Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent a differential of aileron control between the pilot's control wheel and the co-pilot's control wheel caused by the aileron tie-rod jam nuts becoming loose, which could result in loss of aileron control and consequent loss of control of the airplane, accomplish the following:

(a) Inspect the aileron tie-rod jam nuts for looseness in accordance with the Accomplishment Instructions section of Pilatus Service Bulletin No. 27–001, dated March 25, 1997. Prior to further flight, tighten any loose jam nuts in accordance with this service bulletin.

(b) Install a locking sleeve on both ends of the aileron tie-rod in the chain-drive of the aileron system in accordance with the Accomplishment Instructions section of Pilatus Service Bulletin No. 27–001, dated March 25, 1997.

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Pilatus Aircraft Ltd., CH–6370 Stans, Switzerland; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 4: The subject of this AD addresses the actions specified in Swiss AD FOCA AD HB 97–174, dated April 30, 1997.

Issued in Kansas City, Missouri, on September 30, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–26411 Filed 10–3–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 101, 161, and 501

[Docket No. 92P–0441]

Food Labeling; Net Quantity of Contents; Compliance; Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening until December 1, 1997, the comment period on a proposed rule that was published in the **Federal Register** of March 4, 1997 (62 FR 9826). The document proposed to revise the agency's human and animal food labeling regulations that pertain to declarations of net quantity of contents on food packages. This action is being taking to allow interested persons additional time to submit comments to FDA on a survey sponsored by the Federal Trade Commission on the accuracy of net content labeling of milk and other products.

DATES: Written comments by December 1, 1997.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Loretta A. Carey, Center for Food Safety and Applied Nutrition (HFS–158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5099.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 4, 1997 (62 FR 9826), FDA published a proposed rule to revise its human and animal food labeling regulations that pertain to declarations of net quantity of contents on food packages. That proposal set out procedures for determining whether net quantity of contents declarations accurately reflect the amount of product in food packages. Interested persons were given until June 2, 1997, to comment on the proposed rule. In the **Federal Register** of May 30, 1997 (62 FR 29313), the agency extended the comment period for an additional 90 days. The comment period closed on September 2, 1997.

FDA has received two requests for a second 90-day extension of the comment period on its proposed rule on net quantity of contents on food packages. The requests were from trade associations that represent major segments of both the food and feed industries. Both requests stated that industry representatives would need this extension in light of the national 20-State survey regarding the accuracy of net content labeling of milk and, to a lesser extent, of other dairy products (such as yogurt and cottage cheese) and of juice. The survey was conducted because of State and local reports of short-filling in packages of milk served in schools or sold in retail stores. The survey was made available on July 17, 1997. The requests for extension of the comment period stated that the industry representatives needed additional time to review and analyze this study before they could complete their comments.

FDA informally granted an extension of 28 days until September 30, 1997, under the provisions in 21 CFR 10.40(b)(3)(ii). The agency has now decided, however, that extending the comment period until December 1, 1997, as requested, will allow interested persons to fully review and analyze the data from the national survey. This extension will ensure that there is full consideration of all data and issues relating to the agency's net quantity of contents proposal.

Interested persons may, on or before December 1, 1997, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 30, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–26450 Filed 10–3–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 155

46 CFR Parts 25, 27, and 32

[CGD 97–064]

RIN 2115–AF–53

Towing Vessel Safety

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to improve towing vessel and tank-barge safety measures by requiring the installation of equipment to suppress fires on towing vessels and to enhance existing standards for anchoring or retrieving a drifting tank barge. This proposal was developed in cooperation with the Towing Vessel Safety Advisory Committee (TSAC). The Coast Guard is addressing the human element through muster lists, training, drills, and performance-based requirements, as well as recommended practices. Regulations are required by the Coast Guard Authorization Act of 1996. This action is expected to reduce the number of oil spills causing damage to marine life and the environment from single hull, non-self-propelled tank vessels.

DATES: Comments must reach the Coast Guard on or before January 5, 1998. Comments sent to the Office of Management and Budget (OMB) on collection of information must reach OMB on or before December 5, 1997.

ADDRESSES: You may mail comments to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 97–064), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or deliver them to room 3406 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–267–1477. You must also mail comments on the collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attn: Desk Officer, U.S. Coast Guard.

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

FOR FURTHER INFORMATION CONTACT: Morgan J. Hurley, P.E., Project Manager (Fire Protection) (202) 267–0172 or E-mail <mhurley@comdt.uscg.mil>; or LTJG Patrick J. DeShon, Project Manager (Emergency Control Systems) (202) 267–0864 or E-mail <pdeshon@comdt.uscg.mil>.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages you to participate in this rulemaking by submitting written data, views, or arguments. You should include your name and address, identify this rulemaking (CGD 97–064) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you want us to acknowledge receiving your comments, please enclose a stamped, self-addressed postcard or envelope.

The Coast Guard is also soliciting comments on the question and answer format used in part 27. This format is intended to make regulations more readable. We are interested in your feedback on its effectiveness and your suggestions for possible improvements. The Coast Guard will consider all comments received during the comment period and may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. You may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES**. Your request should include the reasons why a hearing would be beneficial. If the Coast Guard determines that oral presentations will aid this rulemaking, it will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

On January 19, 1996, the tugboat SCANDIA, towing the oil barge, NORTH CAPE, caught fire five miles off the coast of Rhode Island. The crew could not control the fire, and without power they were unable to prevent the barge carrying 4 million gallons of oil from grounding and spilling its contents into the coastal waters. The North Cape Spill led Congress to amend 46 U.S.C. 3719, in § 901 of the 1996 Coast Guard Authorization Act (Pub. L. 104–324) (the Authorization Act) to direct the Secretary of Transportation to prescribe regulations necessary to reduce oil spills from single-hull non-self-propelled tank vessels. Additionally, Congress in § 902 of the Authorization Act amended 46 U.S.C. 4102 to direct the Coast Guard to require the use of a fire suppression system or other fire suppression measures on vessels that tow non-self-propelled tank vessels. Section 902 of the Authorization Act also provides that the Coast Guard, after consultation with TSAC, may require fire suppression measures on all towing vessels, not just those towing non-self-propelled tank vessels.

Statutory Mandate

Section 901 of the Authorization Act mandates that single hull, non-self-propelled tank vessels operating in the open ocean or coastal waters, or the vessels towing them, employ at least one of three safety options. Under reasonably foreseeable sea conditions, without additional assistance, either the barge or the vessel towing it must:

(1) have on board a crew member and an operable anchor that together can stop the tank barge; or

(2) have an emergency system that will allow the tank barge to be retrieved by the towing vessel if the tow line ruptures.

(3) If neither of these two measures are viable, then the tank barge or vessel towing it must have on board another measure or combination of measures comparable to measures (1) and (2) of this paragraph that the Coast Guard (as authorized by the Secretary of Transportation) determines will provide protection against grounding.

Section 902 of the Authorization Act gave the Coast Guard the authority to require ''the installation, maintenance, and use of a fire suppression system or other measures * * * on board towing vessels.'' However, for vessels which tow non-self-propelled tank vessels, the Authorization Act mandated that the Coast Guard require a fire suppression system or other measures by October 1, 1997. The Authorization Act also required that the Coast Guard develop these rules in consultation with the Towing Safety Advisory Committee (TSAC). The requirements that the Coast Guard is proposing in this rulemaking are based on recommendations by TSAC.

Regulatory Approach

Human Element

Many of the requirements of this rule go beyond design and equipment. It is important to acknowledge the roles and responsibilities of the people operating the equipment installed on these vessels. The training and performance of the crew members may be the critical element in avoiding the actions that contribute to a casualty. Our Prevention Through People program depends on owners, operators, and other people in positions of responsibility to take an active role in developing and enforcing these safety measures.

Establishing the Lower Limit of Acceptable Safety Practice

For many requirements in this rule, vessels already carry most or all of the equipment and have adequate operational procedures. Many companies maintain and inspect their equipment with regularity and provide training beyond that required by these rules. However, the safety level of the industry can be jeopardized by a single

poor operator. The necessity still exists for identifying minimum standards that define the lower limit of acceptable practice.

Open Ocean and Coastal Waters

Section 901 of the Authorization Act specified that these rules apply to vessels operating in the open ocean or coastal waters. The Coast Guard determined this language to be equivalent to the high seas and territorial sea as defined in 33 CFR part 2. Under this approach the inner boundary of coastal waters is the territorial sea baseline. This line represents the separation between internal and external waters and defines the coastal area more strictly than the boundary line previously applied to offshore barges in 33 CFR part 155. Internal waters inherently offer semi-sheltered conditions or opportunity for quick haven and therefore have been excluded from the applicability. Vessels in external waters are subject to more severe weather and ocean effects that create an environment more likely to contribute to an incident resulting in separation of the barge from the towing vessel.

