

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, 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: Final rule.

SUMMARY: As part of its ongoing response to the President's Regulatory Reinvention Initiative, the Coast Guard amends its regulations for both inspected and uninspected vessels by removing obsolete, unnecessary or excessive provisions, and harmonizing regulations with international safety standards. 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: This rule is effective October 30, 1997. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register on October 30, 1997.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-267-1477.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne Lundy, project manager, Office of Design and Engineering Standards (G-MSE), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, telephone 202-267-0024.

SUPPLEMENTARY INFORMATION:

Regulatory History

On November 19, 1996, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Harmonization with International Safety Standards in the **Federal Register** (61

FR 58804). The Coast Guard received 12 letters commenting on the proposed rulemaking. No public hearing was requested, and none was held.

Background and Purpose

This rule was 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 maritime safety and the protection of the marine environment. 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 CGRR initiative, the Coast Guard 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 substantial changes, removed or amended unnecessary provisions, and adopted appropriate industry standards and practices in place of Coast Guard specific requirements.

This rulemaking, the third project, continued the Coast Guard's effort to reform its regulations. These changes removed superfluous and outdated requirements and aligned the regulations more closely with international standards.

Discussion of Comments and Changes

Comments were received which recommended the adoption of class rules as a means of compliance with certain sections and subparts. These comments focused on areas not covered in this rulemaking. On December 27, 1996, the Coast Guard published, in the **Federal Register** (61 FR 68510), an interim rule entitled, Alternative Compliance via Recognized Classification Society and U.S. Supplement to Rules (CGD 95-010). The Alternative Compliance Program (ACP) allows for the inspection of a vessel by a recognized classification society that has been authorized to participate in the ACP. The American Bureau of Shipping (ABS) is currently the only recognized classification society authorized to participate in the ACP.

Under the ACP, vessels receive Coast Guard certification based on compliance with classification society rules, international conventions, and the U.S. Supplement which represents Coast Guard requirements not embodied by either classification society rules or international conventions. All requirements of the interim rule, which became effective July 31, 1997, reduce the burden on the vessel owner by requiring compliance with only those Coast Guard regulations which are not embodied by either classification society rules or international conventions.

The Coast Guard, in its continuing effort to harmonize its regulations with industry and international standards, is evaluating the issues raised by these comments, which are outside the scope of this rulemaking, and will take appropriate future action based on its review. However, in the interim, vessels owners can receive the benefit of inspection in accordance with ABS classification rules and international standards by choosing to participate in the ACP.

Comments to 46 CFR parts 50–59, concerning marine engineering, which were outside the scope of this rulemaking, recommended allowing rules or surveys from the ABS or another recognized classification society. The ACP program allows for rules or surveys from a recognized class society for 46 CFR parts 50–59. No changes were made to the regulatory text.

One comment to 46 CFR subpart 91.01, concerning inspection and certification, indicated an inability to obtain early commencement of a biennial inspection in a particular Officer in Charge, Marine Inspection (OCMI) office, or the continuation of the inspection by another OCMI office. Inspection for certification may be requested at any time during the period of validity of the current certificate. Further, the ACP allows a vessel the opportunity to obtain an abbreviated annual exam which is capable of being conducted at one port call, by one OCMI. No changes were made to the regulatory text.

One comment to 46 CFR 91.40, concerning drydocking, recommended that regulations be revised to conform with recognized classification society rules. A regulatory change is not needed because drydocking intervals remain twice in a five year period, and not more than three years between each exam whether or not the vessel is enrolled in the ACP. Drydocking/Internal Structural Exam (ISEs) intervals may be extended 90 days by an ACP classification society for ships enrolled in the ACP. Additionally, the ACP allows the recognized classification society to make recommendations to Commandant (G–MOC) on Underwater Inspection in Lieu of Dry-docking (UWILDs), even for vessels over 15 years old. No changes were made to the regulatory text.

One comment to 46 CFR part 94, concerning lifesaving equipment, recommended allowing ABS or other approved classification society rules for approval. 46 CFR part 94 was removed by the interim rule concerning Lifesaving Equipment (84–069), published in the **Federal Register** on May 20, 1996 (61 FR 25272). Because there are no classification society rules for this equipment, the ACP is not applicable.

One comment to 46 CFR 91.27, concerning reinspection, recommended that the Coast Guard initiate a program of mid-period self-inspection which rewards companies that take a proactive approach to regulatory compliance and vessel safety in general. There is a proposal for a Streamlined Inspection Program (CGD 96–055) for

which an NPRM was published on April 8, 1997 (62 FR 17022). No changes were made to this section.

One comment to 46 CFR 98.30, concerning portable tanks, recommended that these regulations be revised for ocean going vessels with the “incorporation by reference” of the International Maritime Dangerous Goods (IMDG) Code requirements for carriage of hazardous liquids or materials in portable tanks. These regulations, among other things, concern the transfer of certain hazardous materials to or from portable tanks. The IMDG Code has provisions for the design and carriage of portable tanks, but does not have equivalent provisions governing the transfer of certain hazardous materials to or from portable tanks, and assumes that no transfer of cargo occurs on board vessel. Consequently, the proposed incorporation by reference is not appropriate. However, the acceptability of International Maritime Organization (IMO) type portable tanks and other bulk packagings, specified by the IMDG Code, are being reviewed and the Coast Guard may take future action based on its review.

One comment recommended that 46 CFR 50.05–5(c) be revised to permit replacement of existing boiler equipment and piping systems with similar equipment. The Coast Guard has generally accepted replacement in kind for general repairs and maintenance work. This section addresses reboiling. Reboiling is not considered as a repair. Reboiling constitutes a major replacement equivalent to installing a new boiler. This section recognizes the extreme hazards of high pressure steam and the necessity for proper boiler piping. Failure of boiler piping means immediate release of steam. The requirement to use more modern materials, welding techniques/requirements is in keeping with industry standards and is consistent with classification society rules. No changes were made to this section.

One comment to 46 CFR 61.05–15, concerning boiler mountings and attachments, recommended that regulations be revised to clearly state that boiler mountings and studs do not have to be removed when an external examination is possible. No revision to this section is necessary because the section is clear that the mountings and studs are not required to be removed, but allows the inspector the option to have them removed if the inspector believes removal is needed during the course of the inspection.

One comment to the proposed 46 CFR 56.20–15(b) stated that this paragraph was confusing as to whether or not it pertained to all valves or just valves employing resiliently seated material. It is not the Coast Guard's intention to restrict the use of valves with metal to metal seats. This paragraph is meant to pertain only to valves employing resiliently seated material, and the Coast Guard has revised this section to clarify that those valves which employ resilient seats are divided into the three listed categories.

One comment recommended that the proposed 46 CFR 56.50–103, concerning fixed oxygen-acetylene piping systems, be revised to include copper alloys containing less than 65% copper for certain components in acetylene distribution systems. This recommendation is consistent with industry practice. The Coast Guard agrees, and a new paragraph (c) allows for this industry practice. Further, this section has been reorganized from the presentation in the NPRM in order to be more clearly understood. Old paragraph (f) in the NPRM, which required all fittings to be welded, has been rewritten as a new paragraph (g) which requires all fittings on the low pressure side of the regulator to be welded. This change recognizes that the regulator will be physically located next to the pressure vessel and that all piping will be downstream of the regulator.

Three comments were received opposing proposed modifications to 46 CFR 34.20–5 to harmonize deck foam regulations with the applicable International Convention for the Safety of Life at Sea (SOLAS) provisions. One comment mentioned an incident in which a tanker, which did not have USCG-approved foam fire fighting system, was severely damaged and sank. There is no indication, however, as to whether the vessel's foam system met the SOLAS arrangement and application rates or that some other system would have been effective. Additionally, there has been no casualty data to suggest that the current SOLAS provisions are inadequate. Current Coast Guard regulations require a slightly greater minimum foam application rate for tanker deck foam systems than SOLAS requirements, based on total cargo area. Therefore, consistent with the Coast Guard's intention to harmonize its regulations with international safety standards, this section is harmonized with the applicable SOLAS foam application rates. No changes were made to this proposed section. Currently, the Coast Guard is working with the National Fire Protection Association to develop a new industry

standard. It is the Coast Guard's intention that this new standard will be taken to the IMO.

One comment suggested that the Coast Guard should fully articulate the preemptive effect of its regulations. In *Ray v. ARCO*, 435 U.S. 151 (1978), the Supreme Court recognized that design, construction, equipment, and manning standards are matters of national attention, and recognized a decided congressional preference for arriving at international standards for building vessels. Consistent with *Ray v. ARCO*, it is the Coast Guard's position that vessel design, construction, equipment, and manning standards fall within the exclusive province of the Federal Government.

This rulemaking concerned the removal of obsolete, unnecessary or excessive provisions; and harmonizing regulations with international standards. To the extent this rulemaking revised regulations to incorporate national industry and international standards, these revised regulations concerned subject matter that, as determined under *Ray v. ARCO*, are within the exclusive province of the Federal Government. The ability of the states to regulate in these areas was preempted when the regulations were initially promulgated. The revision of these regulations does not alter their preemptive effect.

One comment suggested that the Coast Guard extend the opportunity to participate in the UWILD program to passenger vessels operating exclusively in fresh water that have not had a grounding since their last drydock. The ability of these vessels to participate in the UWILD program is being reviewed. The Coast Guard may take further action based on its review.

