. In § 56.60–25, paragraph (b) is removed, paragraphs (c), (d), and (e) are redesignated paragraphs (b), (c), and (d) respectively, and new paragraph (a) is revised to read as follows:

§ 56.60–25 Nonmetallic materials.

(a) Plastic pipe installations shall be in accordance with the International Maritime Organization (IMO) Resolution A.753(18), Guidelines for the Application of Plastic Pipes on Ships and the following supplemental requirements:

(1) Materials used in the fabrication of plastic pipe shall comply with the appropriate standards listed in § 56.01–2 of this chapter.

(2) Plastic pipe is not permitted in a concealed space in an accommodation or service area, such as behind ceilings or linings or between double bulkheads, unless—

(i) Each trunk or duct containing such piping is completely surrounded by ''A'' class divisions; or

(ii) An approved smoke-detection system is fitted in the concealed space and each penetration of a bulkhead or deck and each installation of a draft stop is made in accordance with IMO Resolution A.753(18) to maintain the integrity of fire divisions.

(3) Plastic pipe used outboard of the required metallic shell valve in any piping system penetrating the vessel's shell (see § 56.50–95(f)) shall have the same fire endurance as the metallic shell valve. Where the shell valve and the plastic pipe are in the same unmanned space, the valve shall be operable from above the freeboard deck.

(4) Pipe that is to be used for potable water shall bear the seal of approval or NSF mark of the National Sanitation Foundation Testing Laboratory, Incorporated, School of Public Health, University of Michigan, Ann Arbor, MI 48103.

* * * * *

157. In § 56.95–10, paragraph (a)(1) is revised to read as follows:

§ 56.95–10 Type and extent of examination required.

(a) * * *

(1) 100 percent radiography [1] is required for all Class I, I–L and II–L piping with wall thickness equal to or greater than 10 mm (.375 in.).

* * * * *

158. In § 56.97–40, paragraph (a)(10) is added to read as follows:

§ 56.97–40 Installation tests.

(a) * * *

(10) Fixed oxygen-acetylene system piping.

* * * * *

[1] Where for some reason, such as joint configuration, radiography is not applicable, another approved examination may be utilized.

PART 58—MAIN AND AUXILIARY MACHINERY AND RELATED SYSTEMS

159. The authority citation for Part 58 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801,3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 58.10–10 [Removed]

160. In § 58.10–10, paragraph (b) is removed and paragraphs (c) and (d) are redesignated paragraphs (b) and (c) respectively.

PART 61—PERIODIC TESTS AND INSPECTIONS

161. The authority citation for Part 61 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 2103, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277, 49 CFR 1.46.

162. Section 61.05–20 is revised to read as follows:

§ 61.05–20 Boiler safety valves.

Each safety valve for a drum, superheater, or reheater of a boiler shall be tested at the interval specified by Table 61.05–10.

163. In § 61.10–5, paragraphs (a) and (b) are revised to read as follows:

§ 61.10–5 Pressure vessels in service.

(a) *Basic requirements.* Each pressure vessel must be examined or tested every five years. The extent of the test or examination should be that necessary to determine that the pressure vessel's condition is satisfactory and that the pressure vessel is fit for the service intended.

(b) *Internal and external tests and inspections.* (1) Each pressure vessel listed on the Certificate of Inspection must be thoroughly examined externally every 5 years.

(2) In addition, each pressure vessel listed on the Certificate of Inspection that is fitted with a manhole or other inspection opening so it can be satisfactorily examined internally, must be opened for internal examination every 5 years.

(3) No pressure vessel need be hydrostatically tested except when a defect is found that, in the marine inspector's opinion, may affect the safety of the pressure vessel. In this case, the pressure vessel should be hydrostatically tested at a pressure of 1½ times the maximum allowable working pressure.

* * * * *

164. In § 61.15–12, paragraph (b) is revised to read as follows:

§ 61.15–12 Nonmetallic expansion joints.

* * * * *

(b) A nonmetallic expansion joint must be replaced ten years after it has been placed into service if it is located in a system which penetrates the side of the vessel and both the penetration and the nonmetallic expansion joint are located below the deepest load waterline. The Officer in Charge, Marine Inspection may grant an extension of the ten year replacement to coincide with the vessel's next drydocking.

165. In § 61.20–5, paragraph (b) is revised to read as follows:

§ 61.20–5 Drydock examination.

* * * * *

(b) Sea chests, sea valves, sea strainers, and valves for the emergency bilge suction shall be opened up for examination every five years at the time of drydocking.

PART 63—AUTOMATIC AUXILIARY BOILERS

166. The authority citation for Part 63 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 63.05–1 [Amended]

167. In § 63.05–1, paragraph (b) is amended by adding in alphabetical order to the organizations referenced, the following standards:

§ 63.05–1 Incorporation by reference.

* * * * *

(b) * * *

American Society for Testing and Materials (ASTM)

ASTM International Headquarters, 100 Barr Harbor Dr., West Conshocken, PA 19248–2959,

Standard Specifications for Shipboard Incinerators, ASTM F 1323–90 .....63.25–9

International Maritime Organization (IMO)

Publications Section, 4 Albert Embankment, London, SE11 75R, England

MEPC.59(33), Revised Guidelines for the Implementation of Annex V of MARPOL 73/78 Resolution.....63.25–9

International Organization for Standardization Case postale 56, CH–1211, Geneve 2009

Shipbuilding-Shipboard Incinerators-Requirements, 13617 (1995).....63.25–9

§ 63.25–3 [Amended]

168. In § 63.25–3, paragraph (j) is amended by removing the last sentence.

169. Section 63.25–9 is revised to read as follows:

§ 63.25–9 Incinerators.

Incinerators must meet the requirements of MEPC Resolution 59(33). Incinerators in compliance with ISO standard 13617 (1995), ''Shipbuilding-Shipboard Incinerators-Requirements'' are considered to meet the requirements of MEPC Resolution 59(33). Incinerators in compliance with both ASTM F–1323–90, ''Standard Specifications for Shipboard Incinerators'' and Annexes A1–A3 of MEPC Resolution 59(33) are considered to meet the requirements of MEPC Resolution 59(33).

PART 68—DOCUMENTATION OF VESSELS PURSUANT TO EXTRAORDINARY LEGISLATIVE GRANTS

170. The authority citation for Part 68 continues to read as follows:

Authority: 46 U.S.C. 2103; 49 CFR 1.46, Subpart 68.01 also issued under 46 U.S.C. App. 876; subpart 68.05 also issued under 46 U.S.C. 12106(d).

Subpart 68.01—[Amended]

171. In Subpart 68.01, the heading is revised to read as follows:

Subpart 68.01—Regulations Implementing Provisions for 46 U.S.C. App. 833–1

§ 68.01–1 [Amended]

172. In § 68.01–1, the definition of *Act* and the definition of *883–1 citizen* or *883–1 corporation* are amended by removing the terms ''(46 U.S.C. App. 883–1)'' and replacing them with the terms ''(46 U.S.C. App. 883–1)''.

§ 68.01–3 [Amended]

173. In § 68.01–3, the introductory paragraph is amended by removing the terms ''(46 U.S.C. 883–1)'' and replacing them with the terms ''(46 U.S.C. App. 883–1)'' and the section heading is revised to read as follows:

§ 68.01–3 Requirements for citizenship under 46 U.S.C. App. 883–1.

174. In § 68.01–15, paragraph (c) introductory text is revised to read as follows:

§ 68.01–15 Restrictions.

* * * * *

(c) A vessel owned by an 883–1 corporation may be operated under demise or bareboat charter to a common or a contract carrier subject to 49 U.S.C. Chapter 101 if the corporation is a U.S. citizen as defined in 46 U.S.C. App. 802.

* * * * *

PART 69—MEASUREMENT OF VESSELS

175. The authority citation for Part 69 continues to read as follows:

Authority: 46 U.S.C. 2301, 14103; 49 CFR 1.46.

§ 69.11 [Amended]

176. In § 69.11, paragraph (a)(2)(iv) is removed and paragraphs (a)(2)(v) and (a)(2)(vi) are redesignated (a)(2)(iv) and (a)(2)(v) respectively. Paragraph (a)(5) is amended by removing the terms ''After July 18, 1994,'' and capitalizing the term ''A'' directly following.

177. In § 69.117, paragraph (f)(4) introductory text is revised to read as follows:

§ 69.117 Spaces exempt from inclusion in gross tonnage.

* * * * *

(f) * * *

(4) If the total of all water ballast spaces to be exempted from gross tonnage exceeds 30 percent of the vessel's gross tonnage (as calculated under this subpart without any allowance for water ballast), a justification of the operating conditions that require the water ballast must be submitted to the measuring organization for approval. Although a single condition may justify all water ballast spaces, several conditions may be necessary in other cases. However, a particular tank is not justified by a condition if another tank already justified by another condition could be used as effectively. The justification must—

* * * * *

PART 70—GENERAL PROVISIONS

178. The authority citation for Part 70 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.45, 1.46; Section 70.01–15 also issued under the authority of 44 U.S.C. 3507.

§ 70.01 [Amended]

179. Section 70.01–1 is amended by removing the paragraph designation ''(a)'' and removing the terms ''in accordance with the intent of title 52 of the Revised Statues and acts amendatory thereof or supplemental thereto, as well as to implement various International Conventions for Safety of affect the merchant marine''.

§ 70.01–5 [Removed]

180. Section 70.01–5 is removed.

§ 70.05–15 [Removed]

181. Section 70.05–15 is removed.

§ 70.05–25 [Removed]

182. Section 70.05–25 is removed.

§ 70.10–11 [Amended]

183. Section 70.10–11 is amended by removing the terms ''title 52, Revised Statutes, and acts amendatory thereof or

supplemental thereto, and rules and regulations thereunder'' and replacing them with the terms ''Subtitle II of Title 46, U.S. Code, and regulations issued under these statutes''.

§ 70.10–25 [Amended]

184. Section 70.10–25 is amended by removing the terms ''title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder'' and replacing them with the terms ''Subtitle II of Title 46, U.S. Code, and regulations issued under these statutes''.

§ 70.10–33 [Amended]

185. Section 70.10–33 is amended by removing the terms ''title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder'' and replacing them with the terms ''Subtitle II of Title 46, U.S. Code, and regulations issued under these statutes''.

Subpart 70.30—[Removed]

186. Subpart 70.30 is removed.

PART 71—INSPECTION AND CERTIFICATION

187. The authority citation for Part 71 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 71.01–10 [Amended]

188. In § 71.01–10, paragraph (a) is amended by removing the terms ''except for those vessels subject only to the Act of May 10, 1956 (46 U.S.C. 390–390g), when the certificates will be issued for a period of 3 years''.

189. In § 71.25–25, paragraphs (a)(5), (b)(3), and (c) are revised to read as follows and paragraph (e) is removed:

§ 71.25–25 Hull equipment.

(a) * * *

(5) The owner, operator or master shall provide the Officer in Charge, Marine Inspection with all current valid certificates and registers of cargo gear issued by an organization recognized by the Commandant under § 31.10–16.

(b) * * *

(3) Indicate that the cargo gear described in the certificate or register complies with the standards of the organization or association authorized to issue the certificate or register.

(c) Competent persons for the purposes of this section are defined as—

(1) Surveyors of a classification society recognized by the Commandant under 46 U.S.C. 3316.

(2) Surveyors of a cargo gear organization recognized by the Commandant under § 31.10–16.

(3) Responsible officials or employees of the testing laboratories, companies, or organizations who conduct tests of pieces of loose cargo gear, wire rope, or the annealing of gear as may be required by the standards of the organization or association authorized to issue the certificate or register.

* * * * *

§ 71.30–1 [Removed]

190. In § 71.30–1, paragraph (b) is removed and the paragraph designation ''(a)'' is removed.

Subpart 71.47—[Removed]

191. Subpart 71.47 is removed.

192. In § 71.50–1, paragraph (a) is revised to read as follows:

§ 71.50–1 Definitions relating to hull examinations.

* * * * *

(a) *Drydock examination* means hauling out a vessel or placing a vessel in a drydock or slipway for an examination of all accessible parts of the vessel's underwater body and all through-hull fittings.

* * * * *

193. In § 71.65–1, paragraph (c) is added to read as follows:

§ 71.65–1 General.