Double Hull Tank Barges

The proposed requirements do not apply solely to single-hulled vessels, as specified by the Authorization Act. The existing requirements in 33 CFR section 155.230 already require emergency towing capability for both single and double hull vessels and we did not wish to detract from the existing requirements of OPA 90. Double hull tank barges that currently satisfy 33 CFR section 155.230 also meet the requirements of the new 33 CFR section 155.230 proposed in this rulemaking.

Grandfathering Provisions for Anchor Systems

The Coast Guard will continue to allow the grandfathering established for tankships and manned seagoing barges constructed prior to June 15, 1987, by 46 CFR section 32.15–15. However, manned barges equipped with an anchor to comply with 33 CFR section 155.230(b)(1) will be excluded from any of the grandfathering provisions in 46 CFR section 32.15–15. The effectiveness of the emergency control system using anchors is highly dependent upon the design standard and equipment arrangement. The Coast Guard will only accept anchoring standards established by the American Bureau of Shipping or another recognized classification society. This will not require manned seagoing barges currently accepted under the grandfathering provisions to change their arrangements, if they choose to install a retrieval system as their emergency control system.

Application of Fire Protection Rules to All Towing Vessels

The Coast Guard is proposing that these rules apply to all towing vessels, not just towing vessels which tow non-self-propelled tank vessels. There were 188 reported fires on towing vessels from 1992–1996; almost all of which occurred in the engine room. Each of these fires was a potential obstruction to maritime commerce and each resulted in property damage. Many of these fires resulted in a total constructive loss of the vessel, and several required the use of outside resources to bring under control. Also, TSAC recommended application to all towing vessels so that operators could maintain flexibility over the cargoes that they may tow.

The Towing Safety Advisory Committee recommended that these rules only be applied to vessels which are 12 meters in length or *longer.* However, application only to vessels which are greater than 12 meters in length would not meet the intent of the mandate in the Authorization Act, which did not make any differentiation based on vessel length. The Authorization Act mandated the installation of fire suppression measures on vessels which tow non-self-propelled tank vessels, and vessels which are less than 12 meters in length could be engaged in towing tank barges. Also, the Coast Guard is concerned an engine room fire which results in loss of propulsion and navigation capability, could occur on any towing vessel, regardless of length.

Requirement for a Suppression System

The Coast Guard is proposing to require a combination of fire protection measures. This system would include the capability to detect small incipient fires, quickly communicate the presence of these small fires to the crew, and suppress these fires before they jeopardize navigation capability. Also, the Coast Guard recognizes that proper preparation and response by vessel crew is more important than requiring the installation of additional equipment on the vessel. Therefore, the Coast Guard is proposing crew training, both ashore and afloat, and muster lists to identify and practice crew fire fighting roles before a fire emergency.

Although requiring a suppression system on new and existing vessels meets the mandate in the Authorization Act, the Coast Guard does not solely require the installation of a suppression system. Gaseous suppression systems may not be effective on all existing vessels. A gaseous suppression system requires a relatively air tight enclosure to maintain an extinguishing concentration. Many existing towing vessels are constructed with engine rooms that would not be sufficiently air tight. Furthermore, installation of a total flooding suppression system may not meet the intent of the mandate in the Authorization Act—to prevent casualties involving barges which are the result of a loss of propulsion of the towing vessel. Although a machinery space fire would result in loss of propulsion, discharge of a total flooding suppression system would also result in loss of propulsion.

The Towing Safety Advisory Committee conducted a survey of the towing vessel fleet in conjunction with developing their recommendations to the Coast Guard. This survey revealed that the provisions which would be required by this rulemaking are presently installed on most towing vessels.

Discussion of Proposed Rule

Emergency Control Systems

33 CFR Part 155

The proposed rules in 33 CFR part 155 require an emergency control system to ensure an adequate response to prevent a grounding. The Coast Guard will require only one of three response measures for tank vessels as mandated by the Authorization Act. The following methodologies define what the Coast Guard will accept as an emergency control system:

Manned with an operable anchor. To consider anchoring as a response option it is first necessary to define the design and operational capabilities of an ''operable'' anchor. This was done using minimum performance standards for in-service operation by the crew. The crew member is a vital component in the anchoring system. Training, maintenance, and inspection provisions support the operational availability of the anchoring system. Performance requirements will be added in 46 CFR section 32.15–15 and 33 CFR section 155.230.

The Coast Guard believes that additional requirements are needed in an anchoring system intended for use as an emergency response measure because an emergency often presents higher stress conditions than routine service anchoring. One crew member must be able to deploy the anchor within a reasonable response time and must confer with the master in determining the appropriate length of chain to be used.

The objective of an emergency anchoring operation is for a drifting barge to self-anchor in water deep enough that its stern (presumably the closest point to shore) will not ground. This requires that only enough chain be let out for the anchor to properly imbed itself (typically 5 to 7 times the water depth), but no longer length. The Coast Guard recognizes that not every point along the barge's route will necessarily be far enough from shore to prevent grounding. However, we believe that most routes are far enough from shore for this to be a viable strategy. Crew members should be trained to deploy the anchor, and a means for measuring the proper chain pay-out should be employed (such as marking the chain). The length of chain constraint ensures that excessive chain will not be let out and allow a grounding as the barge swings toward shore. We solicit your comments on whether or not the Coast Guard should provide more specific guidance or requirements concerning emergency anchoring training and operations.

The constraint on reasonable response time was added to ensure that control of the barge is established during the period of intentional separation described under the *Safety Analysis* section of this preamble. It is important that the barge is under control before the developing emergency renders the towing vessel unable to provide control. We are considering basing this performance criteria on casualty development times. We solicit comments on what would be a reasonable response time.

The Coast Guard chose not to include the recommendation of TSAC for an operable anchor to be considered as a viable safety option for an unmanned barge. Along with the American Waterways Operators, the Coast Guard has determined that falls overboard represent the highest cause of fatalities in the towing industry. Requiring an anchor on an unmanned barge encourages attempted placement of mariners onto the barge in an emergency situation. This represents an unacceptable risk.

The requirements presented only represent a minimum standard for safe operation of the anchoring system. Companies should assess whether more stringent individual requirements are necessary to maintain safe practices under their operational conditions.

Emergency retrieval system. For the second option, retrieval systems, we recognize that the conditions in your operating area will determine the most effective system for retrieval and that various acceptable systems exist. The Coast Guard proposes minimum performance characteristics to ensure a reasonable margin of safety.

The training requirements ensure that one person onboard the towing vessel is familiar with operation of the retrieval system and has hands-on experience. All licensed personnel and crew members should understand operation of the system but, because of crew rotation and operational constraints, it is not practicable to require that all personnel have hands-on experience.

The term ''master'' is used in this NPRM to be consistent with its proposed use in Licensing and Manning for Officers of Towing Vessels (CGD 94–055) published June 19, 1996 in the **Federal Register** (61 FR 31332).

Retrieval drills should not be conducted with barges containing any cargo which would pose an environmental threat in the event of a mishap.

Safety response measures. Option three allows us to recognize future developments in safety response measures that may provide a comparable level of safety.

Permissively manned barges. Permissively manned barges must be able to meet all operation and performance requirements of 33 CFR part 155 and 46 CFR part 32, unless specifically instructed otherwise by the cognizant Officer in Charge of Marine Inspection (OCMI). Since permissively manned barges operate under provisional authority of the OCMI, these requirements should apply on a case by case basis.

Dual certificated barges. Certain tank barges may be certificated or load lined for both manned and unmanned voyages. As such, they may already be equipped with an anchoring system. However, owners/operators may not rely on the anchor system whenever the barge sails on an unmanned voyage (because it would require a tug-to-barge personnel transfer to operate the system). For such voyages, the towing vessel and barge will have to be equipped with the emergency retrieval system.

Fire Suppression

46 CFR Part 25

The Coast Guard proposes to revise table 25.30–10(c) in 46 CFR section 25.30–10(c) to add a listing for B–V semi-portable extinguishers. The capacities proposed for the new B–V entry are consistent with the values used in other subchapters and currently available approved equipment. This modification is necessary because of the proposed requirement in part 27 for B–V extinguishers on vessels 24 meters or *longer* in length.

46 CFR Part 27

Except as otherwise noted, each of the proposed requirements in this part was recommended by TSAC.