One comment requested that the Coast Guard justify the option of allowing tank vessels to comply with SOLAS vent height and distance requirements, which reduces the height from 4 meters to 2 meters. By permitting the option of SOLAS vent height requirements, the Coast Guard reduced the allowable height of vents from the 4 meters, required in 46 CFR 32.55-20, to 2 meters only when high velocity vents are used. The Coast Guard finds that allowing such a reduction will not degrade safety. The Coast Guard has accepted chemical carriers certified under international rules which permit similar reductions in vent height requirements when high velocity vents are used, and there has not been a reduction in safety. No changes were made to the proposed regulatory text.

One comment recommended retaining the provision in 46 CFR 32.57-10(d)(4)

for kickout panels because of a concern that fire doors could warp and trap occupants. The Coast Guard is not aware of a casualty history of doors warping in a fire and trapping occupants. Additionally, section 32.02-1 requires two means of escape from all passageways leading to living quarters, and places where a crew member may be employed, so that in the event that one means of escape became unusable, a second means of escape would be available. The proposed change only removed the requirement for a kickout panel; vessel owners may install them if they so desire. No changes were made to this proposed section.

One comment questioned the ability to use the fire control symbols contained within ASTM Adjunct F 1626, as the American Society for Testing and Materials (ASTM) publication is copyright protected. ASTM was contacted and the copyright protects against the unauthorized copying of the ASTM publication rather than the use of the symbols to identify the details of a fire control plan.

One comment stated that there is an IMO standard set of symbols which should be utilized instead of the ASTM standard to implement uniform symbols for fire control plans. ASTM Adjunct F 1626 adopts the symbols contained in IMO Assembly resolution A.654(16). The Coast Guard agrees that the IMO resolution should also be incorporated, and has revised the incorporation sections accordingly.

Two comments concerned the application date and use of the ASTM Adjunct F 1626 standardized symbols for fire control plans. The use of the standard symbols applies to new construction and existing vessels which have the master plan redrawn. Editorial revisions to regulatory text have been made to clarify the application of ASTM Adjunct F 1626. The comments also recommended a change to the material incorporated by reference. ASTM Adjunct F 1626 contains the symbols, and the incorporation by reference has been changed to reflect the correct cite.

One comment objected to the removal of sentinel valves. The Coast Guard recognizes that boilers on older vessels require sentinel valves. Technology, however, has rendered the use of sentinel valves on new boilers obsolete. Recognizing that removal of § 56.50-30(b)(6) would eliminate the requirement for sentinel valves for older boiler systems, this paragraph has been redrafted. Sentinel valves will not be required for new construction, or for existing vessels which have shown to the satisfaction of the cognizant OCMI, or the Coast Guard Marine Safety

Center, that a sentinel valve is not necessary.

One comment expressed concern over the Coast Guard's proposal to remove the requirements for Coast Guard inspectors to set and seal boiler safety valves. The Coast Guard disagrees. With present day boiler automation and built in safety factors, the Coast Guard has not experienced a problem of tampering with safety valves. Based upon the lack of a tampering problem, as well as the reliability of current steam propulsion systems, the Coast Guard has determined the sealing of boiler safety valves to be of little value. Therefore, § 35.25-15 will be removed as originally proposed.

One comment suggested that the Coast Guard extend the interval for inspection of sea valves to every 10 years for those vessels operating in freshwater. The Coast Guard disagrees. Sea valves are subject to mechanical damage. An extension of the interval means, that, during a 20 year period, sea valves would only be opened once at the midpoint. If additional data supports that valves can last 10 years in freshwater with no operational difficulties, the Coast Guard will reconsider revising this requirement.

One comment noted that an applicability date should be specified in 46 CFR 63.25-9 for incinerators to meet the requirements of IMO resolution MEPC.59(33). The Coast Guard agrees and the regulatory text is changed.

Two comments were received on the proposal to replace current Coast Guard regulations concerning design of automatic sprinkler systems by incorporating National Fire Protection Association Standard No. 13 by reference. One comment supported this proposal, and one comment voiced concern with the Coast Guard's policy of incorporating industry standards by reference. The Coast Guard's incorporation of industry standards directly supports the President's goals on revitalizing the American shipping industry and the Regulatory Reinvention Initiative. Benefits include increased input from subject matter experts into Coast Guard regulations, greater industry access into development of regulations, and regular updating of standards which facilitates regulations keeping pace with technology. Although there is an added responsibility for members of industry to stay abreast of changes to standards which are referenced in the Code of Federal Regulations (CFR), the Coast Guard finds that the benefits far outweigh the disadvantages. No changes were made to this section.

One comment opposed the proposed replacement of prescriptive requirements for fire hose coupling threads with a performance requirement that a uniform hose coupling be provided for each hose diameter throughout the vessel. The comment further stated that the basis of the comment was a concern that a vessel owner or operator could purchase fire hose or nozzles with the wrong thread style, and not realize the discrepancy until after the vessel has left port. Current Coast Guard regulations which require a minimum of one fire hose per hydrant, and that a fire hose be connected to hydrants at all times mitigate concerns about incompatibility of fire fighting equipment. However, these sections have been revised to their original text, with a new option added to indicate that couplings other than National Standard couplings may be used if all of the couplings are identical. Additionally, the Coast Guard will revise its inspection guidance to advise vessel inspectors to check compatibility of fire fighting equipment.

Another comment noted that the Coast Guard has proposed removing prescriptive requirements for hose coupling threads from 46 CFR 34.10-10, 76.10-10, and 95.10-10, but a similar proposal was not made with respect to 46 CFR 108.425(b). The Coast Guard agrees and the revision has been added to § 108.425(b).

There was an error in the proposed rule text for 46 CFR 164.013-6. In the last sentence of "Production tests, inspections, and marking," it directed manufacturers to provide markings in accordance with the requirements in 46 CFR 164.023-15. The correct cite for markings is 46 CFR 164.013-7. However, because the sentence was extraneous, it was deleted.

One comment suggested that the Coast Guard add the American Bureau of Shipping's (ABS) Houston address to 46 CFR 170.100 under addresses for submittal of plans and calculations. The Coast Guard agrees and the regulations are revised.

One comment suggested that that 46 CFR 170.110(b), which directs stability booklets to be approved by the Coast Guard Marine Safety Center or the ABS, be removed because it is redundant with § 170.085. The Coast Guard disagrees. Section 170.085 refers to stability test plans which is separate from approval of stability booklets, thus there is no redundancy. No changes were made to this section.

The NPRM proposed removal or revision of several sections which were or are being addressed by other rulemakings. These sections will not be

addressed by this rulemaking. The sections and corresponding dockets are: 46 CFR 16.207(b) is being addressed in CGD 95-011, Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel for which an interim rule was published on December 18, 1996 (61 FR 66612); 46 CFR 2.50 and subpart 26.10 were addressed in the final rule for CGD 96-052, Civil Monetary Penalties Inflation Adjustment, published April 8, 1997 (62 FR 16695); 46 CFR 2.75-19 and 2.75-50 were addressed in the final rule for CGD 93-055, Approval of Inflatable Personnel Flotation Devices for Recreational Boaters, published March 28, 1996 (61 FR 13920); 46 CFR 28.12 was addressed in the interim rule for CGD 90-046, Commercial Fishing Industry Vessel Regulations, published November 5, 1996 (61 FR 57268); and 46 CFR 159.007 was addressed in the final rule for CGD 85-205, Inflatable Personnel Flotation Devices, published May 9, 1997 (62 FR 25525).

In addition to the above changes, minor editorial revisions have been made to clarify the regulatory text. The Coast Guard is also removing the incorporation by reference contained in 46 CFR 159.2 which was inadvertently added to the NPRM. The revision to 46 CFR 160.035-3 was set out in full for clarity. 46 CFR 160.050-5 was revised for clarity by adding the requirements of the footnote to a new paragraph (b)(1)(iv) and by deleting paragraph (g)(4).

Incorporation by Reference

The Director of the Federal Register has approved the material in 33 CFR 155.140, 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 for incorporation by reference under 5 U.S.C. 552 and 1 CFR part 51. Copies of the material are available from the sources listed in those sections.

Regulatory Evaluation

This rule 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 economic impact of this rule is so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This regulation

removes obsolete, unnecessary or excessive provisions, and harmonizes existing regulations with current international and national safety standards, which have already been adopted as industry practices, therefore, the economic impact of this regulation is minimal.

Vessel owners or operators are not required to purchase the international and national standards incorporated by reference in this final rule. If purchased, the total one-time cost of all the reference materials included in this rule 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 choose 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 to install emergency towing equipment on either the bow or stern by 1997. This rule makes 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 rule affects 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 part 155 for existing oil tankships until 1999. This rule changes the existing 33 CFR part 155 implementation date of 1997 to 1999 for all tankships including those ships that may require an additional towing arrangement installation. This 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, harmonizing Coast Guard regulations to international and national standards will benefit the maritime industry by simplifying the requirements to which their vessels are subject.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities.

"Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This 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 rule, they are available in the public forum at no cost or can be purchased at minimal cost. In addition, the 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.

Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Assistance with provisions of this final rule can be obtained by contacting Commandant (G-MSE), Office of Design and Engineering Standards, 2100 Second Street, SW., Washington, DC 20593-0001, telephone 202-267-2967.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

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

Environment

The Coast Guard considered the environmental impact of this rule and

concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. This rule concerns the "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 the above instruction. 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, Seamen.

46 CFR 15

Reporting and recordkeeping requirements, Seamen, 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, Seamen.

46 CFR 30

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

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, Seamen.

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, Seamen.