* * * * *

(c) Plans and specifications for cargo gear shall be approved by either a recognized classification society or a recognized cargo gear organization as defined in § 71.25–25.

PART 72—CONSTRUCTION AND ARRANGEMENT

194. The authority citation for Part 72 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

195. Section 72.01–1 is revised to read as follows:

§ 72.01–1 Application.

The provisions of this subpart, with the exception of § 72.01–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 72.01–90.

§ 72.05–10 [Removed]

196. In § 72.05–10, paragraph (m) is removed. Paragraphs (n), (o), (p) and (q) are redesignated paragraph (m), (n), (o), and (p) respectively.

§ 72.30–5 [Removed]

197. Section 72.30–5 is removed.

PART 76—FIRE PROTECTION EQUIPMENT

198. The authority citation for Part 76 continues to read as follows:

Authority: 46 U.S.C. 3306, E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 76.01–2 [Amended]

199. In § 76.01–2, paragraph (b) is amended by adding in alphabetical order to the organizations referenced the following standard:

§ 76.01–2 Incorporation by reference.

* * * * *

(b) * * *

National Fire Protection Association (NFPA)

1 Batterymarch Park, Quincy, MA 02269–9101.

NFPA 13–1996, Standard for the Installation of Sprinkler Systems.....76.25

200. In § 76.10–5, paragraph (f) is revised to read as follows:

§ 76.10–5 Fire pumps.

* * * * *

(f) Fire pumps may be used for other purposes provided at least one of the required pumps is kept available for use on the fire system at all times. In no case shall a pump having connection to an oil line be used as a fire pump. Branch lines connected to the fire main for purposes other than fire and deck wash shall be arranged so that the requirements of paragraphs (b) and (c) of this section and any other services installed on the fire main can be met simultaneously.

* * * * *

201. In § 76.10–10, the title and paragraph (l) are revised to read as follows:

§ 76.10–10 Fire station hydrants, hose and nozzles—T/ALL.

* * * * *

(l) Fire station hydrant connections shall be brass, bronze, or other equivalent metal. A uniform coupling design shall be used for each hose diameter throughout the vessel.

§ 76.15–5 [Amended]

202. In § 76.15–5, paragraph (d) is removed and reserved.

203. Section 76.25–1 is revised to read as follows:

§ 76.25–1 Application.

Where an automatic sprinkling system is installed, the systems shall comply with NFPA 13–1996.

204. Section 76.25–90 is revised to read as follows:

§ 76.25–90 Installations contracted for prior to [effective date of the final rule].

(a) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph, and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and replacements may be made to the same standards as the original installation.

(b) The details of the system shall be in general agreement with NFPA 13–1996 insofar as is reasonable and practicable. Existing piping, pumping facilities, sprinkler heads and operating devices may be retained provided a reasonable coverage of the spaces protected is assured.

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

205. The authority citation for Part 77 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 77.35–10 [Amended]

206. In § 77.35–10, paragraph (a) is amended by adding the following sentence to the end of the paragraph: ''In lieu of the flame safety lamp, vessels may carry an oxygen depletion meter which is listed by a Coast Guard recognized independent laboratory as intrinsically safe.''

PART 78—OPERATIONS

207. The authority citation for Part 78 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

208. Section 78.01–2 is added to read as follows:

§ 78.01–2 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register; and the material must be available to the public. All approved material is available for inspection at the Office of the Federal Register, 800 North Capitol Street NW., Suite 700, Washington, DC, and at the U.S. Coast Guard, Lifesaving and Fire Safety Division (G–MSE–4), 2100 Second Street SW., Washington, DC 20593–0001, and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the sections affected are as follows:

American Society for Testing and Materials (ASTM)

ASTM International Headquarters, 100 Barr Harbor Dr., West Conshocken, PA 19248–2959,

ASTM F 1626–1995 Standard Practice for Preparing Shipboard Fire Control Plans 78.45–1

209. Section 78.17–30 is revised to read as follows:

§ 78.17–30 Examination of boilers and machinery.

It shall be the duty of the chief engineer when he assumes charge of the boilers and machinery of a vessel to examine them thoroughly. If any parts thereof are in bad condition, the fact shall immediately be reported to the master, owner or agent, and the Officer in Charge, Marine Inspection.

§ 78.33–20 [Removed]

210. Section 78.33–20 is removed.

§ 78.37–10 [Removed]

211. In § 78.37–10, paragraph (b) introductory text is amended by removing the terms ''(R.S. 4467, as amended, 46 U.S.C. 460)''.

Subpart 78.43—[Removed]

212. Subpart 78.43 is removed.

213. In § 78.45–1, paragraphs (a)(1) and (a)(3) are revised to read as follows:

§ 78.45–1 When required.

(a) * * *

(1) General arrangement plans showing for each deck the fire control stations, the various sections enclosed by fire-resisting bulkheads, together with particulars of the fire alarms, detecting systems, the sprinkler installation (if any), the fire extinguishing appliances, means of access to different compartments, decks, etc., and the ventilating systems including particulars of the master fan controls, the positions of dampers, the location of the remote means of stopping fans, and identification numbers of the ventilating fans serving each section. If cargo compartments are ''specially suitable for vehicles,'' they shall be so indicated on the plan. Alternatively, at the discretion of the Commandant, the listed details may be set out in a different medium, such as a booklet or on computer software, provided that the details are available to each officer and a written copy is retained on board at all times and is accessible during emergencies. The symbols used to indentify the listed details shall be in accordance with ASTM F 1626–1995.

* * * * *

(3) The aforementioned information required for this section shall be kept up-to-date, any alteration being recorded in the applicable medium as soon as practicable.

214. Section 78.47–27 is revised to read as follows:

§ 78.47–27 Self-contained breathing apparatus.

Lockers or spaces containing self-contained breathing apparatus shall be marked ''SELF-CONTAINED BREATHING APPARATUS.''

Subpart 78.53—[Removed]

215. Subpart 78.53 is removed.

216. Section 78.55–1 is revised to read as follows:

§ 78.55–1 Master and chief engineer responsible.

It shall be the duty of the master and the engineer in charge of the boilers of any vessel to require that a steam pressure is not carried in excess of that allowed by the certificate of inspection, and to require that the safety valves, once set by the inspector, are in no way tampered with or made inoperative.

217. Section 78.65–1 is revised to read as follows:

§ 78.65–1 Licensed officers.

All licensed officers on a vessel shall have their licenses conspicuously displayed.

PART 80—DISCLOSURE OF SAFETY STANDARDS AND COUNTRY OF REGISTRY

218. The authority citation for Part 80 continues to read as follows:

Authority: 46 U.S.C. 3306; 49 CFR 1.46.

219. Section 80.01 is revised to read as follows:

§ 80.01 Purpose.

The purpose of the regulations in this part is to implement 46 U.S.C. 3504.

§ 80.40 [Amended]

220. Section 80.40 is amended by removing the terms ''46 U.S.C. 362(b)'' and replacing them with the terms ''46 U.S.C. 3504''.

PART 90—GENERAL PROVISIONS

221. The authority citation for Part 90 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

222. Section 90.01–1 is revised to read as follows:

§ 90.01–1 Purpose of regulations.

The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for cargo and miscellaneous vessels, as listed in Column 5 of Table 90.05–1(a).

§ 90.01–5 [Removed]

223. Section 90.01–5 is removed.

§ 90.05–30 [Removed]

224. Section 90.05–30 is removed.

225. Section 90.10–9 is revised to read as follows:

§ 90.10–9 Coast Guard District Commander.

This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspection, enforcement, and administration of Subtitle II of Title 46, U.S. Code and regulations issued under these statutes.

226. Section 90.10–21 is revised to read as follows:

§ 90.10–21 Marine inspector or inspector.

These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to inspection, enforcement, and administration of Subtitle II of Title 46, U.S. Code and regulations issued under these statutes.

227. Section 90.10–23 introductory text is revised to read as follows:

§ 90.10–23 Motorboat.

This term means any vessel indicated in Column 5 of Table 90.05–1(a) 65 feet in length or less which is propelled by machinery (including steam). The length shall be measured from end to end over the deck excluding sheer. This term includes a boat temporarily or permanently equipped with a detachable motor. For the purpose of this subchapter, motorboats are included under the term ''vessel'' unless specifically noted otherwise. The various classes of motorboats are as follows:

* * * * *

228. Section 90.10–27 is revised to read as follows:

§ 90.10–27 Officer in Charge, Marine Inspection (OCMI).

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Subtitle II of Title 46, U.S. Code and regulations issued under these statutes.

229. In § 90.10–36 the first sentence is revised to read as follows:

§ 90.10–36 Seagoing barge.

A seagoing barge is a nonself-propelled vessel of at least 100 gross tons making voyages beyond the Boundary Line (as defined in 46 CFR part 7). * * *

§ 90.30–1 [Removed]

230. Section 90.30–1 is removed.

§ 90.30–5 [Removed]

231. Section 90.30–5 is removed.

PART 91—INSPECTION AND CERTIFICATION

232. The authority citation for Part 91 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801.3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

233. In § 91.25–25, paragraphs (a)(3), (b)(3), and (c) are revised to read as follows and paragraph (e) is removed:

§ 91.25–25 Hull equipment.

(a) * * *

(3) The owner, operator or master shall provide the Officer in Charge, Marine Inspection with all current valid certificates and registers of cargo gear issued by an organization recognized by the Commandant under § 31.10–16.

(b) * * *

(3) Indicate that the cargo gear described in the certificate or register complies with the standards of the organization or association authorized to issue the certificate or register.

(c) Competent persons for the purposes of this section are defined as—

(1) Surveyors of a classification society recognized by the Commandant under 46 U.S.C. 3316.

(2) Surveyors of a cargo gear organization recognized by the Commandant under § 31.10–16.

(3) Responsible officials or employees of the testing laboratories, companies, or organizations who conduct tests of pieces of loose cargo gear, wire rope, or the annealing of gear as may be required by the standards of the organization or association authorized to issue the certificate or register.

* * * * *

Subpart 91.37—[Removed]

234. Subpart 91.37 is removed.

235. In § 91.40–1, paragraphs (a) and (d) are revised to read as follows:

§ 91.40–1 Definitions relating to hull examinations.

* * * * *

(a) *Drydock examination* means hauling out a vessel or placing a vessel in a drydock or slipway for an examination of all accessible parts of the vessel's underwater body and all through-hull fittings.

* * * * *

(d) *Underwater survey* means the examination, while the vessel is afloat, of all accessible parts of the vessel's underwater body and all through-hull fittings.

236. In § 91.40–3, paragraphs (d)(4), (e) introductory text, and (e)(1) are revised to read as follows:

§ 91.40–3 Drydock examination, internal structural examination, cargo tank internal examination, and underwater survey intervals.

* * * * *

(d) * * *

(4) The means that will be provided for examining through-hull fittings.

* * * * *

(e) Vessels otherwise qualifying under paragraph (d) of this section, that are 15 years of age or older may be considered for continued participation in or entry into the underwater survey program on a case-by-case basis if—

(1) Before the vessel's next scheduled drydocking, the owner or operator submits a request for participation or continued participation to Commandant (G–MOC);

* * * * *

237. In § 91.55–1, a new paragraph (c) is added to read as follows:

§ 91.55–1 General.

* * * * *

(c) Plans and specification for cargo gear shall be approved by either a recognized classification society or recognized cargo gear organization, as specified in § 91.25–25.

PART 92—CONSTRUCTION AND ARRANGEMENT

238. The authority citation for Part 92 is revised to read as follows:

Authority: 46 U.S.C. 3306; 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

239. In § 92.07–1, paragraph (c) is added to read as follows:

§ 92.07–1 Application.

* * * * *

(c) SOLAS-certified vessels complying with method IC, as described in SOLAS 74, Regulation II–2/42, may be considered equivalent to the provisions of this subpart.

PART 93—STABILITY

240. The authority citation for Part 93 continues to read as follows:

Authority: 46 U.S.C. 3306; 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

Subpart 93.20—[Removed]

241. Subpart 93.20 is removed.

PART 95—FIRE PROTECTION EQUIPMENT

242. The authority citation for Part 95 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 95.01–2 [Amended]

243. In § 95.01–2, paragraph (b) is amended by adding in alphabetical order of the organizations referenced the following standard:

§ 95.01–2 Incorporation by reference.