If you are an owner of a commercial towing vessel, your vessel would be required to comply with requirements under a newly added part 27. However, your vessel must meet these requirements in addition to those found in other parts of Subchapter C for towing vessels.

The proposed requirements of this part minimize the possibility of a fire affecting the propulsion and navigation capability of your towing vessel. As a result of reducing the possibility of such fires, we expect a decrease in barge casualties.

We expect this reduction in fires that cause propulsion loss to be achieved by: (1) detecting fires while they are small and by providing means to immediately alert the crew; (2) providing means to extinguish or control small fires in a manner that avoids permanently disabling operation of the propulsion machinery; and (3) conducting training to ensure that personnel are prepared to engage in fire fighting operations. Additionally, if your towing vessel is new, we expect the proposed requirements to decrease the possibility of fuel system fires starting in the engine room.

Most of the provisions proposed in part 27 address fire fighting equipment and measures. However, we recognize fire prevention is more important than fire fighting and suppression. Proper housekeeping and maintenance on your vessel, especially in the engine room, can help prevent many fires from starting. You can find guidance on this issue in the ''Responsible Carrier Program'' from the American Waterway's Operators under its partnership with the Coast Guard.

The Coast Guard has decided to apply this proposed rule to two separate categories of towing vessels. One category is for existing vessels and another category is for new vessels. We intend for this two-tier approach to achieve the goals mandated by Congress, while giving consideration to the practicality, appropriateness, or cost effectiveness of installing certain equipment on existing or small vessels (i.e. those *less* than 24 meters (79 feet)). The 24 meter (79 feet) breakpoint was proposed by TSAC and corresponds to a breakpoint used to differentiate between ''small'' and ''large'' vessels in

the commercial fishing industry vessel regulations contained in part 28.

Section 27.100. The proposed applicability of this part is similar to that used in 33 CFR part 164 concerning navigation safety equipment for towing vessels, except these rules apply to all towing vessels, regardless of length. Exceptions are similar to those found in 33 CFR part 164, including vessels that are used solely within a limited geographic area, are used only for assistance towing or pollution response, or are exempted by the OCMI.

Vessels which solely operate within a limited geographic area were exempted from the requirements of these rules. The intent of the Authorization Act could be interpreted as applying to vessels which only operate in a limited geographic area. However, the Coast Guard believes that the risk of a vessel which only operates in a limited geographic area losing control of a barge is low enough that it is not necessary to require fire suppression measures. These vessels would be close enough to shore or pier facilities that they could reasonably be expected to control barges long enough in the event of a fire on the towing vessel to avoid grounding the barge. Also, many of these limited geographic areas such as fleeting or industrial facilities have multiple towing vessels operating in a small area; in the event of a fire on a towing vessel, another vessel could quickly render assistance.

Five definitions are proposed in § 27.101.

We propose to apply the definition of towing vessel, as used in the navigation safety equipment rules in 33 CFR part 164, for this part.

Definitions for new and existing vessels are proposed to differentiate between application of the proposed rules to vessels the construction of which was contracted for *before* the applicability date of these rules and vessels contracted for *after* the applicability date of these rules. These definitions were derived from the definitions used for small passenger vessels in 46 CFR subchapter T. Contracting date was used instead of build date to ensure that vessel builders and designers are allowed the opportunity to familiarize themselves with the requirements of these rules prior to beginning construction.

For the purposes of this proposed rule, the Coast Guard provided a definition for the personal pronouns *you* and *we. You* is defined as the owner of a towing vessel. *We* is defined as the United States Coast Guard.

Sections 27.205 and 27.305. We are proposing that you must ensure a general alarm system is installed on your new vessel or on your existing vessel within two years of the effective date of these rules. This requirement would apply to all towing vessels, regardless of length. A general alarm provides a means of quickly alerting all persons on board of a fire so they can take appropriate suppression actions. An option for audible or visual alarms is proposed for existing vessels to allow for the continued use of existing systems, although visual alarms are required in high ambient noise areas, even if audible alarms were already installed. However, both audible and visual alarms are proposed for new vessels to ensure that the alarm would be sensed if a person can't hear audible alarms (e.g., is wearing headphones outside the machinery space) or can't see visual alarms (e.g., is sleeping, looking elsewhere.)

The proposed requirements were derived from the TSAC recommendations and the requirements in the commercial fishing industry regulations contained in 46 CFR section 28.240.

Sections 27.210 and 27.310. We are proposing that you ensure a fire detection system is installed in the engine room on new vessels; and within two years of the effective date of these regulations on existing vessels. The fire detection system provides a means of detecting a fire in the early stages. TSAC did not recommend standards for the fire detection system. The proposed requirements are based on those contained in 46 CFR section 76.27, although they have been modified to allow for heat or smoke detection and to account for differences between passenger vessels and towing vessels. TSAC recommended continuous manning be permitted as an alternative to the requirement for heat or smoke detectors. However, we have determined that reliance on human beings to detect a fire is not as effective as an automated system, people could be on rounds, asleep, or otherwise occupied and not notice the smoke or fire.

Sections 27.215 and 27.315. We are proposing that you ensure a communication system is installed on your new vessel or within two years of the effective date of these regulations on your existing vessel. The communications system enables communication between the engine room and the wheel house. On your existing towing vessel, the communication system can be either fixed or portable; however, if your towing vessel is new, the communications system must be a permanent installation. Some small vessels may only have an unattended engine compartment and no occupied spaces other than the wheel house, and would not be required to comply with this section. TSAC did not recommend standards for the communications system, so the proposed requirements were derived from 46 CFR section 113.30.

Sections 27.220, 27.221, 27.320 and 27.321. We are proposing that you ensure fire pump and fire main systems are installed on your vessel. Fire pump and fire main systems are proposed to augment the capability to suppress small fires in the engine room before they jeopardize propulsion capability. Differing requirements are proposed for existing and new towing vessels, as well as vessels 24 meters (79 feet) or *longer* in length and those that are *less* than 24 meters (79 feet) in length. This differentiation recognizes the space limitations and the difficulty installing equipment on smaller existing vessels.

For new and existing vessels 24 meters (79 feet) or *longer* in length, a fixed fire pump and fire main system are proposed. You must ensure the fire pump and fire main system are capable of delivering two streams of water at a flow of 300 liters per minute (80 gpm) and 344 kPa (50 psi) pressure. If your vessel is new, the fire pump must be independent of the bilge and ballast system. This difference accounts for the difficulty of installing a new pump on existing vessels.

Although TSAC recommended requiring a fixed fire pump and fire main system on new vessels and within two years on existing vessels of this length, they did not recommend a performance standard for the system. Therefore, the proposed performance is based on the requirements contained in 46 CFR section 28.315 for commercial fishing industry vessels of similar size.

If your *new* vessel is *less* than 24 meters (79 feet) in length, a fixed or portable fire pump is required. If your *existing* vessel is *less* than 24 meters (79 feet) in length, you must ensure a fixed or portable fire pump is installed within two years. Since the recommendation from TSAC did not contain performance requirements, the proposed performance requirements are based on those contained in 46 CFR section 181.300 pertaining to small passenger vessels of a similar length.

Sections 27.225, 27.325, and 27.326. We are proposing that you ensure that additional portable or semi-portable fire extinguishers are installed on your new vessel, or on your existing vessel within two years after the effective date of these regulations. Differing requirements are

proposed for vessels 24 meters (79 feet) or *longer* in length and those that are *less* than 24 meters (79 feet) in length. We intend for these extinguishers to suppress a fire in the engine room prior to the fire jeopardizing propulsion or navigation capability.

For vessels 24 meters (79 feet) or *longer* in length, a B–V semi-portable fire extinguisher is proposed. For vessels *less* than 24 meters (79 feet) in length, a B–III semi-portable extinguisher is proposed.

An option for a fixed extinguishing system is proposed as an alternative on existing vessels. If you previously installed a fixed system that meets the requirements of 46 CFR section 76.15, you will not be required to install additional equipment. This option is also available on new vessels *less* than 24 meters (79 feet) in length. However, a fixed extinguishing system is proposed as a requirement for new vessels 24 meters (79 feet) or *longer* in length.

Sections 27.230 and 27.340(f). We propose requiring the installation of a remote engine shutdown or fuel shutoff for existing vessels within two years of the effective date of these regulations. We propose requiring the installation of a remote fuel shutoff for new vessels. A fuel shutoff or an engine shutdown is proposed for controlling a fire within the engine room to prevent permanent loss of propulsion capability. A fuel shutoff is the preferred installation because the flow of fuel into the engine room is stopped in the event of a fire. However, an engine shutoff is also acceptable for existing vessels in recognition of fuel piping arrangements that make installing a fuel shutoff valve impractical.