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 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 amends 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, 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); 46 U.S.C. 3715; sec. 2, E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§§ 155.100–155.130, 155.350–155.400, 155.430, 155.440, 155.470, 155.1030 (j) and (k), and 155.1065(g) also issued under 33 U.S.C. 1903(b); and §§ 155.1110–155.1150 also issued under 33 U.S.C. 2735.

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

2. In § 155.140(b), add, in alphabetical order to the organizations referenced, the following standards:

§ 155.140 Incorporation by reference.

* * * * *

(b) * * *

International Maritime Organization (IMO)

* * * * *

Resolution MSC.35(63), Adoption of Guidelines for Emergency Towing Arrangement on Tankers, May 20, 1994—155.235

* * * * *

3. Revise § 155.235 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 September 30, 1997. For oil tankers constructed before September 30, 1997, such an arrangement shall be fitted at the first scheduled dry-docking, but not later than January 1, 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).

5. In § 159.3, add the definition, in alphabetical order, to read as follows:

§ 159.3 Definitions.

* * * * *

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.

* * * * *

6. Revise § 159.5 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) An operable Type I device that has a label on it under § 159.16 or that is certified under § 159.12, if the vessel is 19.7 meters (65 feet) or less in length.

§ 159.7 [Amended]

7. In § 159.7, remove the note and revise the section 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; or

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

(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.

8. Revise § 159.201 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).

§ 159.205 [Removed]

9. Remove § 159.205.

46 CFR

PART 2—VESSEL INSPECTIONS

10. 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; 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).

11. In § 2.01–1, revise paragraphs (a)(1) and (d)(2) 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. Code, Title 46 and Title 33 U.S. Code, 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) 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 U.S. Customs Service, such vessels will not be inspected and certificated unless specifically authorized by law to engage in the coastwise trade.

12. In § 2.01–10, revise the first sentence of paragraph (b) 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. Code, Title 46 and Title 33 U.S. Code. * * *

* * * * *

13. Revise § 2.01–20 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.

14. Revise § 2.01–40(a) 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 the crew on other voyages.

* * * * *

15. Revise § 2.01–45(a) 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.

* * * * *

16. Revise § 2.01–50(a) 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]

17. Remove subpart 2.45, consisting of §§ 2.45–1 through 2.45–20.

18. Revise § 2.85–1 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

19. 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]

20. In § 3.01–1, remove the words “46 U.S.C. 441” and add, in their place, the words “46 U.S.C. 2101 (18)”.

§ 3.01–3 [Removed]

21. Remove § 3.01–3.

§ 3.03–1 [Amended]

22. In § 3.03–1, remove the words “46 U.S.C. 441” and add, in their place, the words “46 U.S.C. 2101(18)”.

§ 3.10–1 [Amended]

23. In § 3.10–1(a), remove the words “under the provisions of 46 U.S.C. 441”.

PART 4—MARINE CASUALTIES AND INVESTIGATIONS

24. 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.

25. Add § 4.01–3(d) 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.

26. Revise § 4.03–40 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, except a vessel owned or operated by the Department of Transportation or any corporation organized or controlled by the Department (except a vessel operated by the Coast Guard or Saint Lawrence Seaway Development Corporation); and

(b) Is not engaged in commercial service.

§ 4.40–3 [Amended]

27. In § 4.40–3(b), remove the words “R.S. 4450 (46 U.S.C. 239)” and add, in their place, the words “46 U.S.C. Chapter 63”.

28. Revise § 4.40–5(a) 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]

29. In § 4.40–30(f), remove the words “R.S. 4450 (46 U.S.C. 239)” and add, in their place, the words “46 U.S.C. Chapter 63”.

PART 6—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

30. 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]

31. In § 6.07(a), remove the words “subsection (h) of R.S. 4551, as amended (46 U.S.C. 643)” and add, in their place, the words “46 U.S.C. 10311 (c)” and, in paragraph (b), remove the words “R.S. 4551(h), as amended (46 U.S.C. 643)” and add, in their place, the words “46 U.S.C. 10311 (c)”.

§ 6.15 [Removed]

32. Remove § 6.15.

PART 7—BOUNDARY LINES

33. 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]

34. In § 7.1, remove the words “46 U.S.C. 88, the Coastwise Loadline Act;” and add, in their place, the words “46 U.S.C. 5102(b)(6), which exempts from load line requirements certain vessels on domestic voyages;”.

PART 10—LICENSING OF MARITIME PERSONNEL

35. The authority citation for part 10 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110; 46 U.S.C. Chapter 71; 46 U.S.C. 7502, 7505, 7701; 49 CFR 1.45, 1.46; Sec. 10.107 also issued under the authority of 44 U.S.C. 3507.

§ 10.202 [Amended]

36. In § 10.202(e), remove the last sentence.

§ 10.470 [Amended]

37. In § 10.470, in paragraphs (b)(2)(ii), (d)(2)(ii), (f)(2)(ii), (h)(2)(i), and (j)(2)(ii), remove the last two sentences.

§ 10.472 [Amended]

38. In § 10.472(a)(2)(ii), remove the last two sentences.

§ 10.474 [Amended]

39. In § 10.474(a)(2)(ii), remove the last two sentences.

PART 12—CERTIFICATION OF SEAMEN

40. The authority citation for part 12 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701; 49 CFR 1.46.

§ 12.01–5 [Removed]

41. Remove § 12.01–5.

§ 12.02–19 [Amended]

42. In § 12.02–19, remove the words “R.S. 4450, as amended (46 U.S.C. 239)” and add, in their place, the words “46 U.S.C. Chapter 77”.

Subpart 12.07—[Removed]

43. Remove subpart 12.07 consisting of §§ 12.07–1 through 12.07–20.

§ 12.15–13 [Amended]

44. In § 12.15–13, remove paragraph (a)(1) and redesignate paragraphs (a)(2) through (a)(4) as paragraphs (a)(1) through (a)(3), respectively.

§ 12.15–15 [Amended]

45. In § 12.15–15, remove paragraph (a)(1) and redesignate paragraphs (a)(2) through (a)(4) as paragraphs (a)(1) through (a)(3), respectively.

Subpart 12.17—[Removed]

46. Remove subpart 12.17 consisting of §§ 12.17–1 through 12.17–20.

47. Revise § 12.25–1 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]

48. In § 12.25–35(b), remove the words “under the provisions of title 53 of the Revised Statutes and the regulations in this subchapter”.

PART 15—MANNING REQUIREMENTS

49. The authority citation for part 15 continues to read as follows:

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 9102; 49 CFR 1.45 and 1.46.

§ 15.815 [Amended]

50. In § 15.815(c), remove the words “On or after June 1, 1995,” and capitalize the “e” in the word “each”.

PART 16—CHEMICAL TESTING

51. 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 [Amended]

52. In § 16.205, remove paragraphs (a) through (e); and redesignate paragraphs (f) and (g) as paragraphs (a) and (b), respectively.

PART 24—GENERAL PROVISIONS

53. 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.

54. In subpart 24.01, revise the title to read as follows:

Subpart 24.01—Purpose

55. Revise § 24.01–1 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 sail carrying passengers for hire, and barges carrying passengers for hire.

§ 24.01–5 [Removed]

56. Remove § 24.01–5.

§ 24.10–9 [Amended]

57. In § 24.10–9, remove the words “title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder” and add, in their place, the words “Subtitle II, Title 46 U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes”.

§ 24.10–15 [Amended]

58. In § 24.10–15, remove the words “title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder” and add, in their place, the words “Subtitle II, Title 46 U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes”.

§ 24.10–17 [Amended]

59. In § 24.10–17(a), remove the words “, 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]

60. In § 24.10–21, remove the words “title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder” and add, in their place, the words “Subtitle II, Title 46 U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes”.

§ 24.15–5 [Amended]

61. In § 24.15–5, remove the paragraph designation (a) and remove the words “the Motor Boat Act of 1940 (46 U.S.C. 526–526u) and the regulations in”.

PART 25—REQUIREMENTS

62. 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]

63. In § 25.26–5, in paragraphs (b) introductory text and (c) introductory text, remove the words “After March 10, 1994,” and capitalize the letter “t” in the word “the”.

§ 25.26–20 [Amended]

64. In § 25.26–20, in paragraphs (a) introductory text and (b) introductory text, remove the words “After March 10, 1994,” and capitalize the letter “t” in the word “the”.

65. In § 25.40–1, revise paragraph (c) and (d) introductory text to read as follows:

§ 25.40–1 Tanks and engine spaces.

* * * * *

(c) Boats built after July 31, 1980, which are manufactured or used primarily for noncommercial use; which are leased, rented or chartered to another for the latter's noncommercial 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

66. 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.

67. Revise § 26.03–5 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]

68. Remove subpart 26.10 consisting of §§ 26.10–1 and 26.10–5.

PART 28—REQUIREMENTS FOR COMMERCIAL FISHING INDUSTRY VESSELS

69. The authority citation for part 28 continues to read as follows:

Authority: 46 U.S.C. 3316, 4502, 4505, 4506, 6104, 10603; 49 CFR 1.46.

70. In § 28.380(b), insert the words “electrical heating tape,” between the words “galley uptake,” and “or similar source of ignition.”

PART 30—GENERAL PROVISIONS

71. 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]

72. Remove § 30.01–3.

§ 30.01–15 [Amended]

73. In § 30.01–15, remove paragraph (a) and the paragraph designation (b).

§ 30.01–20 [Removed]

74. Remove § 30.01–20.

§ 30.10–19 [Amended]

75. In § 30.10–19, remove the words “title 52, R.S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder and the inspections required thereby” and add, in their place, the words “Subtitle II, Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes”.