* * * * *

(b) * * *

National Fire Protection Association (NFPA)

1 Batterymarch Park, Quincy, MA 02269–9101

NFPA 13–1996, Standard for the Installation of Sprinkler Systems.....95.30–1

244. In § 95.10–5, paragraph (f) is revised to read as follows:

§ 95.10–5 Fire pumps.

* * * * *

(f) Fire pumps may be used for other purposes provided at least one of the required pumps is kept available for use on the fire system at all times. In no case shall a pump having connection to an oil line be used as a fire pump. Branch lines connected to the fire main for purposes other than fire and deck wash shall be so arranged that adequate water can be made continuously available for firefighting purposes.

* * * * *

245. In § 95.10–10, paragraph (l)(1) is revised as follows:

§ 95.10–10 Fire hydrants and hose.

* * * * *

(l) * * *

(1) Fire station hydrant connections shall be brass, bronze, or other equivalent metal. A uniform coupling shall be used for each hose diameter.

* * * * *

§ 95.15–5 [Removed]

246. In § 95.15–5, paragraph (d) is removed and paragraphs (e) and (f) are redesignated paragraphs (d) and (e) respectively.

Subpart 95.30—[Added]

247. Subpart 95.30 is added to read as follows:

Subpart 95.30—Automatic Sprinkler Systems, Details

§ 95.30–1 Application.

Automatic sprinkler systems shall comply with NFPA 13–1996.

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

248. The authority citation for Part 96 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 96.35–10 [Amended]

249. In § 96.35–10, paragraph (a) is amended by adding the following sentence to the end of the paragraph: ''In lieu of the flame safety lamp, vessels may carry an oxygen depletion meter which is listed by a Coast Guard recognized independent laboratory as intrinsically safe.''

PART 97—OPERATIONS

250. The authority citation for Part 97 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

251. Section 97.01–2 is added to read as follows:

§ 97.01–2 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register; and the material must be available to the public. All approved material is available for inspection at the Office of the Federal Register, 800 North Capitol Street NW., Suite 700, Washington, DC, and at the U.S. Coast Guard, Lifesaving and Fire Safety Division (G–MSE–4), 2100 Second Street SW., Washington, DC 20593–0001, and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the sections affected are as follows:

American Society for Testing and Materials (ASTM)

ASTM International Headquarters, 100 Barr Harbor Dr., West Conshocken, PA 19248–2959,

ASTM F 1626–1995 Standard Practice for Preparing Shipboard Fire Control Plans 97.36–1

252. Section 97.15–15 is revised to read as follows:

§ 97.15–15 Examination of boilers and machinery.

It shall be the duty of the chief engineer when he assumes charge of the boilers and machinery of a vessel to examine them thoroughly. If any parts thereof are in bad condition, the fact shall immediately be reported to the master, owner or agent, and the Officer in Charge, Marine Inspection.

§ 97.30–20 [Removed]

253. Section 97.30–20 is removed.

254. Section 97.36–1 is revised to read as follows:

§ 97.36–1 When required.

Barges with sleeping accommodations for more than six persons and all self-propelled vessels must have permanently exhibited the following plans for the guidance of the officer in charge of the vessel:

(a) General arrangement plans showing for each deck the fire control stations, the various sections enclosed by fire-resisting bulkheads, together with particulars of the fire alarms, detecting systems, the sprinkler installation (if any), the fire extinguishing appliances, means of access to different compartments, decks, etc., and the ventilating systems including particulars of the master fan controls the positions of dampers, the location of the remote means of stopping fans, and identification numbers of the ventilating fans serving each section. If cargo compartments are ''specially suitable for vehicles,'' they shall be so indicated on the plan. Alternatively, at the discretion of the Commandant, the aforementioned details may be set out in any other medium, such as a booklet or on computer software, provided that the

aforementioned details are available to each officer and a copy is retained on board at all times and is accessible during emergencies. The symbols used to identify the aforementioned details shall be in accordance with ASTM F 1626–1995.

(b) Plans showing clearly for each deck and hold the boundaries of the watertight compartments, the openings therein with the means of closure and position of any controls thereof, and the arrangements for the correction of any list due to flooding.

(c) The aforementioned information shall be kept up-to-date, any alteration being recorded in the applicable medium as soon as practicable.

255. In § 97.37–20, the heading is revised to read as follows:

§ 97.37–20 Self-contained breathing apparatus.

* * * * *

Subpart 97.43—[Removed]

256. Subpart 97.43 is removed.

257. Section 97.45–1 is revised to read as follows:

§ 97.45–1 Master and chief engineer responsible.

It shall be the duty of the master and the chief engineer of any vessel to require that a steam pressure is not carried in excess of that allowed by the certificate of inspection, and to require that the safety valves, once set by the inspector, are in no way tampered with or made inoperable.

258. Section 97.53–1 is revised to read as follows:

§ 97.53–1 Licensed officers.

All licensed officers on a vessel shall have their licenses conspicuously displayed.

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

259. The authority citation for Part 105 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 4502; 49 U.S.C. App. 1804; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; 49 CFR 1.46.

260. Section 105.01–1 is revised to read as follows:

§ 105.01–1 Purpose.

The purpose of the regulations in this part is to provide adequate safety in the transporting and handling of inflammable or combustible cargo in bulk on board certain commercial fishing vessels and tenders.

§ 105.10–1 [Removed]

261. Section 105.10–1 is removed.

262. In § 105.35–1, paragraph (a) is revised as follows:

§ 105.35–1 General.

(a) In addition to the requirements in § 28.160 of subchapter C of this chapter, at least two BII dry chemical or foam portable fire extinguishers bearing the marine type label of the Underwriter's Laboratories, Inc., shall be located at or near each dispensing area.

* * * * *

PART 108—DESIGN AND EQUIPMENT

263. The authority citation for Part 108 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3102, 3306, 5115; 49 CFR 1.46.

§ 108.101 [Amended]

264. In § 108.101, paragraph (b) is amended by adding in alphabetical order of the organizations referenced the following standard:

§ 108.101 Incorporation by reference.

* * * * *

(b) * * *

National Fire Protection Association (NFPA)

P.O. Box 9101, Quincy, MA 02269–9101

NFPA 13–1996, Standard for the Installation of Sprinkler Systems.....108.430

265. In § 108.417, paragraph (e) is revised to read as follows:

§ 108.417 Fire pump components and associated equipment.

* * * * *

(e) An oil line must not be connected to a fire pump.

§ 108.430 [Added]

266. In Subpart D, a new undesignated centerhead and § 108.430 are added to read as follows:

Automatic Sprinkling Systems

§ 108.430 General.

Automatic Sprinkler Systems shall comply with NFPA 13–1996.

§ 108.435 [Removed]

267. Section 108.435 is removed.

PART 109—OPERATIONS

268. The authority for Part 109 is revised to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 5115, 6101, 10104; 49 CFR 1.46.

§ 109.105 [Added]

269. Section 109.105 is added to read as follows:

§ 109.105 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and make the material available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capital Street, NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Office of Design and Engineering Standards (G–MSE), 2100 Second Street SW., Washington, DC 20593–0001 and is available from the sources indicated in paragraph (b) of this section.

(b) The material for incorporation by reference in this part and the sections affected are:

American Society for Testing and Materials (ASTM),

ASTM International Headquarters, 100 Barr Harbor Dr., West Conshocken, PA 19248–2959

ASTM F 1626–1995, Standard Practice for Preparing Shipboard Fire Control Plans 109.563

§ 109.121 [Removed]

270. In § 109.121, paragraph (b) is removed and paragraph (c) is redesignated paragraph (b).

§ 109.423 [Removed]

271. Section 109.423 is removed.

272. In § 109.431, paragraph (a) is revised to read as follows:

§ 109.431 Logbook.

(a) The master or person in charge of a unit is required by 46 U.S.C. 11301 to have an official logbook shall maintain the logbook on Form CG–706. When the voyage is completed, the master or person in charge shall file the logbook with the Officer in Charge, Marine Inspection.

* * * * *

273. In § 109.555, paragraph (b) is revised to read as follows:

§ 109.555 Propulsion boilers.

* * * * *

(b) The safety valves, once set, are not tampered with or made inoperative.

274. In § 109.563, a new paragraph (a)(6) is added to read as follows:

§ 109.563 Posting of documents.

* * * * *

(a) * * *

(6) Symbols for the details required by this section shall be in accordance with ASTM F 1626–1995.

* * * * *

PART 147A—INTERIM REGULATIONS FOR SHIPBOARD FUMIGATION

275. The authority citation for Part 147A is revised to read as follows:

Authority: 46 U.S.C. 5103; 49 CFR 1.46.

PART 148—CARRIAGE OF SOLID HAZARDOUS MATERIALS IN BULK

276. The authority citation for Part 148 is revised to read as follows:

Authority: 49 U.S.C. 5103; CFR 1.46.

277. In § 148.01–1, paragraph (c) is revised as follows:

§ 148.01–1 Purpose and applicability.

* * * * *

(c) For purposes of this part, the term ''vessel'' means a ''cargo vessel or barge'' which is not exempted under 49 U.S.C. 5107(d).

* * * * *

SUBCHAPTER O—CERTAIN BULK DANGEROUS CARGOES

Subchapter O—[Removed]

278. In Subchapter O, the Note which precedes Part 150 is removed.

PART 150—COMPATIBILITY OF CARGOES

279. The authority citation for Part 150 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 CFR 1.45, 1.46. Section 150.105 issued under 44 U.S.C. 3507; 49 CFR 1.45.

280. Section 150.110 is revised to read as follows:

§ 150.110 Applicability.

This subpart prescribes rules for identifying incompatible hazardous materials and rules for carrying these materials in bulk as cargo in permanently attached tanks or in tanks that are loaded or discharged while aboard the vessel. The rules apply to all vessels that carry liquid dangerous cargoes in bulk that are subject to 46 U.S.C. Chapter 37.

PART 151—BARGES CARRYING BULK LIQUID HAZARDOUS MATERIAL CARGOES

281. The authority citation for Part 151 continues to read as follows:

Authority: 33 U.S.C. 1903, 46 U.S.C. 3703; 49 CFR 1.46.

282. In § 151.03–30, paragraph (c) is revised to read as follows:

§ 151.03–30 Hazardous material.

* * * * *

(c) Designated a hazardous material under 49 U.S.C. 5103.

Note * * *

283. Section 151.03–41 is revised to read as follows:

§ 151.03–41 Officer in Charge, Marine Inspection (OCMI).

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the enforcement and administration of Subtitle II of Title 46, U.S. Code and regulations issued under these statutes.

PART 153—SHIPS CARRYING BULK LIQUID, LIQUEFIED GAS, OR COMPRESSED GAS HAZARDOUS MATERIALS

281. The authority citation for Part 153 continues to read as follows:

Authority: 46 U.S.C. 3703; 49 CFR 1.46. section 153.40 issued under 49 U.S.C. 1804. Sections 153.470 through 153.491, 153,1100 through 153.1132, and 153.1600 through 153.1608 also issued under 33 U.S.C. 1903(b).

285. In § 153.2, paragraph (3) in the definition of *Hazardous material* is revised to read as follows:

§ 153.2 Definitions and acronyms.

* * * * *

Hazardous material * * *

(3) Designated a hazardous material under 49 U.S.C. 5103.

Note * * *

* * * * *

§ 153.470 [Amended]

286. In § 153.470, the Note at the end of the section is removed.

PART 154—SAFETY STANDARDS FOR SELF-PROPELLED VESSELS CARRYING BULK LIQUIFIED GASES

287. The authority citation for Part 154 continues to read as follows:

Authority: 46 U.S.C. 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 154.1445 [Removed]

288. Section 154.1445 is removed.

PART 159—APPROVAL OF EQUIPMENT AND MATERIALS

289. The authority citation for Part 159 continues to read as follows:

Authority: 46 U.S.C. 3308, 3703; 49 CFR 1.45, 1.46; Section 159.001–9 also issued under the authority of 44 U.S.C. 3507.

290. Section 159.007–9 is revised by adding paragraph (d) as follows:

§ 159.007–9 Production inspections and tests.