Section 27.340. We are proposing fuel system standards for new vessels. These requirements are not applicable to existing vessels because of the possible difficulty in applying these standards to existing installations.

An analysis we conducted on towing vessel casualties occurring between 1992 and 1995 indicated that approximately 40 percent of all towing vessel fires involve a fuel system failure. By applying minimum standards to the fuel systems on towing vessels, the number of fires should decrease. The proposed rules are based on the requirements contained in 46 CFR section 28.335 for commercial fishing industry vessels.

Portable fuel systems would be prohibited, except where used for portable bilge pumps or outboard engines. This prohibition would not apply to fuel tanks which are permanently attached to portable equipment, such as portable fire pumps. Portable fuel tanks are proposed to be prohibited to eliminate potential fuel spills resulting from tanks being knocked over, fuel lines severed or worn, etc. Where used, portable fuel tanks would be required to meet the requirements of American Boat and Yacht Council (ABYC) H–25, ''Portable Fuel Systems and Portable Containers for Flammable Liquids.''

Fuel restrictions are proposed to lower the fire and explosion hazard in machinery spaces by limiting fuels used to those which have a high flash point. Since Bunker C is often heated to lower its viscosity and make it easier to pump, installations would be required to meet subchapter F. Other fuels, for example compressed natural gas, could be used where accepted by Commandant (G–MSE).

Vent pipe requirements are proposed to prevent overpressurization during filling.

Fuel piping is proposed to be required to be at least 0.9 millimeters (0.035 inches) in thickness, seamless, and constructed of steel, annealed copper, copper-nickel, or nickel-copper. Aluminum piping, with its relatively low melting point, would be permitted outside of machinery spaces. Also, flexible piping would be permitted in short lengths to provide flexibility in fuel lines, for example where a fuel line connects to an engine. These requirements are proposed to ensure piping is relatively robust.

Instead of the fuel piping requirements of this section, vessels which are less than 24 meters in length would be permitted to meet either ABYC H–33, ''Diesel Fuel Systems'', chapter 5 of National Fire Protection Association (NFPA) 302, ''Pleasure and Commercial Motor Craft'' or 33 CFR Subchapter S, ''Boating Safety'', since the requirements of these standards are appropriate for smaller vessels.

Section 27.230 and 27.345. We are proposing that you ensure a fire axe is on board your new vessel, or is on board your existing vessel within 90 days after the effective date of this regulation. The fire axe should speed up entry into enclosed spaces for fire fighting efforts.

Section 27.240 and 27.350. We are proposing that you ensure a muster list is developed within 90 days of the effective date of this regulation. The requirement for a muster list addresses the human element in marine casualties by identifying crew responsibilities and fire fighting procedures before a fire emergency. By identifying responsibilities and procedures before a fire emergency, the crew should be more efficient and timely in initiating fire fighting efforts. This increased efficiency should increase the likelihood that a small fire can be suppressed before propulsion and navigation capabilities are jeopardized.

You must ensure that the fire and emergency signal and the fire fighting responsibilities of all personnel are included on the muster list.

The requirement for a muster list was recommended by TSAC; however, the recommendation did not contain specific criteria for the muster list. The proposed criteria for the muster list are derived from those found in the commercial fishing industry vessel regulations in 46 CFR section 28.270.

Section 27.245 and 27.355. We are proposing that you ensure instruction, drills, and safety orientations are conducted in accordance with these sections. The towing vessel master or person-in-charge, or other qualified person may actually conduct the training mentioned above. These requirements should improve fire fighting capabilities of the vessel crew by ensuring they are prepared for fire emergencies. Increased efficiency will improve the chances of suppressing small fires before propulsion and navigation capabilities are endangered.

We are proposing that you ensure all drills and instruction are conducted at least once a month. In addition to ensuring that fire fighting evolutions are regularly practiced and equipment is regularly used, the proposed requirements will ensure training covers the contents of the muster list.

The proposed instruction requirement could be met in conjunction with drills or by other means, such as viewing videotapes. If the instruction is given during the course of a drill, it could cover one of the drilled topics in depth, such as fighting fires involving propulsion machinery, use of fire extinguishers, use of the fire main, etc. Also, the instruction could be given in conjunction with other company functions such as picnics, dinners, etc.

The recommendations of TSAC refer to the Navigation and Vessel Inspection Circular 6–91, containing international guidelines. However, towing vessels more closely resemble fishing industry vessels than vessels which travel internationally. Therefore, the proposed requirements are based on the requirements for commercial fishing industry vessels contained in 46 CFR section 28.270.

Enforcement of the requirements proposed in Part 27. Towing vessels are typically uninspected. No new inspection program is proposed for these vessels. Compliance with these rules will be the responsibility of vessel

owners, and would only be spotchecked by the Coast Guard during vessel boardings.

Support for Emergency Control Systems

TSAC Recommendations

As required by the Authorization Act, we developed our regulations in consultation with TSAC. They agreed that the most appropriate way to address the problem of barges and tugs separating during transit is to consider methods that prevent the separation from occurring, and should separation occur, actions that might be taken to prevent the barge from drifting ashore. They noted that the key link between the tug and the barge is the tow line. To prevent the units from separating, tow wire maintenance and voyage planning analysis must be factored into every voyage. We have already given guidance for tow wire maintenance in the Navigation and Vessel Inspection Circular (NVIC) 5–92, entitled Guidelines for Wire Rope Towing Hawsers. TSAC recommended that we provide guidance in the area of voyage planning through the development of another NVIC. For details of their recommendation, see the *voyage planning* section of this preamble. The suggested NVIC will be developed in conjunction with this rulemaking.

TSAC also recommended that regulatory measures require two of three response measures for unmanned barges:

(1) An operable anchor system on the barge that should:

(a) Be of appropriate size for the barge;

(b) Be deployed at least once per quarter;

(c) Have a functioning means for releasing the anchor that does not endanger operating personnel; and

(d) Be inspected prior to getting underway. This inspection should ensure that all devices required to release and drop the anchor are operational;

(2) Each tug should carry a backup towline/hawser onboard, sized for the bollard pull of the towing vessel, that can be readily deployed with the barge's emergency towline; and

(3) Each tug should carry a backup towline/hawser onboard, sized for the bollard pull of the towing vessel, that can be readily deployed with the hook retrieval device.

As explained previously in this preamble, the Coast Guard proposes to require only one of three response measures for tank vessels as mandated by the Authorization Act.

TSAC also provided their recommendations to the Regional Risk Assessment Team (RRAT), in New England, that formed to provide safety recommendations following the grounding and oil spill of the tank barge NORTH CAPE on January 19, 1996, off Moonstone Beach on the Rhode Island coast.

Regional Risk Assessment Team

The Regional Risk Assessment Team, composed of representatives from the public and private sectors, developed recommendations for the First Coast Guard District. They provided these recommendations to the Assistant Commandant for Marine Safety and Environmental Protection on June 19, 1997, with the intent that the recommendations be used when drafting these rules. The Coast Guard considered both the statutory mandate and the recommendations from TSAC and the RRAT in developing these rules.

Certain elements of the RRAT recommendation were excluded from the rule. One such recommendation included both an anchor and a retrieval system on a tank barge. The Authorization Act provided that one method or another may be used and the Coast Guard decided that requiring both an anchor and a retrieval system would impose unwarranted costs on the industry. Other sections of RRAT either are or have been addressed in other rulemakings or exceeded the scope of the rulemaking. The RRAT report is available in the docket for this rulemaking.

Voyage Planning Analysis

We request comments on principles of voyage planning for development of a NVIC. As stated in the recommendation of TSAC, voyage planning is an essential element of prevention and has the potential to interrupt the accident chain at its earliest links.

TSAC recommended that voyage planning analysis should include the following:

(1) Companies should have documented policies and procedures in place to address decision making criteria related to risk and route analysis of voyages. Company management should ensure that the following items have been considered:

(a) Current and long range (72 hour where available) weather forecasts;

(b) ''Stay at sea vs. Come in to harbor'' policy decisions under adverse weather and sea conditions (this should include consideration of crew experience and training); and

(c) Equipment size, suitability, special equipment needs, and manning under given weather conditions.

(2) Companies should establish a culture evidenced by formally conveyed, documented policies and procedures stressing that safe transit of people and equipment is paramount and takes precedence over meeting schedules and financial considerations. Management should ensure these policies permeate operations via personnel training and management support.