§ 30.10–43 [Amended]

76. In § 30.10–43, remove the words “title 52, R.S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder, and the inspections required thereby” and add, in their place, the words “Subtitle II, Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes”.

§ 30.10–47 [Amended]

77. In § 30.10–47, remove the words “title 52, R.S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder and the inspections required thereby” and add, in their place, the words “Subtitle II, Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes”.

Subpart 30.20 [Removed]

78. Remove subpart 30.20 consisting of §§ 30.20–1 through 30.20–50.

PART 31—INSPECTION AND CERTIFICATION

79. The authority citation for part 31 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306; 46 U.S.C. 3316, as amended by Sec. 607, Pub. L. 104–324, 110 Stat. 3901; 46 U.S.C. 3703, 5115, 8105; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; 49 CFR 1.46.

80. Revise § 31.10–5(a)(1) 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, Inc., whose home office is located at 90 West Street, Suite 1612, New York, NY 10006, prior to submission to the Officer in Charge, Marine Inspection.

* * * * *

81. In § 31.10–16, revise paragraphs (a), (b)(3), (c), and (e) 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; or

(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.

* * * * *

(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 organization is 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 90 West Street, Suite 1612, New York, NY 10006.

82. In § 31.10–20, revise paragraphs (a) and (d) 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.

83. In § 31.10–21, revise paragraphs (d)(4), (e) introductory text, and (e)(1) 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]

84. Remove § 31.10–33.

Subpart 31.37—[Removed]

85. Remove subpart 31.37 consisting of §§ 31.37–1 through 31.37–85.

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

86. 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 issued under the authority of Sect. 4109, Pub. L. 101–380, 104 Stat. 515.

87. Revise § 32.53–1(c) 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.

§ 32.53–10 [Amended]

88. In § 32.53–10, remove paragraphs (c) through (f) and revise paragraph (b) 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]

89. Remove § 32.53–15.

§ 32.53–20 [Removed]

90. Remove § 32.53–20.

§ 32.53–25 [Removed]

91. Remove § 32.53–25.

§ 32.53–30 [Removed]

92. Remove § 32.53–30.

§ 32.53–35 [Removed]

93. Remove § 32.53–35.

§ 32.53–40 [Removed]

94. Remove § 32.53–40.

§ 32.53–45 [Removed]

95. Remove § 32.53–45.

§ 32.53–50 [Removed]

96. Remove § 32.53–50.

§ 32.53–55 [Removed]

97. Remove § 32.53–55.

§ 32.53–60 [Removed]

98. Remove § 32.53–60.

§ 32.53–65 [Removed]

99. Remove § 32.53–65.

§ 32.53–70 [Removed]

100. Remove § 32.53–70.

§ 32.53–75 [Removed]

101. Remove § 32.53–75.

§ 32.53–80 [Removed]

102. Remove § 32.53–80.

§ 32.53–85 [Removed]

103. Remove § 32.53–85.

104. Add § 32.55–20(e) 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]

105. Remove § 32.55–40.

106. In § 32.56–1, redesignate the text as paragraph (a) and add paragraph (b) to read as follows:

§ 32.56–1 Application—T/ALL.

* * * * *

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

107. Add § 32.57–1(b) to read as follows:

§ 32.57–1 Application—TB/ALL.

* * * * *

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

108. Revise § 32.57–10(d)(4) 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 divisions or 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 of the 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 [Amended]

109. In § 32.60–25, remove paragraph (b) and remove the designation of paragraph (a).

PART 34—FIREFIGHTING EQUIPMENT

110. 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.

111. In § 34.01–15(b), add in alphabetical order to the organization referenced, the following standard:

§ 34.01–15 Incorporation by reference.

* * * * *

(b) * * *

National Fire Protection Association (NFPA)
Battery March Park, Quincy, MA 02269–9101.

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

§ 34.10–5 [Amended]

112. Revise § 34.10–5(f) 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]

113. Revise § 34.10-10(i) to read as follows:

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

* * * * *

(i) Fire station hydrant connections shall be brass, bronze, or other equivalent metal. Couplings shall either:

(1) Use National Standard fire hose coupling threads for the 1½ inch (38 millimeter) and 2½ inch (64 millimeter) hose sizes, i.e., 9 threads per inch for 1½ inch hose, and 7½ threads per inch for 2½ inch hose; or

(2) Be a uniform design for each hose diameter throughout the vessel.

* * * * *

§ 34.15 [Amended]

114. In § 34.15-5, remove paragraph (d) and redesignate paragraph (e) as paragraph (d).

114a. Revise § 34.20-5(b)(1) 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.

* * * * *

115. Add subpart 34.30, consisting of § 34.30-1, 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

116. 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]

117. In § 35.01-3(b), remove the Philadelphia address for ASTM and add, in its place, a new address and add in numerical order of the incorporated standards the following standard:

§ 35.01-3 Incorporation by reference.

* * * * *

(b) * * *

American Society for Testing and Materials (ASTM)

ASTM International Headquarters, 100 Barr Harbor Dr., West Conshohocken, PA 19248-2959.

* * * * *

ASTM Adjunct F 1626, Symbols for Use in Accordance with Regulation II-2/20 of the 1974 SOLAS Convention, PCN 12-616260-01, © 1996-35.10-3

International Maritime Organization (IMO) Publications Section, 4 Albert Embankment, London, SE1 7SR United Kingdom. Resolution A.654(16), Graphical Symbols for Fire Control Plans-35.10-3

* * * * *

§ 35.01-40 [Removed]

118. Remove § 35.01-40.

§ 35.07-10 [Amended]

119. In § 35.07-10, in paragraph (b)(2), remove the words "46 U.S.C., sections 85e and 88e, and" and in paragraph (c)(2), remove the words "See 46 U.S.C. 85e and 88e."

120. Revise § 35.10-3 to read as follows:

§ 35.10-3 Display of plans—TB/ALL.

Barges 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. For vessels constructed on or after September 30, 1997 or for existing vessels which have their plans redrawn, the symbols used to identify the aforementioned details shall be in accordance with IMO Assembly resolution A.654(16). These identical symbols can also be found in ASTM Adjunct F 1626.

(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 information contained in the plans shall be kept up-to-date, and any changes shall be recorded as soon as possible.

Subpart 35.12 [Removed]

121. Remove subpart 35.12 consisting of §§ 35.12-1 through 35.12-5.

122. Revise § 35.25-15 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]

123. Remove § 35.25-20.

§ 35.30-20 [Amended]

124. In § 35.30-20(d), remove the first sentence.

§ 35.30-40 [Amended]

125. In § 35.30-40, remove paragraph (b), redesignate paragraph (a) as introductory text, and redesignate old

paragraphs (a)(1) through (a)(3) as paragraphs (a) through (c), respectively.

126. Revise § 35.35–85 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 subchapter.

PART 39—VAPOR CONTROL SYSTEMS

127. 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 [Amended]

128. In § 39.10–13, remove paragraph (b) and redesignate paragraphs (c), (d), and (e) as paragraphs (b), (c), and (d), respectively.

PART 50—GENERAL PROVISIONS

129. 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]

130. Remove § 50.01–5.

§ 50.10–5 [Amended]

131. In § 50.10–5, remove the words “title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder” and add, in their place, the words “Subtitle II, Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations under these statutes”.

§ 50.10–10 [Amended]

132. In § 50.10–10, remove the words “title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder,” and add, in their place, the words “Subtitle II, Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations under these statutes”.

§ 50.10–15 [Amended]

133. In § 50.10–15, remove the words “title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder,” and add, in their place, the words “Subtitle II, Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations under these statutes”.

PART 56—PIPING SYSTEMS AND APPURTENANCES

134. 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]

135. Amend § 56.01–2(b) as follows:

- a. Remove the words “ASTM B 154–82, Mercurous Nitrate Test for Copper and Copper Alloy, 56.60–2”;
- b. Remove the words “ASTM F 1173–88” and add, in their place, the words “ASTM F 1173–95”;
- c. Remove the Philadelphia address for ASTM and add, in its place, a new address; and
- d. Add, 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
Conshohocken, 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—Table 56.60–
2(a)

* * * * *

International Maritime Organization (IMO)

Publications Section, 4 Albert
Embankment, London, SE1 7SR
United Kingdom. Resolution
A.753(18) Guidelines for the
Application of Plastic Pipes on
Ships—56.60–25

* * * * *

136. In § 56.07–10, revise paragraphs (c) and (e) 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 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.

* * * * *

137. Revise § 56.10–5(d) 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.

138. Revise § 56.20–15 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 employing resilient material 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 pipe 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 divided by the square root of the nominal pipe size (NPS) of its fully open flow rate through the line after complete removal of all resilient seating material and testing at full rated pressure; as represented by the formula: $(15\% / \sqrt{\text{NPS}})$ (Fully open flow rate). 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 a 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).

139. Revise § 56.50–30(b)(6) to read as follows:

§ 56.50–30 Boiler feed piping.

* * * * *

(b) * * *

(6) A sentinel valve is not required for vessels constructed after September 30, 1997, and for other vessels to which it has been shown to the satisfaction of the cognizant Officer in Charge, Marine Inspection or the Coast Guard Marine Safety Center, that a sentinel valve is not necessary for the safe operation of the particular boiler.

* * * * *

§ 56.50–50 [Amended]

140. In § 56.50–50, remove paragraph (c)(3); redesignate paragraph (c)(4) as paragraph (c)(3); and revise paragraph (c)(2) 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]

141. In § 56.50–90(e), remove the sentence “No perforations or openings will be permitted throughout the length of a sounding pipe where fitted to oil tanks.”