* * * * *

(d) The manufacturer shall admit a Coast Guard inspector or his representative to any place where approved equipment is manufactured and where parts or completed equipment is stored, for the purpose of verifying that the equipment is being manufactured in accordance with the approved plans and the requirements of this subchapter.

PART 160—LIFESAVING EQUIPMENT

291. The authority citation for Part 160 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703, and 4302; E.O. 12234, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

292. Section 160.001–1 is revised to read as follows:

§ 160.001–1 Scope.

(a) This subpart contains the general:

(1) Characteristics of life preservers (Type I personal flotation devices (PFDs));

(2) Approval procedures for life preservers; and

(3) Production oversight requirements for life preservers.

(b) Other subparts in this part specify the detailed requirements for standard type life preservers and may supplement the requirements in this subpart.

293. In § 160.001–2, paragraphs (b) and (d) are revised to read as follows:

§ 160.001–2 General characteristics of life preservers.

* * * * *

(b) A life preserver must be capable of supporting in fresh water for 48 hours a minimum of 22 pounds.

* * * * *

(d) A life preserver must be:

(1) Simple in design;

(2) Capable of being worn:

(i) Inside-out,

(ii) Clearly in only one way, or

(iii) Donned correctly without demonstration, instructions, or assistance by at least 75 percent of persons unfamiliar with the design; and

(3) Capable of being quickly adjusted for a secure fit to the body of wearers for which it is intended.

* * * * *

294. Section 160.001–3 is revised to read as follows:

§ 160.001–3 Procedure for approval.

(a) *General.* Designs of life preservers are approved only by the Commandant, U.S. Coast Guard. Manufacturers seeking approval of a life preserver

design shall follow the procedures of this section and subpart 159.005 of this chapter.

(b) Each application for approval of a life preserver must contain the information specified in § 159.005–5 of this chapter. The application and, except as provided in paragraphs (c) and (d)(2) of this section, a prototype life preserver must be submitted to the Commandant for preapproval review. If a similar design has already been approved, the Commandant may waive the preapproval review under §§ 159.005–5 and 159.005–7 of this chapter.

(c) If the life preserver is of a standard design, as described by subpart 160.002, 160.005, or 160.055, the application:

(1) Must include the following: A statement of any exceptions to the standard plans and specifications, including drawings, product description, construction specifications, and/or bill of materials.

(2) Need not include: The information specified in § 159.005–5(a)(2).

(d) If the life preserver is of a non-standard design, the application must include the following:

(1) Plans and specifications containing the information required by § 159.005–12 of this chapter, including drawings, product description, construction specifications, and bill of materials.

(2) The information specified in § 159.005–5(a)(2) (i) through (iii) of this chapter, except that, if preapproval review has been waived, the manufacturer is not required to send a prototype PFD sample to the Commandant.

(3) Performance testing results of the design performed by an independent laboratory, that has a Memorandum of Understanding with the Coast Guard under § 159.010–7 of this subchapter covering the in-water testing of personal flotation devices, showing equivalence to the standard design's performance in all material respects.

(4) The Approval Type sought (Type I or Type V).

(5) Any special purpose(s) for which the life preserver is designed and the vessel(s) or vessel type(s) on which its use is intended.

(6) Buoyancy and other relevant tolerances to be complied with during production.

(7) The text of any optional marking to be included on the life preserver in addition to the markings required by the applicable approval subpart.

(8) For any conditionally approved life preserver, the intended approval condition(s).

(e) The description of quality control procedures required by § 159.005–9 of this chapter may be omitted if the manufacturer's planned quality control procedures meet the requirements of those accepted by the Commandant for the independent laboratory performing production inspections and tests.

(f) *Waiver of tests.* A manufacturer may request that the Commandant waive any test prescribed for approval under the applicable subpart. To request a waiver, the manufacturer must submit to the Commandant and the laboratory described in § 159.010, one of the following:

(1) Satisfactory test results on a PFD of sufficiently similar design as determined by the Commandant.

(2) Engineering analysis demonstrating that the test for which a waiver is requested is not appropriate for the particular design submitted for approval or that, because of its design or construction, it is not possible for the PFD to fail that test.

§ 160.001–5 [Added]

295. Section 160.001–5 is added to read as follows:

§ 160.001–5 Production oversight.

(a) *General.* Production tests and inspections must be conducted in accordance with this section, subpart 159.007 of this chapter, and if conducted by an independent laboratory, the independent laboratory's procedures for production inspections and tests as accepted by the Commandant. The Commandant may prescribe additional production tests and inspections necessary to maintain quality control and to monitor compliance with the requirements of this subchapter.

(b) *Oversight.* In addition to responsibilities set out in part 159 of this chapter and the accepted laboratory procedures for production inspections and tests, each manufacturer of a life preserver and each laboratory inspector shall comply with the following, as applicable:

(1) *Manufacturer.* Each manufacturer must—

(i) Perform all tests and examinations necessary to show compliance with this subpart and subpart under which the life preserver is approved on each lot before any inspector's tests and inspection of the lot;

(ii) Follow established procedures for maintaining quality control of the materials used, manufacturing operations, and the finished product; and

(iii) Allow an inspector (or his representative) to take samples of completed units or of component materials for tests required by this subpart and for tests relating to the safety of the design.

(2) *Laboratory.* An inspector from the accepted laboratory shall oversee production in accordance with the laboratory's procedures for production inspections and tests accepted by the Commandant. During production oversight, the inspector shall not perform or supervise any production test or inspection unless—

(i) The manufacturer has a valid approval certificate; and

(ii) The inspector has first observed the manufacturer's production methods and any revisions to those methods.

(3) At least quarterly, the inspector shall check the manufacturer's compliance with the company's quality control procedures, examine the manufacturer's required records, and observe the manufacturer perform each of the required production tests.

(c) *Test facilities.* The manufacturer shall provide a suitable place and apparatus for conducting the tests and inspections necessary to determine compliance of life preservers with this subpart. The manufacturer shall provide means to secure any test that is not continuously observed, such as the 48 hour buoyancy test. The manufacturer must have the calibration of all test equipment checked in accordance with the test equipment manufacturer's recommendation and interval but not less than at least once every year.

(d) *Lots.* A lot may not consist of more than 1000 life preservers. A lot number must be assigned to each group of life preservers produced. Lots must be numbered serially. A new lot must be started whenever any change in materials or a revision to a production method is made, and whenever any substantial discontinuity in the production process occurs. The lot number assigned, along with the approval number, must enable the PFD manufacturer to determine the supplier's identifying information for the component lot.

(e) *Samples.* (1) From each lot of life preservers, manufacturers shall randomly select a number of samples from completed units at least equal to the applicable number required by Table 160.001–5(e) for buoyancy testing. Additional samples must be selected for any tests, examinations, and inspections required by the laboratory's production inspections and tests procedures.

TABLE 160.001–5(E).—SAMPLING FOR BUOYANCY TESTS

Lot size	Number of life preservers in sample
100 and under	1
101 to 200	2
201 to 300	3
301 to 500	4
501 to 750	6
751 to 1000	8

(2) For a lot next succeeding one from which any sample life preserver failed the buoyancy test, the sample shall consist of not less than ten specimen life preservers to be tested for buoyancy in accordance with paragraph (f) of this section.

(f) *Buoyancy test.* The buoyancy of the life preservers must be determined by measuring the upward force exerted by the individual submerged unit. The buoyancy measurement must be made at the end of the 24 or 48 hours of submersion, as specified in the applicable approval subpart, during which period the pad inserts must not be disturbed.

(g) *Buoyancy required.* The buoyancy must meet the requirements of the applicable approval subpart.

(h) *Lot inspection.* On each lot, the laboratory inspector shall perform a final lot inspection to be satisfied that the life preservers meet this subpart. Each lot must demonstrate—

(1) First quality workmanship;

(2) That the general arrangement and attachment of all components, such as body straps, closures, tie tapes, and drawstrings, are as specified in the approved plans and specifications;

(3) Compliance with the marking requirements in the applicable approval subpart; and

(4) The information pamphlet specified in 33 CFR part 181, subpart G, if required, is securely attached to the device, with the PFD selection information visible and accessible prior to purchase.

(i) *Lot acceptance.* When the independent laboratory has determined that the life preservers in the lot are of a type officially approved in the name of the company, and that such life preservers meet the requirements of this subpart, they shall be plainly marked in waterproof ink with the independent laboratory's name or identifying mark.

(j) *Lot rejection.* Each nonconforming unit must be rejected. If three or more nonconforming units are rejected for the same kind of defect, lot inspection must be discontinued and the lot rejected. The inspector must discontinue lot inspection and reject the lot if examination of individual units or the records for the lot shows noncompliance with either this subchapter or the laboratory's or the manufacturer's quality control procedures. A rejected unit or lot may be resubmitted for testing and inspection if the manufacturer first removes and destroys each defective unit or, if authorized by the laboratory, reworks the unit or lot to correct the defect. A rejected lot or rejected unit may not be sold or offered for sale under the representation that it meets this subpart or that it is Coast Guard-approved.

296. Section 160.002–5 is revised to read as follows:

§ 160.002–5 Sampling, tests, and inspections.

(a) Production tests and inspections must be conducted by the manufacturer of a life preserver and the accepted laboratory inspector in accordance with this section and § 160.001–5.

(b) *Buoyancy test.* The buoyancy of the pad inserts from the life preserver shall be determined according to paragraph 160.001–5(f) of this part with each compartment of the buoyant pad insert covers slit so as not to entrap air. The period of submersion must be at least 48 hours.

(c) *Buoyancy required.* The buoyant pad inserts from Model 3 adult life preservers shall provide not less than 25 pounds buoyancy in fresh water, and the pads from Model 5 child life preservers shall provide not less than 16.5 pounds buoyancy.

297. Section 160.002–7 is revised to read as follows:

§ 160.002–7 Procedure for approval.

General. Manufacturers seeking approval of a life preserver design shall follow the procedures of subpart 159.005 of this chapter, as explained in § 160.001–3 of this part.

298. Section 160.005–5 is revised to read as follows:

§ 160.005–5 Sampling, tests, and inspections.

(a) Production tests and inspections must be conducted by the manufacturer of a life preserver and the accepted laboratory inspector in accordance with this section and § 160.001–5.

(b) *Buoyancy test.* The buoyancy of the pad inserts from the life preserver shall be determined according to paragraph 160.001–5(f) of this part with each compartment of the buoyant pad insert covers slit so as not to entrap air. The period of submersion must be at least 48 hours.

(c) *Buoyancy required.* The buoyant pad inserts from Model 3 adult life preservers shall provide not less than 25 pounds buoyancy in fresh water, and the pads from Model 5 child life preservers shall provide not less than 16.5 pounds buoyancy.

299. Section 160.005–7 is revised to read as follows:

§ 160.005–7 Procedure for approval.

General. Manufacturers seeking approval of a life preserver design shall follow the procedures of subpart 159.005 of this chapter, as explained in § 160.001–3 of this part.

§ 160.006 [Amended]

300. The heading of subpart 160.006 is revised to read ''Life Preservers: Repairing.''

§ 160.006–1 [Removed]

301. Section 160.006–1 is removed.

§ 160.006–4 [Removed]

302. Section 160.006–4 is removed.

§ 160.006–5 [Removed]

303. Section 160.006–5 is removed.

§ 160.013–4 [Removed]

304. Section 160.013–4 is removed.

§ 160.013–6 [Removed]

305. Section 160.013–6 is removed.

§ 160.016–3 [Removed]

306. Section 160.016–3 is removed.

§ 160.024–6 [Removed]

307. Section 160.024–6 and figure 160.024–6(a) are removed.

308. In § 160.026–6, Table 160.026–6(f) is removed, paragraphs (f) and (g) are removed, and paragraphs (a), (c), (d), and (e) are revised to read as follows:

§ 160.026–6 Sampling, inspection, and tests of production lots.

(a) *General.* Containers of emergency drinking water must be tested in accordance with the provisions of this section by an independent laboratory accepted by the Coast Guard under 46 CFR 159.010.

* * * * *

(c) *Visual inspection of containers.* The independent laboratory inspector shall select at random from each lot the number of sample filled containers indicated in Table 160.026–6(c), which shall be examined visually for compliance with the requirements of this subpart. If the number of defective cans exceeds the acceptance number shown in the table for the samples selected, the lot shall be rejected.