The RRAT specified the minimum contents of a voyage plan to include:

(1) type and volume of cargo transported;

(2) navigation charts for the intended route, applicable extracts from publications including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners for the area;

(3) applicable current and forecasted weather conditions for the duration of the voyage including visibility, wind, and sea state;

(4) extracts from tide and tidal current tables;

(5) forward and aft drafts for the tank barge;

(6) under-keel and air clearances for the port and/or berthing area;

(7) pre-departure checklists to ensure that the vessel is ready for the voyage;

(8) intended speed and estimated time of arrival at the anticipated waypoints;

(9) communication contacts at Vessel Traffic Service, bridges, facilities and VHF requirements specified to the port; and

(10) master's standing orders for closest points of approach, special conditions, and critical maneuvers.

Safety Analysis

Risk is a function of the consequence of an event and the likelihood of that event's occurrence. Safety measures aimed at reducing high risk events can be grouped as either prevention or response. Preventive measures interrupt the accident chain early in the sequence of events, usually when the likelihood of an undesired consequence is low. Response measures reduce undesired consequences when the likelihood of an incident becomes high or once the incident has occurred. Risk analysis tools help determine the appropriate measures that should be used in given scenarios.

In each scenario, the failure mode is a barge running aground. The undesired consequences are potentially serious injury to personnel, environmental damage from spilled cargo, and economic costs resulting from damage to vessels and equipment.

Three possible incident scenarios were considered. They were developed assuming a fully loaded barge, since this

is the highest consequence condition. These scenarios occur under reasonably foreseeable sea conditions. The first two scenarios occur late in the accident chain when the likelihood of an incident is high. This limits the analysis to response measures.

The first scenario involves a barge intentionally separated under developing emergency conditions. The intentional separation may allow the towing vessel to slow and take the way from the barge before releasing control. Under these conditions, a crew member on board the barge can deploy a conventional anchor to keep the barge from drifting into shore and grounding.

The second scenario results when a towing vessel loses control of a barge because of a ruptured tow line or tow wire. The loss of control is unintentional and immediate and will result in run-away conditions for the barge. A towing vessel with a retrieval system able to regain control of the barge is the safest response measure for these conditions. A conventional anchor is not capable of stopping a barge with appreciable momentum. Deployment will probably result in damage to the vessel and increase the likelihood of injury to the crew or damage to the environment. However, the presence of a crew member on the barge may facilitate the use of other means to regain control of the barge.

The last scenario involves a disabled towing vessel that has lost control of an unmanned barge. These conditions are similar to those experienced in the NORTH CAPE incident. In this case, only outside assistance can mitigate the consequences. Preventive measures taken by the towing vessel to avoid this scenario are the only reasonable alternative. The fire prevention measures in this rule address one of the most likely events which will disable a towing vessel underway. Vessel owners are cautioned that fires are not the only failure mode which can disable the vessel. Vessels towing unmanned barges should take all reasonable precautions to avoid finding themselves in such circumstances.

Incorporation by Reference

Material that would be incorporated by reference is noted as follows: ABYC H–25 in § 27.340(b); and, ABYC H–33 and Chapter 5 of NFPA 302 in § 27.340(g). The material is available for inspection where indicated under **ADDRESSES**. Copies of the material are available from: ABYC, 3069 Solomon's Island Road, Edgewater, Maryland 21037; and, NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02269.

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

Regulatory Evaluation

This proposed 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, l979).

A draft Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is available in the docket for inspection or copying where indicated under **ADDRESSES**. A summary of the Evaluation follows:

Summary of Benefits

The principal benefits of this proposed rule are reduced environmental damage and human casualties and environmental damage caused by tank barge groundings resulting from a loss of propulsion or tow line rupturings between a towing vessel and a tank barge. The quantifiable benefits will accrue in the following areas: avoided vessel and property damage, avoided injuries, avoided deaths and missing persons, and avoided pollution. We realize the measures of the proposed rule will not prevent all pollution, injuries, and damage. Reality dictates that human error and environmental conditions will result in future casualties, regardless of the new regulations. Further, much of the required equipment is reactive, not preventative, in nature and will not eliminate fires or breakaways altogether. Therefore, an effectiveness range of avoided costs (benefits) was determined for both fire protection and emergency control systems.

Using Coast Guard Marine Safety Management System database information from the last 5 years, casualty information was reviewed for the 172 cases indicating that fires broke out on towing vessels. The casualty information was also reviewed for the 22 cases indicating a towing wire rupture, which led to a break away tank barge. The estimated benefit for each measure was calculated by reviewing the casualty report and assessing if the casualty could have been prevented through the proposed equipment. The actual amounts of oil spilled, the number of deaths and injuries, and the actual dollar amount of damage done to the vessel, pier, or other structures were tabulated.

The assessment indicated that over the 17 year period of the analysis (1997 dollars), the fire suppression requirements will result in benefits in an effectiveness range of $45.4 million to $68.2 million in avoided vessel and property damage; an effectiveness range of $5.3 million to $7.9 million in avoided injuries; an effectiveness range of $2.6 million to $4.0 million in avoided deaths and missing persons; and an effectiveness range of 811,736 to 1.2 million gallons of unspilled oil. During the period of time preceding the phaseout of single hull tank vessels (4115 (a) of OPA 90), the emergency control system requirements will result in benefits in a range of $190,301 to $285,452 in avoided vessel and property damage (1997 dollars); and a range of 11,529 to 17,293 gallons of unspilled oil.

There are other societal benefits. For example, it is impossible to statistically quantify or assess a dollar value for the preservation of the environment's integrity. Although these benefits are significant, we cannot quantify them from the available data.

If the new equipment is effective on the low end of the range, the total benefits are $53.6 million for avoided vessel and property damage, injuries, deaths, and missing persons and 823,146 gallons (20,582 barrels) of unspilled oil; if the equipment is effective on the high end of the range, the total benefits are $80.4 million for avoided vessel and property damage, injuries, deaths, and missing persons and 1.3 million gallons (30,872 barrels) of unspilled oil.

Summary of Costs

The present value of the one-time costs to the towing and barge industries of installing the required fire suppression and anchoring equipment is just over $19 million. This estimate is based on Coast Guard research, as well as a TSAC questionnaire that identified the proportion of vessels without the necessary equipment installed.

On average, if you own a towing vessel *less* than 24 meters (79 feet) in length, you will incur a cost of $2,300 to install the equipment. If you own a vessel 24 meters (79 feet) or longer in length, you will incur an installation cost of $3,500. These anticipated costs recognize that most of the proposed requirements of this rulemaking are presently installed on most towing vessels. For vessels which do not have any of the equipment proposed by this rulemaking, the costs for a towing vessel which is *less* than 24 meters in length

would be approximately $11,000, and the cost for a vessel which is 24 meters (79 feet) or *longer* in length would be approximately $21,000.

These costs assume that the vessel crew conducts a ½ hour annual inspection of the detection system, engine shutdown, and fire pump/fire main system. These costs assume no maintenance will be required in conjunction with these annual inspections, which would be expected if quality equipment is used and properly installed, which the estimated installation costs reflect. No recurring costs were calculated for the general alarm, communications system, fire axe, station bill, or fire drills and training.

No costs are anticipated for these requirements expected since theyse are either expected to be equipment typically used on a regular basis, items that normally do not expected to need maintenance, or, in the case of fire drills and training, be activities conducted during the course of normal activities operations. Also, these costs assume that a professional servicing firm is contracted annually to inspect, test, and maintain the fire extinguishers or fire extinguishing system, whichever is installed.

If your vessel is one of the few not currently meeting one of the anchoring or retrieval requirements, you will incur installation costs estimated at $5,000. In the following years, there will be a reoccurring annual maintenance, inspection, and repair costs of $55.00 per vessel (1997 dollars).

The total costs of this program are the combination of the industry and governmental costs. The total present cost of this program (1997 dollars) is $26.0 million ($19.4 million initial industry cost + $5.5 million reoccurring industry costs + $1.1 million government costs). Spread out over the 17 years of this rule analysis, the annual costs are $1.5 million in 1997 dollars.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), (Pub L. 104–4, 109 Stat. 48), requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. Under sections 202 and 205 of the UMRA, the Coast Guard generally must prepare a written statement of economic and regulatory alternatives for proposed and final rules that contain Federal mandates. A ''Federal mandate,'' is a new or additional enforceable duty, imposed on any State, local or tribal government, or the private sector. If any Federal mandate causes those entities, to spend, in the aggregate, $100 million or more in any one year the UMRA analysis is required.

This action does not impose Federal mandates on any State, local or tribal governments. This action does impose Federal mandates on the private sector. However, the requirements in this proposed action will not result in annual expenditures of $100 million or more. Therefore, sections 202 and 205 of the UMRA do not apply.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considers whether this proposed rule, if adopted, 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.