142. Add § 56.50–103 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 vessels stores.

(b) The distribution piping shall be of at least standard wall thickness and 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) Acetylene distribution piping and pipe fittings must be seamless steel. Copper alloys containing less than 65 percent copper may be used in connection with valves, regulators, gages, and other equipment used with acetylene.

(d) Oxygen distribution piping and pipe fittings must be seamless steel or copper.

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

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

(g) Pipe joints on the low pressure side of the regulators shall be welded.

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

(i) 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.

(j) 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.

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

§ 56.60–2 [Amended]

143. In § 56.60–2, remove paragraph (a). Redesignate paragraph (b) introductory text as introductory text to the section. Redesignate paragraphs

(b)(1), (b)(2), (b)(3), (b)(3)(i), (b)(3)(i)(A), and (b)(3)(i)(B) as paragraphs (a), (b), (c), (c)(1), (c)(1)(i), and (c)(1)(ii), respectively. Redesignate the text of paragraph (b)(3)(ii) as paragraph (c)(2) and revise (c)(2), and in table 56.60–2(a), revise footnotes 7 and 9 to read as follows:

§ 56.60–2 Limitations on materials.

* * * * *

(c) * * *

(2) For those specifications in which no filler material 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 above 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.

* * * * *

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.

§ 56.60–25 [Amended]

144. In § 56.60–25, remove paragraph (b); redesignate paragraphs (c), (d), and (e) as paragraphs (b), (c), and (d), respectively; and revise paragraph (a) 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.

* * * * *

145. Revise § 56.95–10(a)(1) and footnote 1 to read as follows:

§ 56.95–10 Type and extent of examination required.

(a) * * *

(1) 100 percent radiography¹ is required for all Class I, I–L, and II–L piping with wall thickness equal to or greater than 10 mm (.375 in.).

* * * * *

146. Add § 56.97–40(a)(10) to read as follows:

§ 56.97–40 Installation tests.

(a) * * *

(10) Fixed oxygen-acetylene system piping.

* * * * *

PART 58—MAIN AND AUXILIARY MACHINERY AND RELATED SYSTEMS

147. 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 [Amended]

148. In § 58.10–10, remove paragraph (b) and redesignate paragraphs (c) and (d) as paragraphs (b) and (c), respectively.

PART 61—PERIODIC TESTS AND INSPECTIONS

149. 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.

150. Revise § 61.05–20 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.

151. In § 61.10–5, revise paragraphs (a) and (b) to read as follows:

§ 61.10–5 Pressure vessels in service.

(a) *Basic requirements.* Each pressure vessel must be examined or tested every 5 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 1 1/2 times the maximum allowable working pressure.

* * * * *

152. Revise § 61.15–12(b) to read as follows:

§ 61.15–12 Nonmetallic expansion joints.

* * * * *

(b) A nonmetallic expansion joint must be replaced 10 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.

153. Revise § 61.20–5(b) 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 5 years at the time of drydocking.

PART 63—AUTOMATIC AUXILIARY BOILERS

154. 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.

155. In § 63.05–1(b), add, 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 Conshohocken, 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, SE1 7SR United Kingdom. Resolution MEPC.59(33), Revised Guidelines for the Implementation of Annex V of MARPOL 73/78—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]

156. In § 63.25–3(j), remove the last sentence.

157. Revise § 63.25–9 to read as follows:

§ 63.25–9 Incinerators.

Incinerators installed on or after March 26, 1998 must meet the requirements of IMO resolution MEPC.59(33). Incinerators in compliance with ISO standard 13617 (1995), "Shipbuilding-Shipboard Incinerators-Requirements" are considered to meet the requirements of IMO resolution MEPC.59(33). Incinerators in compliance with both ASTM F–1323–90, "Standard Specifications for Shipboard Incinerators" and Annexes A1–A3 of IMO resolution MEPC.59(33) are considered to meet the requirements of IMO resolution MEPC.59(33).

PART 68—DOCUMENTATION OF VESSELS PURSUANT TO EXTRAORDINARY LEGISLATIVE GRANTS

158. 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).

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

Subpart 68.01—[Amended]

159. In Subpart 68.01, revise the heading to read as follows:

Subpart 68.01—Regulations Implementing Provisions for 46 U.S.C. App. 883-1**§ 68.01-1 [Amended]**

160. In § 68.01-1, in the definition of “Act” and the definition of “883-1 citizen” or “883-1 corporation” remove the words “(46 U.S.C. 883-1)” and add, in their place, the words “(46 U.S.C. App. 883-1)”.

§ 68.01-3 [Amended]

161. In § 68.01-3, in the introductory paragraph, remove the words “(46 U.S.C. 883-1)” and add, in their place, the words “(46 U.S.C. App. 883-1)” and revise the section heading to read as follows:

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

162. In § 68.01-15(c), revise the introductory text 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

163. 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]

164. In § 69.11, remove paragraph (a)(2)(iv), and redesignate paragraphs (a)(2)(v) and (a)(2)(vi) as paragraphs (a)(2)(iv) and (a)(2)(v), respectively. In paragraph (a)(5), remove the words “After July 18, 1994,” and capitalize the word “A” directly following.

165. In § 69.117(f)(4), revise the introductory text 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

166. 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.

§ 70.01-1 [Amended]

167. In § 70.01-1(a), remove the paragraph designation (a) and remove the words “in accordance with the intent of title 52 of the Revised Statutes 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]

168. Remove § 70.01-5.

§ 70.05-15 [Removed]

169. Remove § 70.05-15.

§ 70.05-25 [Removed]

170. Remove § 70.05-25.

§ 70.10-11 [Amended]

171. In § 70.10-11, remove the words “title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder” and add, in their place, the words “Subtitle II of Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes”.

§ 70.10-25 [Amended]

172. In § 70.10-25, remove the words “title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder” and add, in their place, the words “Subtitle II of Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes”.

§ 70.10-33 [Amended]

173. In § 70.10-33, remove the words “title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder” and add, in their place, the words “Subtitle II of Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes”.

Subpart 70.30 [Removed]

174. Remove subpart 70.30 consisting of §§ 70.30-1 through 70.30-5.

PART 71—INSPECTION AND CERTIFICATION

175. The authority citation for part 71 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3306; 46 U.S.C. 3316, as amended by Sec. 607, Pub. L. 104-324, 110 Stat. 3901; 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]

176. In § 71.01-10(a), remove the words “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”.

§ 71.25-25 [Amended]

177. In § 71.25-25, revise paragraphs (a)(5), (b)(3), and (c) to read as follows and remove paragraph (e):

§ 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 [Amended]

178. In § 71.30-1, remove paragraph (b) and remove the paragraph designation (a).

Subpart 71.47 [Removed]

179. Remove subpart 71.47 consisting of §§ 71.47-1 through 71.47-85.

180. Revise § 71.50-1(a) 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.

* * * *

181. Add § 71.65-1(c) 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

182. 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.

183. Revise § 72.01-1 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 [Amended]

184. In § 72.05-10, remove paragraph (m). Redesignate paragraphs (n) through (q) as paragraphs (m) through (p), respectively.

§ 72.30-5 [Removed]

185. Remove § 72.30-5.

PART 76—FIRE PROTECTION EQUIPMENT

186. 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.

187. In § 76.01-2(b), add, 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—76.25-1

188. Revise § 76.10-5(f) 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.

* * * *

189. In § 76.10-10, revise the heading and paragraph (n)(1) to read as follows:

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

* * * *

(n) * * *

(1) Fire station hydrant connections shall be brass, bronze, or other equivalent metal. Couplings shall either—

(i) Use National Standard fire hose coupling threads for the 1½ inch (38 millimeter) and 2½ inch (64 millimeter) hose sizes, i.e., 9 threads per inch for 1½ inch hose, and 7½ threads per inch for 2½ inch hose; or

(ii) Be a uniform design for each hose diameter throughout the vessel.

* * * *

§ 76.15-5 [Remove and Reserve]

190. Remove and reserve § 76.15-5(d).

191. Revise § 76.25-1 to read as follows:

§ 76.25-1 Application.

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

192. Revise § 76.25-90 to read as follows:

§ 76.25-90 Installations contracted for prior to September 30, 1997.

(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

193. 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.

194. In § 77.35-10(a), add 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

195. 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.

196. Add § 78.01-2 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 20002, 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 Conshohocken, PA 19248-2959.

ASTM Adjunct F 1626, Symbols for Use in Accordance with Regulation 11-2/20 of the 1974 SOLAS Convention, PCN 12-616260-01, • 1996—78.45-1

International Maritime Organization (IMO)

Publications Section, 4 Albert Embankment, London, SE1 7SR United Kingdom. Resolution A.654(16), Graphical Symbols for Fire Control Plans—78.45-1

197. Revise § 78.17-30 to read as follows:

§ 78.17–30 Examination of boilers and machinery.

It shall be the duty of the chief engineer when assuming 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]

198. Remove § 78.33–20.

§ 78.37–10 [Amended]

199. In § 78.37–10(b) introductory text, remove the words “(R.S. 4467, as amended, 46 U.S.C. 460)”.

Subpart 78.43—[Removed]

200. Remove subpart 78.43 consisting of § 78.43–1.

201. Revise § 78.45–1 to read as follows:

§ 78.45–1 When required.

(a) Vessels of 1,000 gross tons and over, and vessels of any tonnage on an international voyage shall have permanently exhibited for the guidance of the officer in charge of the vessel the following plans:

(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.