TABLE 160.026–6(c)—SAMPLING FOR VISUAL INSPECTION OF CONTAINERS

* * * * *

(D) *Laboratory tests of containers and water.* The manufacturer shall select at random from each lot the number of sets of 11 filled sample containers indicated in Table 160.026–6(d1), which shall be forwarded to an independent laboratory accepted by the Coast Guard under 46 CFR 159.010. The independent laboratory shall perform the tests outlined in Table 160.026–6(d2). If any sample is found to be non-conforming in any of these tests, the lot shall be rejected.

Table 160.026–6(d1) * * *

Table 160.026–6(d2) * * *

* * * * *

(e) *Lot acceptance.* When the independent laboratory is satisfied that the emergency drinking water meets the requirements of this subpart, the lot shall be accepted. When permitted by the independent laboratory, rejected lots may be resubmitted for official inspection, provided all containers in the lot have been reworked by the packer, and all defective units removed. Emergency drinking water from rejected lots may not, unless subsequently accepted, be sold or offered for sale under representation as being in compliance with this subpart or as being approved for use on merchant vessels.

309. Section 160.026–7 is revised to read as follows:

§ 160.026–7 Procedure for approval.

(a) *General.* Emergency drinking water for lifeboats and liferafts on merchant vessels is approved only by the Commandant, U.S. Coast Guard.

(b) *Pre-approval samples and plans.* Packers who desire to pack approved emergency drinking water shall have the required tests in accordance with § 160.026–5 performed by an independent laboratory accepted by the Coast Guard under 46 CFR 159.010. A copy of the independent laboratory's report will be forwarded to the Commandant for examination, and if satisfactory an official approval number will be assigned to the manufacturer for the emergency drinking water.

§ 160.035–2 [Amended]

310. In § 160.035–2, paragraph (e) is removed.

§ 160.035–3 [Amended]

311. In § 160.035–3, paragraphs (b), (d)(1), (f), (g), (h), (i), (j), (k)(1), (l), (m)(2), (m)(3), (m)(4), (m)(5), (m)(8), (o), (p), (u)(4), (u)(5), (u)(6), (u)(7), (u)(8)(i), and (u)(8)(ii) are removed. Tables 160.035–3, 160.035–3(d)(1), 160.035–3(i)(4), 160.035–3(m)(8), and 160.035–3(u)(7) are removed. Paragraphs (c) introductory text, (c)(1), (c)(2), (d) introductory text, (d)(2), and (d)(3) are redesignated paragraphs (b) introductory text, (b)(1), (b)(2), (c) introductory text, (c)(1), and (c)(2) respectively. Paragraphs (e) introductory text and (e)(1) are redesignated paragraph (d) and revised. Paragraphs (k) introductory text, (k)(2), and (k)(3) are redesignated paragraphs (e) introductory text, (e)(1), and (e)(2) respectively. Table 160.035–3(k)(1) is redesignated Table 160.035–3(e)(1). Paragraphs (m) introductory text, (m)(1), (m)(6), (m)(7), and (m)(9) are redesignated paragraphs (f) introductory text, (f)(1), (f)(2), (f)(3), and (f)(4) respectively. Paragraphs (n) introductory text and (n)(1) are redesignated paragraph (g) and revised. Paragraphs (q) introductory text, (q)(1), and (q)(2) are redesignated paragraphs (h) introductory text, (h)(1), and (h)(2) respectively. Paragraphs (r) introductory text and (r)(1) are redesignated paragraph (i) and revised. Paragraphs (s) introductory text, (s)(1), (s)(2), (s)(3), (t), (u) introductory text, (u)(1), (u)(2), and (u)(3) are redesignated paragraphs (j) introductory text, (j)(1), (j)(2), (j)(3), (k), (l) introductory text, (l)(1), (l)(2), and (l)(3) respectively. Paragraphs (u)(8) and (u)(8)(iii) are redesignated paragraph (l)(4) and revised. Paragraphs (v) introductory text, (v)(1), and (v)(2) are redesignated paragraphs (m) introductory text, (m)(1) and (m)(2) respectively. Paragraphs (w) introductory text and (w)(1) are redesignated paragraph (n) and revised. Paragraphs (x) introductory text and (x)(1) are redesignated paragraph (o) and revised. The newly designated paragraph (e)(1) is amended by removing the term ''Table 160.035–3(k)(1)'' and replacing them with the term ''Table 160.035–3(e)(1)''. The newly designated paragraph (k) introductory text is revised. The revisions read as follows:

§ 160.035–3 Construction of steel oar-propelled lifeboats.

* * * * *

(d) *Welding.* Welding may be substituted for riveting in any location. It shall be performed by welders qualified by the U.S. Coast Guard, American Bureau of Shipping, or U.S. Navy Department, and only approved electrodes shall be used. Details of the joints shall be indicated on the construction drawings submitted for approval.

* * * * *

(g) *Stretchers.* Stretchers of sufficient size and strength shall be fitted in suitable positions for rowing.

* * * * *

(i) *Plugs.* Each lifeboat shall be fitted with an automatic plug so designed and installed as to insure complete drainage at all times when the boat is out of the water. The automatic plug shall be provided with a cap attached to the lifeboat by a suitable chain. The location of drain plug is to be marked on the vertical surface in the vicinity of the plug below the side bench with the word ''plug'' in 3-inch white letters and with an arrow pointing in the direction of the drain plug.

* * * * *

(k) Each lifeboat shall be fitted with a rudder and tiller. The rudder shall be fitted with a ½-inch diameter manila lanyard of such length as to permit the rudder tube to be shipped without untying the lanyard. * * *

* * * * *

(l) * * *

(4) *Built-in buoyancy tanks.* Each built-in buoyancy tank shall be filled with buoyancy material. The amount of material required shall be determined by the flooding test in accordance with § 160.035–11(b)(2). The buoyancy materials used shall meet the requirements set forth for core materials as follows:

Core	Polystyrene	MIL–P–40619. MIL–P–19644.
	Polyurethane	MIL–P–21929.

* * * * *

(n) *Grab rails.* Grab rails shall be substantially attached to each lifeboat below the turn of the bilge and extend approximately one-half of the length of the lifeboat on each side. The ends of the grab rails shall be faired to prevent fouling and all connections of the rails to the lifeboat shall be made by riveting the palms of the brackets to a small plate and riveting the plate to the shell. To prevent rupture of the shell if the grab rail is carried away, more rivets shall be used in attaching the plate to the shell than in fastening the bracket to the plate. The clearance between the grab rail pipe and the hull shall be at least 1½ inches. The connections of the rails to a fibrous glass reinforced plastic lifeboat hull, will be given special consideration.

(o) *Hand rails.* All lifeboats intended for use in ocean and coastwise service shall be fitted with hand rails approximately 18 inches in length, constructed and attached to the lifeboat in the same manner as the grab rails required by paragraph (n) of this section. The clearance between the hand rail pipe and the hull shall be at least 1½ inches. The hand rails shall be located approximately parallel to and at both ends of the grab rails and spaced

midway between the grab rail and the gunwale and midway between the grab rail and the keel on both sides of the lifeboat provided that, when the distance from grab rail to gunwale or to the keel exceeds 4 feet, two hand rails shall be fitted so as to provide equal spacing. In no case shall the hand rails project beyond the widest part of the boat. Recessed hand rails or other alternate arrangements will be given consideration.

§ 160.035–4 [Removed]

312. Section 160.035–4 is removed

§ 160.035–6 [Removed]

313. In § 160.035–6, paragraphs (b), (d), (f), (g), and (h) are removed and paragraphs (c), (e) and (i) are redesignated paragraphs (b), (c) and (d) respectively.

Table 160.035–6(d)(1) [Removed]

314. Table 160.035–6(d)(1) is removed.

§ 160.035–7 [Removed]

315. Section 160.035–7 is removed.

§ 160.035–9 [Removed]

316. In § 160.035–9, paragraph (c) is removed and reserved.

§ 160.041–5 [Removed]

317. In § 160.041–5, paragraph (a) is removed and paragraphs (b), (c), (d), (e), and (f) are redesignated paragraphs (a), (b), (c), (d) and (e) respectively.

§ 160.041–7 [Removed]

318. Section 160.041–7 is removed.

§ 160.043–7 [Removed]

319. Section 160.043–7 is removed.

§ 160.044–4 [Amended]

320. In § 160.044–4, paragraph (a) is removed and paragraphs (b), (c), and (d) are redesignated paragraphs (a), (b), and (c) respectively. In the newly designated paragraph (a), the term ''pump'' is revised to read ''bilge pump'' both times it appears.

§ 160.044–6 [Removed]

321. Section 160.044–6 is removed.

§ 160.048–6 [Amended]

322. In § 160.048–6, paragraph (a) is amended by removing the terms ''Approved for use on recreational boats less than 16 feet in length and all canoes and kayaks, and only as a throwable device on all other vessels.'' and replacing them with the terms ''Approved for use on recreational boats only as a throwable device.'' and paragraph (c) is removed.

§ 160.049–6 [Amended]

323. In § 160.049–6, paragraph (a) is amended by removing the terms ''Approved for use on recreational boats less than 16 feet in length and all canoes and kayaks, and only as a throwable device on all other vessels.'' and replacing them with the terms ''Approved for use on recreational boats only as a throwable device.'' and paragraph (c) is removed.

324. In § 160.050–5, the heading and paragraphs, (a), (b), (c), (d), (e), and (f) are revised; paragraphs (g), (h), and (i) are added; and Table 160.050–5(b) is redesignated as Table 160.050–5(e) and amended by adding two new entries at the end of the Table, to read as follows:

§ 160.050–5 Sampling, tests, and inspection.

(a) General. Production tests and inspections must be conducted in accordance with this section, subpart 159.007 of this chapter, and if conducted by an independent laboratory, the independent laboratory's procedures for production inspections and tests as accepted by the Commandant. The Commandant may prescribe additional production tests and inspections necessary to maintain quality control and to monitor compliance with the requirements of this subchapter.

(b) *Oversight.* In addition to responsibilities set out in part 159 of this chapter and the accepted laboratory procedures for production inspections and tests, each manufacturer of a ring life buoy and each laboratory inspector shall comply with the following, as applicable.

(1) *Manufacturer.* Each manufacturer must—

(i) Perform all tests and examinations necessary to show compliance with this subpart and subpart under which the ring life buoy is approved on each lot before any inspector's tests and inspection of the lot;

(ii) Follow established procedures for maintaining quality control of the materials used, manufacturing operations, and the finished product; and

(iii) Allow an inspector (or his representative) to take samples of completed units or of component materials for tests required by this subpart and for tests relating to the safety of the design.

(2) *Laboratory.* An inspector from the accepted laboratory shall oversee production in accordance with the laboratory's procedures for production inspections and tests accepted by the Commandant. During production oversight, the inspector shall not perform or supervise any production test or inspection unless—

(i) The manufacturer has a valid approval certificate; and

(ii) The inspector has first observed the manufacturer's production methods and any revisions to those methods.

(3) At least quarterly, the inspector shall check the manufacturer's compliance with the company's quality control procedures, examine the manufacturer's required records, and observe the manufacturer perform each of the required production tests.

(c) *Test facilities.* The manufacturer shall provide a suitable place and apparatus for conducting the tests and inspections necessary to determine compliance of ring life bouys with this subpart. The manufacturer shall provide means to secure any test that is not continuously observed, such as the 48 hour buoyancy test. The manufacturer must have the calibration of all test equipment checked in accordance with the test equipment manufacturer's recommendation and interval but not less than at least once every year.

(d) *Lots.* A lot may not consist of more than 1000 life preservers. A lot number must be assigned to each group of life preservers produced. Lots must be numbered serially. A new lot must be started whenever any change in materials or a revision to a production method is made, and whenever any substantial discontinuity in the production process occurs. The lot number assigned, along with the approval number, must enable the ring life buoy manufacturer to determine the supplier's identifying information for the component lot.

(e) *Samples.* (1) From each lot of ring life buoys, manufacturers shall randomly select a number of samples from completed units at least equal to the applicable number required by Table 160.001–5(e) for buoyancy testing. Additional samples must be selected by any tests, examinations, and inspections required by the laboratories production inspections and tests procedures.