An Initial Regulatory Flexibility Analysis discussing the impact of this proposed rule on small entities is available in the docket for inspection or copying where indicated under **ADDRESSES.**

We are also proposing a two year phase in for most of the requirements. This will allow small entities to explore the market, plan and schedule installations during normal downtime periods, and would provide some flexibility and accommodation for those affected by the rulemaking.

Use of the proposed equipment is presently virtually a voluntary industry standard, and vessels without the equipment are the exception, not the norm. The costs of this proposal would consist of those incurred by the marginal operators to achieve compliance. If you have to purchase and install the equipment, the costs are low in comparison to the value of your towing vessel and the costs associated with damage caused by an accident and a resultant spill.

We certify that this proposed rulemaking will not result in a significant economic impact on a substantial number of small entities. There are exemptions for: certain yard and fleeting craft, pollution response towing vessels, and rescue and assistance towing vessels from this rulemaking. Furthermore, a large number of vessels are already in compliance, and we provided phase-in periods for several provisions.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 847), the Coast Guard wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Morgan J. Hurley, P.E., (Fire Protection) (202) 267–0172 or E-mail <mhurley@comdt.uscg.mil≤; LTJG Pat DeShon, (Emergency Control Systems) (202) 267–0864 or E-mail <pdeshon@comdt.uscg.mil>.

Collection of Information

The proposed rule provides for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). As defined in 5 CFR section 1320.3(c), ''collection of information'' includes reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. The title and description of the information collections, a description of the respondents, and an estimate of the total annual burden follow. Included in the estimate is the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

Title: Towing Vessel Safety.

Summary of the Collection of Information: This proposal contains collection-of-information requirements in the following sections: 46 CFR sections 27.240 and 27.350.

OMB Control No.: 2115–0628.

Administration: U.S. Coast Guard.

Title: Navigation Safety Equipment for Towing Vessels.

Need for Information: Preparation of muster lists (station bills) are intended to provide both an effective plan for assigning vessel personnel stations and duties to perform in the event of an emergency and a quick visual reference which a crew member can view to find out where to go in emergency situations. To prepare and post these documents, an amendment to existing OMB Control No. 2115–0628 is required.

Burden of Response: It is estimated that masters or persons in charge of towing vessels will expend the following personnel hours to prepare and post muster lists:

- Review NVIC 7–82 (sample format of vessel station bill): ¼ hour
- Prepare a muster list and post it on the vessel: 2 hours

Number of Respondents: Masters or persons in charge of affected towing vessels operating in U.S. navigable waters.

Estimated Total Annual Burden: We estimate that the following annual hours are required to complete the recordkeeping required by this proposal:

- Towing vessels—3,300 hours to develop and post muster lists (we estimate only 20% of vessels affected do not presently have completed muster lists posted).
- Coast Guard—62 hours for check that muster lists are completed and posted on vessels as required (we estimate 10% of affected vessels checked annually).

As required by section 3507(d) of the Paperwork Reduction Act of 1995, the Coast Guard has submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of the collection of information.

The Coast Guard solicits public comment on the proposed collection of information to (1) Evaluate whether the information is necessary for the proper performance of the functions of the Coast Guard, including whether the information would have practical utility; (2) evaluate the accuracy of the Coast Guard's estimate of the burden of the collection, including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection on those who are to comply, as by providing additional guidance in the preparation of muster lists or suggesting suitable alternatives.

Persons submitting comments on the collection of information should submit their comments both to OMB and to the Coast Guard where indicated under **ADDRESSES** by the date under **DATES**.

Persons are not required to respond to a collection of information unless it displays a currently valid OMB control number. Before the requirements for this collection of information become effective, the Coast Guard will publish notice in the **Federal Register** of OMB's decision to approve, modify, or disapprove the collection.

Federalism

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. There is the possibility that this rulemaking will result in federal regulations that preempt portions of state law on towing vessels and tank barges. For instance, on June 30, 1997, the State of Rhode Island enacted a State law entitled the ''Oil Spill Pollution Prevention and Control Act.'' That Act promulgated the recommendations of the RRAT. The recommendations of the RRAT and the provisions of the Rhode Island State law cover areas that are addressed by the applicable provisions in the Coast Guard Authorization Act of 1996 or the measures in this proposed rule. Consequently, when these rules are published as final and go into effect, they may preempt certain provisions of the Rhode Island State law, or other State laws, that differ from or exceed Coast Guard regulations. A complete preemption analysis will be conducted in conjunction with publication of the Final Rule, which may reflect changes from this proposal because of comment by the public.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that under paragraph 2.B.2.e.(34) (c) and (d) of Commandant Instruction M16475.lB, this proposed rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects

33 CFR Part 155

Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

46 CFR Part 25

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 27

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

46 CFR Part 32

Cargo vessels, Fire prevention, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 155, and 46 CFR parts 25 and 32, and to add 46 CFR part 27, as follows:

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

1. The authority citation for part 155 and the note following it are revised to read as follows:

Authority: 33 U.S.C. 1231, 1321(j); 46 U.S.C. 3715, 3719; sec. 2, E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

Sections 155.110–155.130, 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. Revise § 155.230 to read as follows:

§ 155.230 Emergency control systems for tank barges.

(a) *Application.* This section applies to tank barges and vessels towing them on the territorial sea, high seas [these waters are defined in part 2 of this chapter], or in Great Lakes service.

(b) *Safety program.* The vessels described in paragraph (a) of this section must use at least one of the three following response measures:

(1) *Measure 1.* Barges may be manned and equipped with an operable anchor system as required by 46 CFR 32.15–15. Because the anchoring system is also to be used as the emergency control system, the owner of the vessel towing a manned barge must ensure that—

(i) *Operation and performance.* The anchor is ready to be deployed by one person within a reasonable response time and that the operator of the anchoring system confers with the vessel master regarding appropriate length of chain to be used.

(ii) *Maintenance and inspections.* Anchors, chains, and hawsers must be inspected at the time of class survey or inspection for certification. Scope of the inspection must include the *operation and performance* criteria described in paragraph (b)(1)(i) of this section.

(iii) *Training.* All barge crew members must be thoroughly familiar with the operation of the anchor.

(2) *Measure 2.* Vessels described in paragraph (a) may use an emergency retrieval system that includes—

(i) *Design.* An emergency tow wire or tow line with the same towing characteristics as the primary tow wire or tow line. The emergency tow wire or tow line must be available on either the barge or the vessel towing it. In addition, equipment to regain control of the barge and continue towing (using the emergency tow wire or tow line) without having to place personnel on the barge must be available on the towing vessel.

(ii) *Operation and performance.* A stowage arrangement that ensures the emergency tow wire or tow line is ready for immediate use in an emergency, and all retrieval equipment is readily available throughout the voyage.

(iii) *Maintenance and inspection.* The emergency towing and retrieval system

must be inspected annually or at the time of class survey or inspection for certification. The inspection must test the availability of the retrieval system and verify maintenance of the emergency tow wire or tow line.

(iv) *Training.* Towing vessel masters shall conduct a retrieval drill annually. Drills must include actual operation of retrieval systems but should be conducted so as to minimize risk to personnel and the environment.

(3) *Measure 3.* Vessels described in paragraph (a) that do not meet the requirements of paragraphs (b)(1) or (b)(2) must use another measure, system, or combination of measures, approved by the Commandant (G-MSE), that provides protection against grounding of the tank vessel comparable to that provided by the systems and measures described in paragraphs (b)(1) or (b)(2).

46 CFR PART 25—REQUIREMENTS

3. The authority citation for part 25 is revised to read as follows:

Authority: 33 U.S.C. 1903(b); 46 U.S.C. 3306, 4102, 4302; 49 CFR 1.46.

4. In § 25.30–10, revise paragraph (c) and Table 25.30–10(c) to read as follows:

§ 25.30–10 Hand portable fire extinguishers and semiportable fire extinguishing systems.

* * * * *

(c) The number designations for size start with ''I'' for the smallest to ''V'' for the largest. Sizes I and II are considered hand portable fire extinguishers and sizes III and V are considered semi-portable fire extinguishing systems, which must be fitted with suitable hose and nozzle or other practical means so that all portions of the space concerned may be covered. Examples of the size graduations for some of the typical hand portable fire extinguishers and semi-portable fire extinguishing systems are set forth in this table.

TABLE 25.30–10(C)

Classification	Foam, liters (gallons)	Carbon dioxide, kilograms (pounds)	Dry chemical, kilograms (pounds)
B–I	6.5 (1¾)	2 (4)	1 (2)
B–II	9.5 (2½)	7 (15)	4.5 (10)
B–III	45 (12)	16 (35)	9 (20)
B–V	150 (40)	45 (100)	23 (50)

5. Add part 27, consisting of §§ 27.100 through 27.355, to read as follows:

PART 27—TOWING VESSELS

Subpart A—General Provisions for Fire Protection on Towing Vessels

Sec.