(2) For vessels constructed on or after September 30, 1997, and for existing vessels which have their plans redrawn, the symbols used to identify the aforementioned details shall be in accordance with IMO Assembly resolution A.654(16). The identical symbols can be found in ASTM Adjunct F 1626.

(3) 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.

(4) 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.

202. Revise § 78.47–27 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]

203. Remove subpart 78.53 consisting of §§ 78.53–1 through 78.53–5.

204. Revise § 78.55–1 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.

205. Revise § 78.65–1 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

206. The authority citation for part 80 continues to read as follows:

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

207. Revise § 80.01 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]

208. In § 80.40, remove the words “46 U.S.C. 362(b)” and add, in their place, the words “46 U.S.C. 3504”.

PART 90—GENERAL PROVISIONS

209. 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.

210. Revise § 90.01–1 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]

211. Remove § 90.01–5.

§ 90.05–30 [Removed]

212. Remove § 90.05–30.

213. Revise § 90.10–9 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 the officer's district, which include the inspection, enforcement, and administration of Subtitle II of Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

214. Revise § 90.10–21 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, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

215. Revise § 90.10–23 introductory text 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:

* * * * *

216. Revise § 90.10–27 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, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

217. In § 90.10–36, revise the first sentence 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). * * *

Subpart 90.30–1 [Removed]

218. Remove subpart 90.30–1 consisting of §§ 90.30–1 through 90.30–5.

PART 91—INSPECTION AND CERTIFICATION

219. The authority citation for part 91 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306; 46 U.S.C. 3316, as amended by Sec. 607, Pub. L. 104–324, 110 Stat. 3901; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; 49 CFR 1.46.

§ 91.25–25 [Amended]

220. In § 91.25–25, revise paragraphs (a)(3), (b)(3), and (c) to read as follows and remove paragraph (e):

§ 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]

221. Remove subpart 91.37 consisting of §§ 91.37–1 through 91.37–85.

222. In § 91.40–1, revise paragraphs (a) and (d) 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.

223. In § 91.40–3, revise paragraphs (d)(4), (e) introductory text, and (e)(1) 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);

* * * * *

224. Add § 91.55–1(c) to read as follows:

§ 91.55–1 General.

* * * * *

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

PART 92—CONSTRUCTION AND ARRANGEMENT

225. The authority citation for part 92 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.

226. Add § 92.07–1(c) to read as follows:

§ 92.07–1 Application.

* * * * *

(c) SOLAS-certificated 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

227. 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]

228. Remove subpart 93.20 consisting of §§ 93.20–1 through 93.20–20, including table 93.17–15.

PART 95—FIRE PROTECTION EQUIPMENT

229. 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.

230. In § 95.01–2(b), add, 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

231. Revise § 95.10–5(f) 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.

* * * * *

232. Revise § 95.10–10(n)(1) to read as follows:

§ 95.10–10 Fire hydrants and hose.

* * * * *

(n) * * *

(1) Fire station hydrant connections shall be brass, bronze, or other equivalent metal. Couplings shall either:

(i) Use National Standard fire hose coupling threads for the 1½ inch (38 millimeter) and 2½ inch (64 millimeter) hose sizes, i.e., 9 threads per inch for 1½ inch hose, and 7½ threads per inch for 2½ inch hose; or

(ii) Be a uniform design for each hose diameter throughout the vessel.

* * * * *

§ 95.15-5 [Amended]

233. In § 95.15-5, remove paragraph (d) and redesignate paragraphs (e) and (f) as paragraphs (d) and (e), respectively.

234. Add subpart 95.30 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

235. 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.

236. In § 96.35-10(a), add 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

237. The authority citation for part 97 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.

238. Add § 97.01-2 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 20002, 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 Conshohocken, PA 19248-2959.

ASTM Adjunct F 1626, Symbols for Use in Accordance with Regulation 11-2/20 of the 1974 SOLAS Convention, PCN 12-616260-01, © 1996-1997.36-1

International Maritime Organization (IMO)

Publications Section, 4 Albert Embankment, London, SE1 7SR United Kingdom. Resolution A.654(16), Graphical Symbols for Fire Control Plans-97.36-1

239. Revise § 97.15-15 to read as follows:

§ 97.15-15 Examination of boilers and machinery.

It shall be the duty of the chief engineer when assuming 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]

240. Remove § 97.30-20.

241. Revise § 97.36-1 to read as follows:

§ 97.36-1 When required.

Barges 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. For vessels constructed on or after September 30, 1997 or for existing vessels which have their plans redrawn, the symbols used to identify the aforementioned details shall be in accordance with IMO Assembly resolution A.654(16). These identical symbols can also be found in ASTM Adjunct F 1626.

(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.

242. In § 97.37-20, revise the heading to read as follows:

§ 97.37-20 Self-contained breathing apparatus.

* * * * *

Subpart 97.43—[Removed]

243. Remove subpart 97.43 consisting of §§ 97.43-1 to 97.43-5.

244. Revise § 97.45-1 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.

245. Revise § 97.53-1 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

246. 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.

247. Revise § 105.01-1 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]

248. Remove § 105.10–1.

249. Revise § 105.35–1(a) to read as follows:

§ 105.35–1 General.

(a) In addition to the requirements in § 28.160 of subchapter C of this chapter, at least two B–II 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

250. The authority citation for part 108 continues to read as follows:

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

251. In § 108.101(b), add, in alphabetical order of the organizations referenced, the following standard:

§ 108.101 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—108.430

252. Revise § 108.417(e) to read as follows:

§ 108.417 Fire pump components and associated equipment.

* * * * *

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

253. Revise § 108.425(b) to read as follows:

§ 108.425 Fire hoses and associated equipment.

* * * * *

(b) Fire station hydrant connections shall be brass, bronze, or other equivalent metal. Couplings shall either:

(1) Use National Standard fire hose coupling threads for the 1½ inch (38 millimeter) and 2½ inch (64 millimeter) hose sizes, i.e., 9 threads per inch for 1½ inch hose, and 7½ threads per inch for 2½ inch hose; or

(2) Be a uniform design for each hose diameter throughout the vessel.

* * * * *

254. In Subpart D, after § 108.429, add an undesignated centerhead and § 108.430 to read as follows:

Automatic Sprinkling Systems**§ 108.430 General.**

Automatic Sprinkler Systems shall comply with NFPA 13–1996.

§ 108.435 [Removed]

255. Remove § 108.435.

PART 109—OPERATIONS

256. The authority citation for part 109 continues to read as follows:

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

257. Add § 109.105 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 Capitol Street, NW., suite 700, Washington, DC 20002, 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 Conshohocken, PA 19248–2959.

ASTM Adjunct F 1626, Symbols for Use in Accordance with Regulation 11–2/20 of the 1974 SOLAS Convention, PCN 12–616260–01, © 1996–109.563

International Maritime Organization (IMO)

Publications Section, 4 Albert Embankment, London, SE1 7SR United Kingdom.
Resolution A.654.(16), Graphical Symbols for Fire Control Plans—109.563

§ 109.121 [Amended]

258. In § 109.121, remove paragraph (b) and redesignate paragraph (c) as paragraph (b).

§ 109.423 [Removed]

259. Remove § 109.423.

260. Revise § 109.431(a) to read as follows:

§ 109.431 Logbook.

(a) The master or person in charge of a unit, that 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.

* * * * *

261. Revise § 109.555(b) to read as follows:

§ 109.555 Propulsion boilers.

* * * * *

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

262. Add § 109.563(a)(6) to read as follows:

§ 109.563 Posting of documents.

* * * * *

(a) * * *

(6) For units constructed on or after September 30, 1997, and for existing units which have their plans redrawn, the symbols used to identify the aforementioned details shall be in accordance with IMO Assembly resolution A.654(16). The identical symbols can be found in ASTM Adjunct F 1626.

* * * * *

PART 147A—INTERIM REGULATIONS FOR SHIPBOARD FUMIGATION

263. 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

264. The authority citation for part 148 is revised to read as follows:

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

265. Revise § 148.01–1(c) to read 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 [Amended]**

266. In Subchapter O, remove the Note which precedes part 150.

PART 150—COMPATIBILITY OF CARGOES

267. 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.

268. Revise § 150.110 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

269. 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.

270. Revise § 151.03–30(c) (the Note remains unchanged) to read as follows:

§ 151.03–30 Hazardous material.

* * * * *

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

* * * * *

271. Revise § 151.03–41 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, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

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

272. 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. 5103. 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).

273. In § 153.2, paragraph (3) (but not the Note) in the definition of Hazardous material is revised to read as follows:

§ 153.2 Definitions and acronyms.

* * * * *

Hazardous material means a liquid material or substance that is—

* * * * *

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

* * * * *

§ 153.470 [Amended]

274. In § 153.470, remove the Note at the end of the section.

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

275. The authority citation for part 154 continues to read as follows:

Authority: 46 U.S.C. 3703, 9101; 49 CFR 1.46.

§ 154.1445 [Removed]

276. Remove § 154.1445.

PART 160—LIFESAVING EQUIPMENT

277. The authority citation for part 160 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703, and 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

278. Revise § 160.001–1 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.

279. In § 160.001–2, revise paragraphs (b) and (d) to read as follows:

§ 160.001–2 General characteristics of life preservers.

* * * * *

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

* * * * *

(d) A life preserver must be:

(1) Simple in design;

(2) Capable of being:

(i) Worn inside-out,

(ii) worn 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.