(2) For a lot next succeeding one from which any sample ring life buoy failed the buoyancy or strength test, the sample shall consist of not less than ten specimen ring life buoys to be tested for buoyancy in accordance with paragraph (f) of this section.

TABLE 160.050–5(E).—SAMPLING FOR TESTS

* * * * *	
501 to 750	6
751 to 1000	8

(f) *Tests*—(1) *Strength test.* The buoy body shall be suspended by a 2-inch-wide strap. A similar strap shall be passed around the opposite side of the buoy and a 200-pound weight suspended by it from the buoy. After 30 minutes, the buoy body shall be examined, and there shall be no breaks, cracks or permanent deformation.

(2) *Resistance to damage test.* The buoy body shall be dropped three times from a height of 6 feet onto concrete, and there shall be no breaks or cracks in the body.

(3) *Buoyancy test.* To obtain the buoyancy of the buoy, proceed as follows:

(i) Weigh iron or other weight under water. The weight shall be more than sufficient to submerge the buoy.

(ii) Attach the iron or other weight to the buoy and submerge with the top of the buoy at least 2 inches below the surface for 48 hours.

(iii) After the 48-hour submergence period, weigh the buoy with the weight attached while both are still under water.

(iv) The buoyancy is computed as paragraph (f)(3)(i) minus paragraph (f)(3)(iii) of this section.

(4) *Buoyancy required.* The buoys shall provide a buoyancy of not less than 16.5 pounds for the 20- and 24-inch sizes, and not less than 32 pounds for the 30-inch size.

(g) *Lot inspection.* On each lot, the laboratory inspector shall perform a final lot inspection to be satisfied that the ring life buoys meet this subpart. Each lot must demonstrate—

(1) First quality workmanship;

(2) That the general arrangement and attachment of all components are as specified in the approved plans and specifications;

(3) Compliance with the marking requirements in the applicable approval subpart; and

(4) The information pamphlet specified in 33 CFR 181.701 through 181.705 is accessible prior to purchase.

(h) *Lot acceptance.* When the independent laboratory has determined that the ring life buoys in the lot are of a type officially approved in the name of the company, and that such ring life buoys meet the requirements of this subpart, they shall be plainly marked in waterproof ink with the independent laboratory's name or identifying mark.

(i) *Lot rejection.* Each nonconforming unit must be rejected. If three or more nonconforming units are rejected for the same kind of defect, lot inspection must be discontinued and the lot rejected. The inspector must discontinue lot inspection and reject the lot if examination of individual units or the records for the lot shows noncompliance with either this subchapter or the laboratory's or the manufacturer's quality control procedures. A rejected unit or lot may be resubmitted for testing and inspection if the manufacturer first removes and destroys each defective unit or, if authorized by the laboratory, reworks the unit or lot to correct the defect. A rejected lot or rejected unit may not be sold or offered for sale under the representation that it meets this subpart or that it is Coast Guard-approved.

325. In § 160.050–6, paragraph (a) is amended by removing the terms ''Approved for use on recreational boats less than 16 feet in length and all canoes and kayaks, and only as a throwable device on all other vessels.'' and replacing them with the terms ''Approved for use on recreational boats only as a throwable device.'' and paragraph (c) is removed.

326. Section 160.050–7 is revised to read as follows:

§ 160.050–7 Procedure for approval.

(a) *General.* Designs of ring life buoys are approved only by the Commandant, U.S. Coast Guard. Manufacturers seeking approval of a ring life buoy design shall follow the procedures of this section and subpart 159.005 of this chapter.

(b) Each application for approval of a ring life buoy must contain the information specified in § 159.005–5 of this chapter. The application and, except as provided in paragraphs (c) and (d)(2) of this section, a prototype ring life buoy must be submitted to the Commandant for preapproval review. If a similar design has already been approved, the Commandant may waive the preapproval review under §§ 159.005–5 and 159.005–7 of this chapter.

(c) If the ring life buoy is of a standard design, the application:

(1) Must include the following: A statement of any exceptions to the standard plans and specifications, including drawings, product description, construction specifications, and/or bill of materials.

(2) Need not include: The information specified in § 159.005–5(a)(2).

(d) If the ring life buoy is of a non-standard design, the application must include the following:

(1) Plans and specifications containing the information required by § 159.005–12 of this chapter, including drawings, product description, construction specifications, and bill of materials.

(2) The information specified in § 159.005–5(a)(2)(i) through (iii) of this chapter, except that, if preapproval review has been waived, the manufacturer is not required to send a prototype ring life buoy sample to the Commandant.

(3) Performance testing results of the design performed by an independent laboratory, that has a Memorandum of Understanding with the Coast Guard under § 159.010–7 of this subchapter covering the in-water testing of personal flotation devices, showing equivalence to the standard design's performance in all material respects.

(4) Buoyancy and other relevant tolerances to be complied with during production.

(5) The text of any optional marking to be included on the ring life buoy in addition to the markings required by the applicable approval subpart.

(6) For any conditionally approved ring life buoy, the intended approval condition(s).

(e) The description of quality control procedures required by § 159.005–9 of this chapter may be omitted if the manufacturer's planned quality control procedures meet the requirements of those accepted by the Commandant for the independent laboratory performing production inspections and tests.

(f) *Waiver of tests.* A manufacturer may request that the Commandant waive any test prescribed for approval under the applicable subpart. To request a waiver, the manufacturer must submit to the Commandant and the laboratory described in § 159.010, one of the following:

(1) Satisfactory test results on a ring life buoy of sufficiently similar design as determined by the Commandant.

(2) Engineering analysis demonstrating that the test for which a waiver is requested is not appropriate for the particular design submitted for approval or that, because of its design or construction, it is not possible for the ring life buoy to fail that test.

§ 160.053–1 [Removed]

327. In § 160.053–1, paragraph (c) is removed.

328. Section 160.053–6 is revised to read as follows:

§ 160.053–6 Procedure for approval.

(a) *General.* Work vests for use on merchant vessels or are approved only by the Commandant, U.S. Coast Guard. Manufacturers seeking approval of a work vest shall follow the procedures of this section and subpart 159.005 of this chapter.

(b) If the work vest is of a standard design, as described by § 160.053–3, in

order to be approved, the work vest must be tested in accordance with § 160.053–4 by an independent laboratory accepted by the Coast Guard under 46 CFR 159.010.

(c) If the work vest is of a non-standard design, the application must include the following:

(1) Plans and specifications containing the information required by § 159.005–12 of this chapter, including drawings, product description, construction specifications, and bill of materials.

(2) The information specified in § 159.005–5(a)(2) (i) through (iii) of this chapter, except that, if preapproval review has been waived, the manufacturer is not required to send a prototype work vest sample to the Commandant.

(3) Performance testing results of the design performed by an independent laboratory, that has a Memorandum of Understanding with the Coast Guard under § 159.010–7 of this subchapter covering the in-water testing of personal flotation devices, showing equivalence to the standard design's performance in all material respects.

(4) Any special purpose(s) for which the work vest is designed and the vessel(s) or vessel type(s) on which its use is intended.

(5) Buoyancy and other relevant tolerances to be complied with during production.

(6) The text of any optional marking to be included on the work vest in addition to the markings required by § 160.053.

§ 160.054–5 [Amended]

329. In § 160.054–5, paragraph (a) is removed and paragraphs (b) and (c) are redesignated paragraphs (a) and (b) respectively.

§ 160.054–7 [Amended]

330. In § 160.054–7, paragraph (a) is removed and paragraphs (b) and (c) are redesignated paragraphs (a) and (b) respectively.

331. Section 160.055–7 is revised to read as follows:

§ 160.055–7 Sampling, tests, and inspections.

(a) Production tests and inspections must be conducted by the manufacturer of a life preserver and the accepted laboratory inspector in accordance with this section and § 160.001–5.

(b) *Buoyancy test.* The buoyancy of the pad inserts from the life preserver shall be determined according to § 160.001–5(f) with each compartment of the buoyant pad insert covers slit so as not to entrap air. The period of submersion must be at least 48 hours.

(c) *Buoyancy required.* The buoyant pad inserts from Model 3 adult life preservers shall provide not less than 25 pounds buoyancy in fresh water, and the pads from Model 5 child life preservers shall provide not less than 16.5 pounds buoyancy.

332. In § 160.055–9, paragraph (a) is revised to read as follows:

§ 160.055–9 Procedure for approval—standard and nonstandard life preservers.

(a) *General.* Manufacturers seeking approval of a life preserver design shall follow the procedures of subpart 159.005 of this chapter, as explained in § 160.001–3.

* * * * *

§ 160.056–5 [Removed]

333. Section 160.056–5 is removed.

§ 160.058–6 [Removed]

334. Section 160.058–6 is removed.

§ 160.061–6 [Removed]

335. Section 160.061–6 is removed.

§ 160.061–7 [Removed]

336. Section 160.061–7 is removed.

337. Section 160.062–6 is revised to read as follows:

§ 160.062–6 Procedure for approval.

General. Hydraulic releases for use on lifesaving equipment for merchant vessels are approved only by the Commandant, U.S. Coast Guard. In order to be approved, the hydraulic releases must be tested in accordance with § 160.062–4(c) by an independent laboratory accepted by the Coast Guard under 46 CFR 159.010. The independent laboratory will forward the report to the Commandant for examination, and if satisfactory an official approval number will be assigned to the manufacturer for the model hydraulic release submitted.

§ 160.064–4 [Amended]

338. In § 160.064–4, paragraph (a)(1) is revised by removing the terms ''Approved for use on all recreational boats and on uninspected commercial vessels less than 40 feet in length not carrying passengers for hire by persons weighing (more than 90 lb., 50 to 90 lb., 30 to 50 lb., or less than 30 lb.)'' and replacing them with the terms ''Approved for use on recreational boats only as a throwable device.'' and paragraph (c) is removed.

PART 164—MATERIALS

339. The authority citation for Part 164 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 4104, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

340. Subpart 164.013 is revised to read as follows:

Subpart 164.013—Foam, Unicellular Polyethylene (Buoyant, Slab, Slitted Trigonal Pattern)

§ 164.013–1 Scope.

(a) This subpart contains performance requirements, acceptance tests, and production testing and inspection requirements for polyethylene foam used in the construction of personal flotation devices (PFSs) approved under part 160 of this subchapter. Manufacturers shall also comply with the requirements of subpart 164.019 of this chapter.

(b) All polyethylene foams accepted under this subpart are non-standard components. Acceptance of polyethylene foam prior to being incorporated into finished PFDs, or during the course of manufacture, shall in no case be construed as a guarantee of the acceptance of the finished PFD.

§ 164.013–2 Applicable specifications.

(a) Certain materials are incorporated by reference into this subpart with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than the one listed in paragraph (b) of this section, notice of change must be published in the Federal Register and the material made available to the public. All approved material incorporated by reference may be inspected at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC and at the U.S. Coast Guard, Lifesaving and Fire Safety Division (G–MSE–4), Washington, DC 20593–0001, and is available from the source indicated in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this subpart, and the sections affected are as follows:

Underwriters Laboratories (UL)

Underwriters Laboratories, Inc., P.O. Box 13995, Research Triangle Park, NC 27709–3995 (Phone (919) 549–1400; Facsimile: (919) 549–1842)

UL 1191, ''Components for Personal Flotation Devices'', May 16, 1995 .....164.013–3; 160.013–5.

(c) *Copies on file.* Copies of the specifications and letter or acceptance shall be kept on file by the manufacturer.

§ 164.013–3 Material properties and workmanship.

(a) *General.* The unicellular polyethylene foam shall be all new material complying with the

requirements outlined in this specification. Unicellular polyethylene foam must comply with the requirements of UL 1191, sections 24, 25, and 26 and its assigned Use Code. Thickness tolerances of the foam must permit the manufacture of PFDs complying with their required buoyancy tolerances.

(b) *Use Codes 4BC, 4H.* Each foam which has a C-factor of at least 94 according to UL 1191 may be assigned Use Codes 4BC and 4H.

(c) *Use Codes 2, 3, 5R.* Each foam which has a V-factor of at least 85 according to UL 1191 may be assigned Use Codes 2, 3, 5R (recreational use applications).