Subpart B—If the Construction of a Towing Vessel Was Contracted Before [Date 90 Days After the Effective Date of the Final Rule], What Are the Required Fire Suppression Measures?

Subpart C—If the Construction of a Towing Vessel Was Contracted After [Date 90 days from After the Effective Date of the Final Rule], What are the Required Fire Suppression Measures?

Authority: (46 U.S.C. 3306, 4102) Pub. L. 104–324, 110 Stat. 3901; 49 CFR 1.46.

Subpart A—General Provisions for Fire Protection on Towing Vessels

§ 27.100 What towing vessels are affected by this part?

(a) You must comply with this part if your towing vessel operates on the navigable waters of the United States, unless your towing vessel is described in paragraph (b) of this section.

(b) This part does not apply to you if your towing vessel is—

(1) Used solely within a limited geographic area, such as a fleeting-area for barges or a commercial facility, and used solely for restricted service, such as making up or breaking up larger tows;

(2) Used solely for assistance towing as defined by 46 CFR 10.103;

(3) Used solely for pollution response; or,

(4) Exempted by the Captain of the Port (COTP). If you think your towing

vessel should be exempt from these requirements for a specified route, you should submit a written request to the appropriate COTP. The COTP will provide you with a written response granting or denying your exemption. The COTP will consider the extent of unsafe conditions that would result if your towing vessel lost propulsion as a result of an engine room fire.

§ 27.101 Definitions.

As used in this part—

Existing vessel means a towing vessel that is not a new towing vessel.

New vessel means a towing vessel the initial construction of which was contracted for on or after [date 90 days from after the effective date of the final rule.]

Towing vessel means a commercial vessel engaged in, or intending to engage in, pulling, pushing, or hauling alongside, or any combination of pulling, pushing, or hauling alongside.

We means the United States Coast Guard.

You means the owner of a towing vessel, unless otherwise specified.

Subpart B—If the construction of a towing vessel was contracted before [date 90 days after from the effective date of the final rule], what are the required fire suppression measures?

§ 27.200 What are the requirements for an existing towing vessel?

You must ensure your towing vessel described in § 27.100(a) complies with §§ 27.205 through 27.245.

§ 27.205 What are the general alarm system requirements for an existing towing vessel?

(a) By [date 2 years after the effective date of the final rule], you must ensure your towing vessel is fitted with an audible or visual general alarm system that—

(1) Has a contact-maker at the operating station that can notify persons on board in the event of an emergency.

(2) Is capable of notifying persons in any accommodation or work space.

(3) In a work space where background noise makes a general alarm system hard to hear, has a flashing red light that is identified with a sign that reads:

(i) Attention.

(ii) General Alarm—When Alarm Sounds or This Light Flashes Go to Your Station.

(4) Is tested at least once each week.

(b) You may use a public address system or other means of alerting all persons on your towing vessel instead of a general alarm system, provided the equipment is capable of notifying persons in any accommodation or work space or the engine room, is tested at least once each week, and can be activated from the pilot house.

§ 27.210 What are the fire detection requirements for an existing towing vessel?

By [date 2 years after the effective date of the final rule], a fire detection system must be installed on your existing towing vessel to protect the engine room. You must ensure that—

(a) The detectors are located on the overhead in the engine room and that they are suitably protected, if they can be physically damaged.

(b) All points on the engine room overhead are within 3 meters (10 feet) of a detector.

(c) The system is arranged and installed so a fire in the engine room automatically alarms visibly and audibly in the pilot house.

(d) Detectors, detecting cabinets, and alarms are approved under 46 CFR 161.002.

(e) Heat detectors are rated between 57 and 74 degrees Celsius (135 and 165 degrees Fahrenheit). In spaces where a high ambient temperature may be expected, detectors must be rated between 74 and 107 degrees Celsius (165 and 225 degrees Fahrenheit).

(f) The fire detection system is used for no other purpose.

§ 27.215 What are the internal communication requirements for an existing towing vessel?

By [date 2 years after the effective date of the final rule], you must ensure your existing towing vessel is fitted with a communication system between the engine room and wheel house that—

(a) Is comprised of either fixed or portable equipment, such as a sound-powered telephone or other reliable voice communication method, that is independent of the electrical system on your towing vessel; and

(b) Provides two-way voice communication and calling between the pilot house and either—

(1) The engine room, or

(2) A location immediately adjacent to an exit from the engine room.

§ 27.220 If an existing towing vessel is 24 meters (79 feet) or longer in length, what are the fire pump, fire main, and fire hose requirements?

By date 2 years after the effective date of the final rule], you must ensure a self priming, power driven, fixed fire pump and fire main are installed on your existing towing vessel as follows:

(a) The fire pump must be capable of—

(1) Delivering water simultaneously from the two highest hydrants, or from both branches of the fitting if the highest hydrant has a Siamese fitting, at a pitot tube pressure of at least 344 kPa (50 psi) and a flow rate of at least 300 liters per minute (80 gpm).

(2) Being energized from the operating station and from the pump.

(b) The fire main must have a sufficient number of fire hydrants to reach any part of the machinery space using a single length of fire hose.

(c) A fire hose on your towing vessel must be—

(1) Connected to each fire hydrant at all times the vessel is operating.

(2) Lined commercial fire hose at least 40mm (1½ inches) in diameter, 15 meters (50 feet) in length and fitted with a nozzle made of corrosion-resistant material capable of providing a solid stream and a spray pattern.

§ 27.221 If an existing towing vessel is less than 24 meters (79 feet) in length, what are the fire pump and fire hose requirements?

By [date 2 years after the effective date of the final rule], you must ensure a fire pump and hose are installed on your existing towing vessel as follows:

(a) Your towing vessel must have a self-priming, power-driven, fixed or portable fire pump that has—

(1) A minimum capacity of 189 liters (50 gallons) per minute at a pitot tube pressure of not less than 414 kPa (60 psi), as measured at the pump discharge,

(2) A hydrant with a sufficient amount of hose attached, or if using a portable pump, a sufficient amount of hose immediately available to attach to the pump, so that a stream of water from the fire pump and hose will reach any part of the vessel, and

(3) An attached hose must be at least 16 millimeters (⅝ inch) nominal diameter, of good commercial grade and fitted with a nozzle of corrosion-resistant material capable of providing a solid stream and a spray pattern.

(b) You must stow the fire pump and hose outside of the machinery space.

§ 27.225 What type of portable fire extinguishers are required on an existing towing vessel, in addition to the requirements of 46 CFR subpart 25.30.30?

By [date 2 years after the effective date of the final rule], you must have portable fire extinguishers on your existing towing vessel as follows:

(a) If your vessel is 24 meters (79 feet) or longer in length, you need an approved B–V semi-portable fire extinguisher.

(b) If your vessel is less than 24 meters (79 feet) in length, you need an approved B-III portable fire extinguisher.

(c) You may use a fixed fire extinguishing system that satisfies 46 CFR subpart 76.15 instead of the extinguishers required by this section.

§ 27.230 What are the remote engine shutdown or fuel shutoff requirements for an existing towing vessel?

By [date 2 years after the effective date of the final rule], you must have a remote main engine shutdown or fuel shutoff valve installed on your vessel that is located outside of the machinery space.

§ 27.235 Is a fire axe required on a an existing towing vessel?

By [date 90 days after the effective date of the final rule], you must ensure a fire axe is on board your towing vessel.

§ 27.240 What are the muster list requirements on an existing towing vessel?

By [date 90 days after the effective date of the final rule], your existing towing vessel must have a muster list satisfying § 27.350.

§ 27.245 What are the requirements for the instruction, drills, and safety orientations conducted on an existing towing vessel?

You must ensure on-board drills and instruction comply with § 27.355.
Subpart C-If the Construction of a A Towing Vessel Was Contracted After [90 days from after the effective date of the final rule], What Are the Required Fire Suppression Measures?

§ 27.300 What are the requirements for a new towing vessel?

If this subpart applies to your towing vessel as described in § 27.100(a), then you must ensure your new towing vessel complies with §§ 27.300 through 27.355.

§ 27.305 What are the general alarm system requirements for a new towing vessel?

(a) You must ensure your new towing vessel is fitted with an audible and visual general alarm system that—

(1) Has a contact-maker at the operating station that can notify persons on board in the event of an emergency.