* * * * *

280. Revise § 160.001–3 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.

281. Add § 160.001–5 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 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.

282. Revise § 160.002-5 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 § 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.

283. Revise § 160.002-7 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.

284. Revise § 160.005-5 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 § 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.

285. Revise § 160.005-7 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.

286. In subpart 160.006, revise the heading to read "Subpart 160.006—Life Preservers: Repairing."

§ 160.006-1 [Removed]

287. Remove § 160.006-1.

§ 160.006-4 [Removed]

288. Remove § 160.006-4.

§ 160.006-5 [Removed]

289. Remove § 160.006-5.

§ 160.013-4 [Removed]

290. Remove § 160.013-4.

§ 160.013-6 [Removed]

291. Remove § 160.013-6.

§ 160.016-3 [Removed]

292. Remove § 160.016-3.

§ 160.024-6 [Removed]

293. Remove § 160.024-6 and figure 160.024-6(a).

§ 160.026-6 [Amended]

294. In § 160.026-6, remove table 160.026-6(f), remove paragraphs (f) and (g), and revise paragraph (a), the text of paragraphs (c) and (d), and paragraph (e) 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.

* * * * *

(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.

* * * * *

(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.

295. Revise § 160.026-7 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]

296. In § 160.035-2, remove paragraph (e).

297. Revise § 160.035-3 to read as follows:

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

(a) *Type.* Lifeboats shall have rigid sides and be fitted with internal buoyancy so arranged that the boats will float in the flooded condition when

fully loaded with persons and equipment. The capacity of an oar-propelled lifeboat is limited to a maximum of 59 persons. Lifeboats designed to carry 60, but not more than 100, persons shall be either hand-propelled or motor-propelled. Lifeboats designed to carry more than 100 persons shall be motor-propelled, except that a lifeboat designed to carry more than 100 persons may be hand-propelled if it is a replacement for a previously approved hand-propelled lifeboat.

(b) *Materials.* (1) Plating for shell, floors, air tanks, etc., shall be made by the open-hearth or electric furnace process in accordance with ASTM Standards A-525 Class 1.25 Commercial. The bend tests required by these specifications shall be made after the galvanizing or other anticorrosive treatment has been applied.

(2) Rivets and rolled or extruded shapes such as keel, stem, sternpost, gunwales, etc., shall be made by the open-hearth or electric furnace process in accordance with ASTM Standard Specification A-36. Consideration will be given to the use of other steels having equivalent strength where longitudinal cold forming is necessary.

(c) *Riveting.* (1) Riveting of the shell plating to the keel, stem, and sternpost shall be button head rivets, staggered with not less than 12 rivets to the foot. The distance from the edge of the plate to the centers of the rivets in the nearest row shall be not less than $\frac{1}{2}$ inch nor more than $\frac{3}{4}$ inch. Rivets connecting the shell to the gunwale shall be spaced not more than 3 inches on centers. The size of the rivets for connecting the shell plating to the keel, stem, sternpost, and gunwale shall be $\frac{1}{4}$ -inch diameter for boats 28 feet and under and $\frac{5}{16}$ -inch diameter for boats over 28 feet.

(2) The connection of the floors to the shell shall be a single row of rivets not less than $\frac{3}{16}$ inch in diameter and spaced not more than 3 inches on centers.

(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.

(e) *Gunwale braces.* (1) The gunwale braces shall be bolted to the thwarts with at least two carriage bolts of a size not less than that noted in table 160.035-3(e)(1) and riveted or welded to the gunwales. Where riveted to the gunwale, at least two rivets of a size not

less than that noted in table 160.035-3(e)(1) shall be used.

TABLE 160.035-3(E)(1)

Length of lifeboat	Brace size (inches)	Bolts and rivets diameter (inch)
22 feet and under.	3 x $\frac{1}{4}$	$\frac{5}{16}$
Over 22 feet and not over 28.	3 x $\frac{5}{16}$	$\frac{3}{8}$
Over 28 feet	3 x $\frac{3}{8}$	$\frac{7}{16}$

(2) Bracket type gunwale braces will be given special consideration.

(f) *Seats.* (1) The thwarts, side benches, and end benches shall be of fir, yellow pine, fibrous glass reinforced plastic (FRP), or approved equivalent.

(2) The edges of all thwarts, side, and end benches shall be well rounded.

(3) Suitable foot rests shall be furnished at a distance of between 17 and 20 inches below the thwarts and side benches. This may be accomplished by raising the footings from the bottom of the boat.

(4) The leading edge of the thwart or end bench shall be located a minimum of 3 inches and a maximum of 6 inches distance from the Rottmer release gear.

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

(h) *Disengaging apparatus.* (1) Connections for the disengaging apparatus shall have a minimum factor of safety of six.

(2) For construction and capacity of disengaging apparatus, see subpart 160.033.

(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.

(j) *Protection against corrosion.* (1) All steel or iron entering into the construction of lifeboats shall be galvanized by the hot dipped process. All fabricated pieces or sections are to be galvanized after fabrication. Other methods of corrosion prevention will be given special consideration.

(2) Where welded construction is employed, the material shall be galvanized after welding unless impractical to do so in which case consideration will be given to equivalent protection.

(3) Provisions shall be made to obtain a satisfactory bond between the metal and the paint.

(k) *Rudders.* (1) Each lifeboat shall be fitted with a rudder and tiller. The rudder shall be fitted with a $\frac{1}{2}$ -inch diameter manila lanyard of such length as to permit the rudder to be shipped without untying the lanyard.

(2) A suitable hinged or pivoted tiller shall be provided.

(3) Rudder stops shall be provided to limit the rudder angle to approximately 45 degrees each side of the centerline.

(l) *Buoyancy tanks.* (1) All lifeboats shall have inherent buoyancy, or shall be fitted with buoyancy tanks or other equivalent noncorrodible buoyancy units, which shall not be adversely affected by oil or oil products, sufficient to float the boat and its equipment when the boat is flooded and open to the sea. An additional volume of buoyancy, or buoyancy units, equal to at least one-tenth the cubic capacity of the lifeboat shall be provided.

(2) At least 50 percent of the buoyancy shall be located along the sides of the boat and shall be so located that the boat will be on even keel when flooded.

(3) The tops of the buoyancy tanks or buoyancy units shall be protected by the side benches or other suitable means. The construction shall be such that water will not collect on the tops of the tanks.

(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.

(m) *Equipment stowage.* (1) Provision lockers, water tanks, and special equipment lockers shall be watertight and so designed and located as to fit under the side benches, end benches, or footings without projecting into the accommodation spaces of the lifeboat. In special cases, stowage under the thwarts will be permitted. Standard $\frac{1}{4}$ inch pipe size testing nipples shall be fitted to all such lockers or tanks.

(2) Water tanks shall be constructed of at least 18 USSG material. An opening with a dogged type cover shall be provided for removal of water cans. This opening shall be at least 7 inches in

diameter, but in any case shall be of sufficient size that all water cans can be removed. In addition, built-in water tanks shall have an opening at least 13 inches in diameter with a bolted cover for the purpose of inspection and maintenance. A 2-inch diameter fill cap shall be installed for the purpose of storing rain water. A standard 1/4-inch pipe size drainage nipple with hexagonal cap shall be fitted in the bottom of the tank in an accessible location and may be used for air testing the water tank.

(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 1 1/2 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 1 1/2 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]

298. Remove § 160.035-4.

§ 160.035-6 [Amended]

299. In § 160.035-6, remove the text of paragraphs (b), (d), (f), (g), and (h) and redesignate paragraphs (c), (e), and (i) as paragraphs (b), (c), and (d), respectively.

Table 160.035-6(d)(1) [Removed]

300. Remove table 160.035-6(d)(1).

§ 160.035-7 [Removed]

301. Remove § 160.035-7.

§ 160.035-9 [Amended]

302. In § 160.035-9, remove paragraph (c) and redesignate paragraph (d) as paragraph (c).

§ 160.041-5 [Amended]

303. In § 160.041-5, remove paragraph (a) and redesignate paragraphs (b) through (f) as paragraphs (a) through (e), respectively.

§ 160.041-7 [Removed]

304. Remove § 160.041-7.

§ 160.043-7 [Removed]

305. Remove § 160.043-7.

§ 160.044-4 [Amended]

306. In § 160.044-4, remove paragraph (a) and redesignate paragraphs (b) through (d) as paragraphs (a) through (c), respectively. In the newly designated paragraph (a), replace the word "pump" with the words "bilge pump" wherever it appears.

§ 160.044-6 [Removed]

307. Remove § 160.044-6.

§ 160.048 [Amended]

308. In § 160.048-6, remove paragraph (c) and in paragraph (a)(1) revise the entry following "If pads become waterlogged, replace device." to read as follows:

§ 160.048-6 Marking.

- (a) * * *
- (1) * * *

Approved for use on recreational boats only as a throwable device.

* * * * *

§ 160.049.6 [Amended]

309. In § 160.049-6, remove paragraph (c) and in paragraph (a)(1) revise the entry following "Dry out thoroughly when wet." to read as follows:

§ 160.049-6 Marking.

- (a) * * *
- (1) * * *

Approved for use on recreational boats only as a throwable device.

* * * * *

§ 160.050-5 [Amended]

310. Amend § 160.050-5 as follows:
a. Remove footnote 1;
b. Revise paragraphs (a) through (f);
c. Add paragraphs (g) through (i);
d. Redesignate table 160.050-5(b) as table 160.050-5(e); and

e. Revise the new table 160.050-5(e) 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 the 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 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.