(d) *Use Codes 2, 3, 5R.* Each foam which has a V-factor of at least 85 according to UL 1191 may be assigned Use Codes 2, 3, 5R (recreational use applications).

§ 164.013–4 Samples submitted for acceptance.

Application samples. A product sample submitted for acceptance as required by § 164.019–7(c)(4) must consist of at least one square foot by the thickness of foam produced.

§ 164.013–5 Acceptance tests.

Manufacturers shall ensure that the performance and identification tests described in UL 1191, as appropriate, are performed on a minimum of five samples in each of the lightest and darkest colors submitted for acceptance by a recognized laboratory accepted under § 164.019.

§ 164.013–6 Production tests, inspections, and marking.

Manufacturers shall provide in-plant quality control of polyethylene foam in accordance with the requirements of § 164.019–13 and any requirements of the recognized laboratory. The manufacturer of the foam has primary responsibility for quality control over the production of the foam. Manufacturers shall provide markings in accordance with the requirements of § 164.023–15.

§ 164.013–7 Marking.

(a) *General.* The manufacturer must ensure that each shipping label, and each unit of put-up, is permanently and clearly marked in a color which contrasts with the color of the surface on which the marking is applied. Each label must be marked with—

(1) The manufacturer's or supplier's name, trade name, or symbol;

(2) The unique style, part, or model number of the material;

(3) The thickness of the material;

(4) The lot number of the material; and

(5) The product Use Code or Codes.

(b) Each unit of put-up must be marked with the appropriate recognized laboratory's certification marking(s).

PART 166—DESIGNATION AND APPROVAL OF NAUTICAL SCHOOL SHIPS

341. The authority citation for Part 166 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 8105; 46 U.S.C. App. 1295g; 49 CFR 1.46.

342. In § 166.01, paragraph (a) is revised to read as follows:

§ 166.01 Approval of nautical school ships.

(a) Under 46 U.S.C. 7315, graduation from a nautical school vessel may be substituted for the service requirements for able seaman and qualified member of the engine department endorsements or merchant mariner's documents.

* * * * *

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

343. The authority citation for Part 167 continues to read as follows:

Authority: 46 U.S.C. 3306, 6101, 8105; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

344. Section 167.01–1 is revised to read as follows:

§ 167.01–1 Basis and purpose of part.

The rules and regulations in this part are prescribed and apply to public nautical school ships, except vessels of the Navy or Coast Guard. It is the intent of the regulations in this part to provide minimum standards for vessels used as nautical school ships in accordance with the various inspection statutes and to obtain their correct and uniform application. This part is not applicable to civilian nautical school ships.

345. Section 167.05–15 is revised to read as follows:

§ 167.05–15 Coast Guard District Commander.

This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspections, enforcement, and administration of Subtitle II of Title 46, U.S. Code and regulations issued under these statutes.

346. Section 167.05–20 is revised to read as follows:

§ 167.05–20 Marine inspector or inspector.

These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspections, enforcement, and administration of Subtitle II of Title 46, U.S. Code and regulations issued under these statutes.

347. Section 167.05–30 is revised to read as follows:

§ 167.05–30 Officer in Charge, Marine Inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Subtitle II of Title 46, U.S. Code and regulations issued under these statutes.

348. Section 167.10–1 is revised to read as follows:

§ 167.10–1 Enforcement.

The Officer in Charge, Marine Inspection, is responsible for the performance of duties within his jurisdiction with respect to inspection of nautical school ships.

§ 167.25–20 [Removed]

349. Section 167.25–20 is removed.

350. In § 167.45–60, paragraph (a) is revised to read as follows:

§ 167.45–60 Emergency breathing apparatus and flame safety lamps.

* * * * *

(a) Two pressure-demand, open circuit, self-contained breathing apparatus, approved by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Health (NIOSH) and having at a minimum a 30-minute air supply, a full facepiece, and a spare charge for each. A self-contained compressed-air breathing apparatus previously approved under part 160, subpart 160.011, of this chapter may continue in use as required equipment if it was part of the vessel's equipment on November 23, 1992, and as long as it is maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection.

* * * * *

§ 167.45–75 [Amended]

351. Section 167.45–75 is amended by removing the last two sentences.

§ 167.65–45 [Amended]

352. In § 167.65–45, paragraph (c) is amended by removing the terms ''3d,'' and ''12th.''

PART 168—CIVILIAN NAUTICAL SCHOOL VESSELS

353. The authority citation for Part 168 continues to read as follows:

Authority: 46 U.S.C. 3306; 46 U.S.C. App. 1295g; 49 CFR 1.46.

§ 168.01–5 [Removed]

354. Section 168.01–5 is removed.

§ 168.01–10 [Removed]

355. Section 168.01–10 is removed.

PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS.

356. The authority section for part 170 continues to read as follows:

Authority: 43 U.S.C. 1333, 46 U.S.C. 3306, 3703, 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

357. In § 170.075, paragraph (a) introductory text is revised to read as follows:

§ 170.075 Plans.

(a) Except as provided in paragraph (b) of this section, each applicant for an original certificate of inspection and approval of plans must also submit three copies for plan review being conducted by the Marine Safety Center or four copies for plan review being conducted by the American Bureau of Shipping (ABS) of each of the following plans:

* * * * *

358. Section 170.080 is revised to read as follows:

§ 170.080 Stability booklet.

Before issuing an original certificate of inspection, the following number of copies of the stability booklet required by § 170.110 must be submitted for approval; three copies for plan review being conducted by the Commanding Officer, Marine Safety Center or four copies for plan review being conducted by the ABS.

359. Section 170.085 is revised to read as follows:

§ 170.085 Information required before a stability test.

If a stability test is to be performed, a stability test procedure that contains the information prescribed in § 170.185(g) must be submitted to the Commanding Officer, Marine Safety Center or the ABS at least two weeks before the test.

360. Section 170.093 is revised to read as follows:

§ 170.093 Specific approvals.

Certain rules in this subchapter require specific approval of equipment or arrangements by the Commandant, Commanding Officer, Marine Safety Center, or OCMI. These approval determinations will be made as part of the plan review process. When plan review is conducted by the ABS, ABS is authorized to make the approval.

§ 170.098 [Removed]

361. Section 170.098 is removed.

362. Section 170.100 is revised to read as follows:

§ 170.100 Addresses for submittal of plans and calculations.

The plans, information, and calculations required by this subpart must be submitted to one of the following:

(a) The Marine Safety Officer, in the zone where the vessel is to be built or altered.

(b) Commanding Officer, U.S. Coast Guard Marine Safety Center, 400 Seventh St., SW., Washington, DC 20590–0001.

(c) The American Bureau of Shipping (ABS), Two World Trade Center, New York, NY 10048.

363. In § 170.110, paragraph (b) is revised to read as follows:

§ 170.110 Stability booklet.

* * * * *

(b) Each stability booklet must be approved by the Commanding Officer, Marine Safety Center or the ABS.

* * * * *

364. In § 170.120, paragraph (a) is revised to read as follows:

§ 170.120 Stability letter.

(a) Except as provided in paragraph (b) of this section, each vessel must have a stability letter issued by the Coast Guard or the ABS before the vessel is placed into service. This letter sets forth conditions of operation.

* * * * *

365. In § 170.170, paragraphs (b) and (d) are revised to read as follows:

§ 170.170 Calculations required.

* * * * *

(b) If approved by the Commanding Officer, Marine Safety Center or the ABS, a larger value of T may be used for a vessel with a discontinuous weather deck or abnormal sheer.

* * * * *

(d) The criterion specified in this section is generally limited in application to flush deck, mechanically powered vessels of ordinary proportions and form that carry cargo below the main deck. On other types of vessels, the Commanding Officer, Marine Safety Center or the ABS requires calculations in addition to those in paragraph (a) of this section. On a mechanically powered vessel under 328 feet (100 meters) in length, other than a tugboat or a towboat, the requirements in § 170.173 are applied.

366. In § 170.173, paragraph (a) introductory text is revised to read as follows:

§ 170.173 Criterion for vessels of unusual proportion and form.

(a) If required by the Commanding Officer, Marine Safety Center or the ABS, each mechanically powered vessel less than 328 feet (100 meters) LLL, other than a tugboat or towboat, must be shown by design calculations to comply with—

* * * * *

367. In § 170.175, paragraphs (b), (c) and (d) are revised to read as follows:

§ 170.175 Stability test: General.

* * * * *

(b) An authorized Coast Guard or ABS representative must be present at each stability test conducted under this section.

(c) The stability test may be dispensed with, or a deadweight survey may be substituted for the stability test, if the Coast Guard or the ABS has a record of, or is provided with, the approved results of a stability test of a sister vessel.

(d) The stability test of a vessel may be dispensed with if the Coast Guard or the ABS determines that an accurate estimate of the vessel's lightweight characteristics can be made and that locating the precise position of the vessel's vertical center of gravity is not necessary to insure that the vessel has adequate stability in all probable loading conditions.

368. In § 170.180, the introductory paragraph is revised to read as follows:

§ 170.180 Plans and information required at the stability test.

The owner of a vessel must provide the following Coast Guard or ABS approved plans and information to the authorized Coast Guard or ABS representative at the time of the stability test:

* * * * *

369. In § 170.185, paragraph (b) is revised to read as follows:

§ 170.185 Stability test preparations.

* * * * *

(b) Each tank vessel must be empty and dry, except that a tank may be partially filled or full if the Commanding Officer, Marine Safety

Center or the ABS determines that empty and dry tanks are impracticable and that the effect of filling or partial filling on the location of the center of gravity and on the displacement can be accurately determined.

* * * * *

370. Section 170.190 is revised to read as follows:

§ 170.190 Stability test procedure modifications.

The authorized Coast Guard or ABS representative present at a stability test may allow a deviation from the requirements of §§ 170.180 and 170.185 if the representative determines that the deviation would not decrease the accuracy of the test results.

§ 170.210 [Removed]

371. Section 170.210 is removed.

372. In § 170.235, paragraph (b) is revised to read as follows:

§ 170.235 Fixed ballast.

* * * * *

(b) Fixed ballast may not be removed from a vessel or relocated unless approved by the Commanding Officer, Marine Safety Center or the ABS. However, ballast may be temporarily moved for vessel examination or repair if done under the supervision of the OCMI.

PART 172—SPECIAL RULES PERTAINING TO BULK CARGOES

373. The authority section for part 172 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

374. In Subpart B, §§ 172.010 to 172.040 are added to read as follows:

Subpart B—Bulk Grain

§ 172.010 Applicability

§ 172.015 Document of authorization

§ 172.020 Incorporation by reference

§ 172.030 Exemptions for certain vessels

§ 172.040 Certificate of loading

§ 172.010 Applicability.

This subpart applies to each vessel that loads grain in bulk, except vessels engaged solely on voyages on rivers, lakes, bays, and sounds or on voyages between Great Lake ports and St. Lawrence River ports as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island and as far east of a line drawn along the 63rd meridian from Anticosti Island to the north shore of the St. Lawrence River.

§ 172.015 Document of authorization.

(a) Except as specified in § 172.030, each vessel that loads grain in bulk must have a Document of Authorization issued in accordance with one of the following:

(1) Section 3 of the International Code for the Safe Carriage of Grain in Bulk if the Document of Authorization is issued on or after January 1, 1994. As used in the Code, the term ''Administration'' means ''U.S. Coast Guard''.

(2) Regulation 10 Part (a) of the Annex to IMO Resolution A.264(VIII) if the Document of Authorization was issued before January 1, 1994.

(b) The Commandant recognizes the National Cargo Bureau, Inc., 30 Vessey Street, New York, NY 10007–2914, for the purpose of issuing Documents of Authorization in accordance with paragraph (a)(1) of this section.

§ 172.020 Incorporation by reference.

(a) Certain material is incorporated by reference into this part under approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any addition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register; and the material must be made available to the public. All approved material is available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Naval Architecture Division, Office of Design and Engineering Standards 2100 Second Street, SW., Washington, DC 20593–0001, and is available for the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the sections affected are as follows:

International Maritime Organization (IMO)

Publications Section, 4 Albert Embankment, London, England SE1 7SR.

Amendments to Chapter VI of the International Convention for the Safety of Life at Sea, 1960, Resolution A.264(VIII).....172.015

Publication No. 240–E, International Code for the Safe Carriage of Grain in Bulk.....172.015

§ 172.030 Exemptions for certain vessels.

(a) Vessels are exempt from § 172.015 on voyages between:

(1) United States ports along the East Coast as far south as Cape Henry;

(2) Wilmington, NC and Miami, Fl;

(3) United States ports in the Gulf of Mexico;

(4) Puget Sound ports and Canadian west coast ports or Columbia River ports, or both;

(5) San Francisco, Los Angeles, and San Diego, CA;

(b) Vessels exempt by paragraph (a) of this section must comply with the following conditions:

(1) The master is satisfied that the longitudinal strength of his vessel is not impaired.

(2) The master ascertains the weather to be encountered on the voyage.

(3) Potential heeling moments are reduced to a minimum by carrying as few slack holds as possible.

(4) Each slack surface must be leveled.

(5) The transverse metacentric height (GM), in meters, of the vessel throughout the voyage, after correction for liquid free surface, has been shown by stability calculations to be in excess of the required GM (GMR), in meters.

(i) The GMR is the sum of the increments of GM (GMI) multiplied by the correction factor, f and r.

where: r=(available freeboard) (beam) of the vessel and
f=1 if r is >0.268 or
f=(0.268 r) if r is <0.268.

(ii) The GMI for each compartment which has a slack surface of grain, i.e., is not trimmed full, is calculated by the following formula:

$$GMI=(B3\times L\times 0.0661)(Disp.\times SF)$$

where: B=breadth of slack grain surface (m)
L=Length of compartment (m)
Disp.=Displacement of vessel (tons)
SF=Stowage factor of grain in compartment (cubic meters/tons)

(c) Vessels which do not have the Document of Authorization required by § 172.015, may carry grain in bulk up to one third of their deadweight tonnage provided the stability complies with the requirements of Section 9 of the International Code for the Safe Carriage of Grain in Bulk.

§ 172.040 Certificate of loading.

(a) Before it sails, each vessel that loads grain in bulk, except vessels engaged solely on voyages on the Great Lakes, rivers, or lakes, bays, and sounds, must have a certificate of loading issued by an organization recognized by the Commandant for that purpose. The certificate of loading may be accepted as prima facie evidence of compliance with the regulations in this subpart.

(b) The commandant recognizes the National Cargo Bureau, Inc., 30 Vessey Street, New York, NY, 10007–2914, for the purpose of issuing certificates of loading.

PART 188—GENERAL PROVISIONS

375. The authority citation for Part 188 continues to read as follows:

Authority: 46 U.S.C. 2113, 3306; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1908 Comp., p. 277; 49 CFR 1.46.

376. Section 188.01–1 is revised to read as follows:

§ 188.01–1 Purpose of regulations.

The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for oceanographic research vessels designated in accordance with § 3.10–1 of this title and subject to Coast Guard inspection requirements. The regulations are necessary to carry out the provisions of applicable laws governing inspection and certification of oceanographic research vessels and have the force of law.

§ 188.01–3 [Removed]

377. In § 188.01–3, paragraph (b) is removed, and the paragraph designation ''(a)'' is removed.

§ 188.01–5 [Removed]

378. Section 188.01–5 is removed.

§ 188.05–2 [Amended]

379. In § 188.05–2, paragraph (a) is removed and paragraphs (b) and (c) are redesignated paragraphs (a) and (b) respectively.

380. In § 188.05–10, paragraph (b)(2) is revised to read as follows:

§ 188.05–10 Application to vessels on an international voyage.

* * * * *

(b) * * *

(2) Is numbered in accordance with 46 U.S.C. Chapter 123.

* * * * *

§ 188.05–30 [Removed]

381. Section 188.05–30 is removed.

382. Section 188.10–13 is revised to read as follows:

§ 188.10–13 Coast Guard District Commander.

This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspections, enforcement, and administration of Subtitle II of Title 46, U.S. Code and regulations issued under these statutes.

383. Section 188.10–45 is revised to read as follows:

§ 188.10–45 Marine inspector or inspector.

These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspections, enforcement, and administration of Subtitle II of Title 46, U.S. Code and regulations issued under these statutes.

384. Section 188.10–49 is revised to read as follows:

§ 188.10–49 Numbered vessel.

This term means a vessel which is numbered under the provisions of 46 U.S.C. Chapter 123.

385. Section 188.10–55 is revised to read as follows:

§ 188.10–55 Officer in Charge, Marine Inspection.

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Subtitle II of Title 46, U.S. Code and regulations issued under these statutes.

386. Section 188.10–65 is revised to read as follows;

§ 188.10–65 Seagoing barge.

A seagoing barge is a nonself-propelled vessel of at least 100 gross tons making voyages beyond the Boundary Line (as defined in 46 CFR part 7).

PART 189—INSPECTION AND CERTIFICATION

387. The authority citation for Part 189 continues to read as follows:

Authority: 33 U.S.C. 1321 (j); 46 U.S.C. 2113, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

388. In § 189.35–9, paragraph (c)(2) is revised to read as follows:

§ 189.35–9 Plans.

* * * * *

(c) * * *

(2) Other weight handling gear will be evaluated on the basis of the standards of a recognized organization or association approved by the Commandant in subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

* * * * *

389. In § 189.40–1, paragraphs (a) and (c) are revised to read as follows:

§ 189.40–1 Definitions relating to hull examinations.

* * * * *

(a) Drydock examination means hauling out a vessel or placing a vessel in a drydock or slipway for an examination of all accessible parts of the vessel's underwater body and all through-hull fittings.

* * * * *

(c) Underwater survey means the examination, while the vessel is afloat of all accessible parts of the vessel's underwater body and all through-hull fittings.

390. In § 189.40–3, the heading and paragraphs (d)(4), (d)(5), (e) introductory text, and (e)(1) are revised to read as follows:

§ 189.40–3 Drydock examination, internal structural examination, cargo tank internal examination, and underwater survey intervals.

* * * * *

(d) * * *

(4) The means that will be provided for examining through-hull fittings.

(5) The means that will be provided for taking shaft bearing clearances.

* * * * *

(e) Vessels otherwise qualifying under paragraph (d) of this section, that are 15 years of age or older may be considered for continued participation in or entry into the underwater survey program on a case-by-case basis if—

(1) Before the vessel's next scheduled drydocking, the owner or operator submits a request for participation or continued participation to Commandant (G–MOC);

* * * * *

PART 193—FIRE PROTECTION EQUIPMENT

391. The authority citation for Part 193 continues to read as follows:

Authority: 46 U.S.C. 2213, 3102, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

392. In § 193.01–3, paragraph (b) is amended by adding in alphabetical order of the organizations referenced the following standard:

§ 193.01–3 Incorporation by reference.

* * * * *

(b) * * *

National Fire Protection Association (NFPA)

1 Batterymarch Park, Quincy, MA 02269–9101.

NFPA 13–1996, Standard for the Installation of Sprinkler Systems.....193.30

393. In § 193.10–5, paragraph (f) is revised to read as follows:

§ 193.10–5 Fire pumps.

* * * * *

(f) Fire pumps may be used for other purposes provided at least one of the required pumps is kept available for use on the fire system at all times. In no case

shall a pump having connection to an oil line be used as a fire pump. Branch lines connected to the fire main for purposes other than fire and deck wash shall be so arranged that adequate water can be made continuously available for firefighting purposes.

* * * * *

Subpart 193.30—[Added]

394. Subpart 193.30 is added to read as follows:

Subpart 193.30—Automatic Sprinkler Systems

§ 193.30–1 Application.

Automatic sprinkling systems shall comply with NFPA 13–1996.

PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

395. The authority citation for Part 195 continues to read as follows:

Authority: 46 U.S.C. 2113, 3306; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 195.30–90 [Amended]

396. In § 195.30–90, paragraph (c) is amended by removing the terms ''After November 23, 1994,'' and capitalizing the ''e'' in the term ''each''.

§ 195.35–90 [Amended]

397. In § 195.35–90, paragraph (c) is amended by removing the terms ''After November 23, 1994,'' and capitalizing the ''e'' in the term ''each''.

PART 196—OPERATIONS

398. The authority citation for Part 196 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3306, 5115, 6101; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 196.05–1 [Amended]

399. In § 196.05–1, paragraph (c) is amended by removing the terms ''3d,'' and ''12th.''

400. Section 196.53–1 is revised to read as follows:

§ 196.53–1 Licensed officers.

All licensed officers on a vessel shall have their licenses conspicuously displayed.

PART 197—GENERAL PROVISIONS

401. The authority citation for Part 197 continues to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703, 6101; 49 CFR 1.46.

402. Section 197.462 is revised to read as follows:

§ 197.462 Pressure vessels and pressure piping.

(a) The diving supervisor shall insure that each pressure vessel, including each volume tank, cylinder and PVHO, and each pressure piping system is examined and tested as required by this section and after any repair, modification or alteration to determine that they are in satisfactory condition and fit for the service intended.

(b) Pressure vessels and pressure piping shall be examined annually for mechanical damage or deterioration. Any defect that may impair the safety of the pressure vessel or piping shall be repaired and pressure tested to the satisfaction of the Officer in Charge, Marine Inspection.

(c) The following tests shall be conducted at least every three years:

(1) All piping permanently installed on a PVHO shall be pressure tested.

(2) PVHOs subject to internal pressure shall be leak tested at the maximum allowable working pressure using the breathing mixture normally used in service.

(3) Equivalent nondestructive testing may be conducted in lieu of pressure testing. Proposals to use nondestructive testing in lieu of pressure testing shall be submitted to the Officer in Charge, Marine Inspection.

(d) Unless otherwise noted, pressure tests conducted in accordance with this section shall be either hydrostatic tests or pneumatic tests.

(1) When a hydrostatic test is conducted on a pressure vessel, the test pressure shall be no less than 1.25 times the maximum allowable working pressure.

(2) When a pneumatic test is conducted on a pressure vessel, the test pressure shall be the maximum allowable working pressure stamped on the nameplate.

(3) When a pneumatic test is conducted on piping, the test pressure shall be no less than 90 percent of the setting of the relief device.

(4) Pressure tests shall be conducted only after suitable precautions are taken to protect personnel and equipment.

(5) When pressure tests are conducted on pressure vessels or pressure piping, the test pressure shall be maintained for a period of time sufficient to allow examination of all joints, connections and high stress areas.

403. In § 197.480, paragraphs (a) and (b) are revised to read as follows:

§ 197.480 Logbooks.

(a) The person-in-charge of a vessel or facility required by 46 U.S.C. 11301 to have an official logbook shall maintain the logbook on form CG–706.

(b) The person-in-charge of a vessel or facility not required by 46 U.S.C. 11301 to have an official logbook, shall maintain, on board, a logbook for making the entries required by this subpart.

* * * * *

404. In § 197.540, paragraph (b) is revised to read as follows:

§ 197.540 Determination of personal exposure.

* * * * *

(b) *Initial exposure monitoring.* When benzene is first loaded as a cargo on board a vessel, an initial monitoring of each type of operation must be conducted to determine accurately the representative personal exposure of persons involved in the operation.

* * * * *

Dated: October 16, 1996.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Chief, Marine Safety and Environmental Protection.

[FR Doc. 96–28407 Filed 11–18–96; 8:45 am]

BILLING CODE 4910–14–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1300, 1600, 1780, 1810, 1860, 1880, 2090, 2200, 2300, 2360, 2400, 2520, 2610, 2640, 2650, 2710, 2720, 2740, 2800, 2810, 2880, 2910, 2920, 3000, 3100, 3130, 3150, 3160, 3200, 3250, 3260, 3420, 3460, 3480, 3500, 3590, 3600, 3800, 3830, 4100, 4200, 4300, 4700, 5400, 8200, 8340, 8360, 8560, 9210

[WO–420–1430–00–24 1A]

RIN 1004–AC73

Definitions

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would add a new part to the regulations of the Bureau of Land Management (BLM). This new part would contain definitions of terms common to many or all programs and regulations of BLM. The rule also would remove from other parts of the BLM regulations those definitions proposed to appear in the new part, except for those of terms with meanings peculiar to particular BLM regulations or programs. The rule is needed to remove unnecessary duplication among BLM regulations.

DATES: You should submit your comments by January 21, 1997. BLM