(iv) Meet 33 CFR 181.701 through 33 CFR 181.705 which requires an instruction pamphlet for each device that is sold or offered for sale for use on recreational boats, and must make the pamphlet accessible prior to purchase.

(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 buoys 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 buoys. A lot number must be assigned to each group of life buoys 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 160.050-5(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 160.050-5(E).—SAMPLING FOR BUOYANCY TESTS

Lot size	Number of life buoys 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 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.

(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; and

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

(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.

§ 160.050-6 [Amended]

311. In § 160.050-6(a), remove the sentence "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 replace it with the sentence "Approved for use on recreational boats only as a throwable device.", and remove paragraph (c).

312. Revise § 160.050-7 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 [Amended]

313. In § 160.053–1, remove paragraph (c).

314. Revise § 160.053–6 to read as follows:

§ 160.053–6 Procedure for approval.

(a) *General.* Work vests for use on merchant vessels 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]

315. In § 160.054–5, remove paragraph (a) and redesignate paragraphs (b) and (c) as paragraphs (a) and (b), respectively.

§ 160.054–7 [Amended]

316. In § 160.054–7, remove paragraph (a) and redesignate paragraphs (b) and (c) as paragraphs (a) and (b), respectively.

§ 160.055–7 [Amended]

317. Revise § 160.055–7 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) 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.

318. Revise § 160.055–9(a) 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 of this part.

* * * * *

§ 160.056–5 [Removed]

319. Remove § 160.056–5.

§ 160.058–6 [Removed]

320. Remove § 160.058–6.

§ 160.061–6 [Removed]

321. Remove § 160.061–6.

§ 160.061–7 [Removed]

322. Remove § 160.061–7.

323. Revise § 160.062–6 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]

324. In § 160.064–4(a)(1), remove the sentence “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 add, in its place, the sentence “Approved for use on recreational boats only as a throwable device.”, and remove paragraph (c).

PART 164—MATERIALS

325. The authority citation for part 164 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

326. Revise subpart 164.013 to read as follows:

Subpart 164.013—Foam, Unicellular Polyethylene (Buoyant, Slab, Slitted Trigonal Pattern)

Sec.

- 164.013-1 Scope.
- 164.013-2 Incorporation by reference.
- 164.013-3 Material properties and workmanship
- 164.013-4 Samples submitted for acceptance.
- 164.013-5 Acceptance tests.
- 164.013-6 Production tests, inspections, and marking.
- 164.013-7 Marking.

§ 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 (PFDs) 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 Incorporation by reference.

(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 20002, 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, Standards for Components for Personal Flotation Devices, May 16, 1995—164.013-3; 160.013-5.

(c) *Copies on file.* Copies of the specifications and letter of 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).

§ 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.

§ 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

327. 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.

328. Revise § 166.01(a) 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

329. 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.

330. Revise § 167.01-1 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.

331. Revise § 167.05-15 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 the officer's district, which include the inspections, enforcement, and administration of Subtitle II of Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

332. Revise § 167.05-20 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, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

333. Revise § 167.05–30 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, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

334. Revise § 167.10–1 to read as follows:

§ 167.10–1 Enforcement.

The Officer in Charge, Marine Inspection, is responsible for the performance of duties within the officer's jurisdiction with respect to inspection of nautical school ships.

§ 167.25–20 [Removed]

335. Remove § 167.25–20.

336. Revise § 167.45–60(a) 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 face piece, 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]

337. In § 167.45–75, remove the last two sentences.

§ 167.65–45 [Amended]

338. In § 167.65–45(c), remove the words “3d,” and “12th.”

PART 168—CIVILIAN NAUTICAL SCHOOL VESSELS

339. The authority citation for part 168 continues to read as follows:

Authority: 46 U.S.C. 3305, 3306; 49 CFR 1.46.

§ 168.01–5 [Removed]

340. Remove § 168.01–5.

§ 168.01–10 [Removed]

341. Remove § 168.01–10.

PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS

342. The authority citation for part 170 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 2103, 3306, 3703, 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

343. In § 170.075, revise the introductory text of paragraph (a) 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 Coast Guard Marine Safety Center or four copies for plan review being conducted by the American Bureau of Shipping (ABS) of each of the following plans:

* * * * *

344. Revise § 170.080 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 Coast Guard Marine Safety Center or four copies for plan review being conducted by the ABS.

345. Revise § 170.085 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

Coast Guard Marine Safety Center or the ABS at least two weeks before the test.

346. Revise § 170.093 to read as follows:

§ 170.093 Specific approvals.

Certain rules in this subchapter require specific approval of equipment or arrangements by the Commandant, OCMI, or Coast Guard Marine Safety Center. These approval determinations will be made as a part of the plan review process. When plan review is conducted by the ABS, ABS is authorized to make the approval.

§ 170.098 [Removed]

347. Remove § 170.098.

348. Revise § 170.100 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 Office 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, 106th Floor, New York, NY 10048.

(d) The American Bureau of Shipping (ABS), ABS Plaza, 16855 North Chase Dr., Houston, TX 77060–6008.

349. Revise § 170.110(b) to read as follows:

§ 170.110 Stability booklet.

* * * * *

(b) Each stability booklet must be approved by the Coast Guard Marine Safety Center or the ABS.

* * * * *

350. Revise § 170.120(a) 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.

* * * * *

351. In § 170.170, revise paragraphs (b) and (d) to read as follows:

§ 170.170 Calculations required.

* * * * *

(b) If approved by the Coast Guard 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 Coast Guard 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.

352. In § 170.173, revise the introductory text to paragraph (a) to read as follows:

§ 170.173 Criterion for vessels of unusual proportion and form.

(a) If required by the Coast Guard 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—

* * * * *

353. In § 170.175, revise paragraphs (b) through (d) 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 ensure that the vessel has adequate stability in all probable loading conditions.

354. In § 170.180, revise the introductory paragraph 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:

* * * * *

355. Revise § 170.185(b) 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 Coast Guard 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.

* * * * *

356. Revise § 170.190 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]

357. Remove § 170.210.

358. Revise § 170.235(b) to read as follows:

§ 170.235 Fixed ballast.

* * * * *

(b) Fixed ballast may not be removed from a vessel or relocated unless approved by the Coast Guard 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

359. The authority citation 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.

360. Add §§ 172.010 through 172.040 to subpart B to read as follows:

Subpart B—Bulk Grain

Sec.

172.010 Applicability.

172.015 Document of authorization.

172.020 Incorporation by reference.

172.030 Exemptions for certain vessels.

172.040 Certificate of loading.

Subpart B—Bulk Grain

§ 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 Cape 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 Assembly 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 Vesey 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 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 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 20002, 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, SE1 7SR United Kingdom.

Amendment 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, VA;
 (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 vessel's longitudinal strength 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:

$GMI = (B3 \times L \times 0.0661) (\text{Disp.} \times SF)$
 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 Vesey

Street, New York, NY, 10007-2914, for the purpose of issuing certificates of loading.

PART 188—GENERAL PROVISIONS

361. 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, 1980 Comp., p. 277; 49 CFR 1.46.

362. Revise § 188.01-1 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 [Amended]

363. In § 188.01-3, remove paragraph (b) and the paragraph designation (a).

§ 188.01-5 [Removed]

364. Remove § 188.01-5.

§ 188.05-2 [Amended]

365. In § 188.05-2, remove paragraph (a) and redesignate paragraphs (b) and (c) as paragraphs (a) and (b), respectively.

366. Revise § 188.05-10(b)(2) 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]

367. Remove § 188.05-30.

368. Revise § 188.10-13 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 the officer's district, which include the inspections, enforcement, and administration of Subtitle II of Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

369. Revise § 188.10-45 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, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

370. Revise § 188.10-49 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.

371. Revise § 188.10-55 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, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

372. Revise § 188.10-65 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

373. 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.

374. Revise § 189.35-9(c)(2) 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 recognized by the Commandant under § 31.10-6.

* * * * *

375. In § 189.40-1, revise paragraphs (a) and (c) 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.

376. In § 189.40-3, revise the heading and paragraphs (d)(4), (d)(5), (e) introductory text, and (e)(1) 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

377. 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.

378. In § 193.01-3(b), add, in alphabetical order of the organizations referenced, the following standard:

§ 193.01-3 Incorporation by reference.

* * * * *

(b) * * *

National Fire Protection Association (NFPA)
Batterymarch Park, Quincy, MA 02269-9101.
NFPA 13-1996, Standard for the Installation of Sprinkler Systems—193.30-1

379. Revise § 193.10-5(f) 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.

* * * * *

380. Add subpart 193.30 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

381. 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]

382. In § 195.30-90(c), remove the words "After November 23, 1994," and capitalize the "e" in the word "each".

§ 195.35-90 [Amended]

383. In § 195.35-90(c), remove the words "After November 23, 1994," and capitalize the "e" in the word "each".

PART 196—OPERATIONS

384. The authority citation for part 196 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2213, 3306, 5115, 6101; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 196.05-1 [Amended]

385. In § 196.05-1(c), remove the words "3d," and "12th,".

386. Revise § 196.53-1 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

387. 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.

388. Revise § 197.462 to read as follows:

§ 197.462 Pressure vessels and pressure piping.

(a) The diving supervisor shall ensure 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.

389. In § 197.480, revise paragraphs (a) and (b) to read as follows:

§ 197.480 Logbooks.

(a) The person-in-charge of a vessel or facility, that is 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.

* * * * *

390. Revise § 197.540(b) 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: September 22, 1997.

R. C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine, Safety and Environmental Protection.

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