(2) Is capable of notifying persons in any accommodation or work space.

(3) Is tested before operation of the vessel and at least once each week thereafter.

(b) The system's general alarm bells must be—

(1) Fitted in accommodation spaces, work spaces, and the engine room, and

(2) Identified with a flashing red light and a sign with red lettering at least 13 millimeters (½ inch high) as follows:

(i) Attention.

(ii) General Alarm—When Alarm Sounds or This Light Flashes Go to Your Station.

(c) You may use a public address system or other means of alerting all persons on your towing vessel instead of a general alarm system, provided the equipment is capable of notifying persons in any accommodation or work space or the engine room, is tested at least once each week, and can be activated from the pilot house.

§ 27.310 What are the fire detection requirements for a new towing vessel?

A fire detection system must be installed on your new towing vessel to protect the engine room. You must ensure that—

(a) The detectors are located on the overhead in the engine room and that they are suitably protected if they can be physically damaged.

(b) All points on the engine room overhead are within 3 meters (10 feet) of a detector.

(c) The system is arranged and installed so a fire in the engine room is automatically alarmed visibly and audibly in the pilot house.

(d) Detectors, detecting cabinets, and alarms are approved under 46 CFR 161.002.

(e) Heat detectors are rated between 57 and 74 degrees Celsius (135 and 165 degrees Fahrenheit) except in spaces where a high ambient temperature may be expected, where detectors must be rated between 74 and 107 degrees Celsius (165 and 225 degrees Fahrenheit).

(f) The fire detection system is used for no other purpose.

§ 27.315 What are the internal communication requirements for a new towing vessel?

You must ensure your new towing vessel is fitted with a communication system between the engine room and wheel house that—

(a) Is permanently installed and uses a means of communication and calling such as a sound-powered telephone or other reliable voice communication method that is independent of the electrical system on your towing vessel; and

(b) Provides two-way voice communication and calling between the pilot house and either—

(1) The engine room, or

(2) A location immediately adjacent to an exit from the engine room.

§ 27.320 If a new towing vessel is 24 meters (79 feet) or longer in length, what are the fire pump, fire main, and fire hose requirements?

You must ensure a self priming, power driven, fixed fire pump and fire main are installed on your towing vessel as follows:

(a) The fire pump must be capable of—

(1) Delivering water simultaneously from the two highest hydrants, or from both branches of the fitting if the highest hydrant has a Siamese fitting, at a pitot tube pressure of at least 344 kPa (50 psi) and a flow rate of at least 300 liters per minute (80 gpm).

(2) Being energized from the operating station and from the pump.

(b) The fire main must have a sufficient number of fire hydrants to reach any part of the machinery space using a single length of fire hose.

(c) Each fire hose on your towing vessel must be—

(1) Connected to each fire hydrant at all times the vessel is operating.

(2) Lined commercial fire hose at least 40mm (1½ inches) in diameter, 15 meters (50 feet) in length and fitted with a nozzle made of corrosion-resistant material capable of providing a solid stream and a spray pattern.

(d) The fire pump and fire main must be independent of the bilge and ballast system.

§ 27.321 If a new towing vessel is less than 24 meters (79 feet) in length, what are the fire pump and fire hose requirements?

(a) Your new towing vessel must have a self-priming, power-driven, fixed or portable fire pump that has—

(1) A minimum capacity of 189 liters (50 gallon) per minute at a pitot tube pressure of not less than 414 kPa (60 psi) as measured at the pump discharge,

(2) A hydrant with sufficient amount of hose attached, or if using a portable pump, a sufficient amount of hose immediately available to attach to the pump, so that a stream of water from the fire pump and hose will reach any part of the vessel, and

(3) An attached hose of at least 16 millimeters (⅝ inch) nominal diameter, of good commercial grade, and fitted with a nozzle of corrosion-resistant material capable of providing a solid stream and a spray pattern.

(b) The fire pump and hose are stowed outside of the machinery space.

§ 27.325 If a new towing vessel is 24 meters or longer in length, what type of fire extinguishing equipment is required in addition to the requirements of 46 CFR subpart 25.30?

You must ensure the following additional fire extinguishing equipment is on board the vessel:

(a) An approved B–V semi portable fire extinguisher, or

(b) A fixed fire extinguishing system that satisfies 46 CFR 76.15.

§ 27.326 If a new towing vessel is less than 24 meters in length, what type of fire extinguishing equipment is required in addition to the requirements of 46 CFR subpart 25.30?

You must ensure an additional one of the following is on the new towing vessel:

(a) An approved B–III portable fire extinguisher, or

(b) A fixed extinguishing system that satisfies 46 CFR 76.15.

§ 27.340 What are the fuel system requirements for a new towing vessel?

(a) Except for the components of an outboard engine or portable bilge pump or fire pumps, you must ensure that each fuel system installed on board the vessel meets the requirements of this section.

(b) *Portable fuel systems.* Portable fuel systems, including portable tanks and related fuel lines and accessories, are prohibited on the vessel, except where used for outboard engines, or are permanently attached to portable equipment such as portable bilge or fire pumps. The design, construction, and stowage of portable tanks and related fuel lines and accessories must meet the requirements of ABYC H–25.

(c) *Fuel restrictions.* Except for outboard engines, or where otherwise accepted by the Commandant (G-MSE), you may not use fuel other than bunker C or diesel. An installation using bunker C must comply with the requirements of subchapter F of this chapter.

(d) *Vent pipes for integral fuel tanks.* Each integral fuel tank must meet the requirements of this paragraph as follows:

(1) Each fuel tank must be fitted with a vent pipe connected to the highest point of the tank terminating in a 3.14 radian (180 degree) bend on a weather deck and fitted with a 30×30 mesh flame screen.

(2) Except when provision is made to fill a tank under pressure, the net cross-sectional area of the vent pipe for a fuel tank must not be less than 312.3 square millimeters (0.484 square inches).

(3) When provision is made to fill a tank under pressure, the net cross-sectional area of the vent pipe must not be less than that of the fill pipe.

(e) *Fuel piping.* Except as permitted in paragraphs (e)(1) and (e)(2) of this section, each fuel line must be seamless and made of steel, annealed copper, nickel-copper, or copper-nickel. Each fuel line must have a wall thickness of not less than 0.9 millimeters (0.035 inch) except that:

(1) Aluminum piping is acceptable on an aluminum hull vessel provided it is installed outside the machinery space and is at least Schedule 80 in thickness; and

(2) Nonmetallic flexible hose is acceptable but must—

(i) Not be used in lengths of more than 0.82 meters (30 inches);

(ii) Be visible and easily accessible;

(iii) Must not penetrate a watertight bulkhead;

(iv) Be fabricated with an inner tube and a cover of synthetic rubber or other suitable material reinforced with wire braid.

(v) Be fitted with suitable, corrosion-resistant, compression fittings; and

(vi) Be installed with two clamps at each end of the hose, if designed for use with clamps. Clamps must not rely on spring tension and must be installed beyond the bead or flare or over the serrations of the mating spud, pipe, or hose fitting.

(f) A fuel line subject to internal head pressure from fuel in the tank must be fitted with a positive shutoff valve, located at the tank that is operable from a safe location outside the space in which the valve is located.

(g) New towing vessels less than 24 meters (79 feet) in length may comply with one of the following standards instead of the requirements of paragraphs (e) and (f) of this section.

(1) ABYC H–33.

(2) Chapter 5 of NFPA 302.

(3) 33 CFR Chapter I, subchapter S (Boating Safety).

§ 27.345 Is a fire axe required on a new towing vessel?

You must ensure a fire axe is on your new towing vessel.

§ 27.350 What are the muster list requirements on a new towing vessel?

You must ensure the new towing vessel has a muster list posted in conspicuous location accessible to the crew that, at a minimum, fulfills the requirements of this section. The muster list must identify at least the following information:

(a) The fire and emergency signal;

(b) Fire fighting responsibilities for each crew member such as—

(1) Mustering of personnel.

(2) Manning of fire parties.

(3) Special duties required for the operation of fire fighting equipment.

(4) Guidelines for fighting a fire, such as—

(i) Use portable fire extinguishers only for small fires.

(ii) Deenergize the electrical systems supplying the affected space, if possible.

(iii) Use water for fires involving ordinary combustible materials. Do not use water on electrical fires.

(iv) If unable to control an engine room fire using portable extinguishers, evacuate the space and activate the fixed extinguishing system, if installed.

(v) Maneuver the vessel to minimize the effect of wind on the fire.

(vi) Immediately notify the Coast Guard and other vessels in the vicinity.

§ 27.355 What are the requirements for instruction, drills, and safety orientations conducted on a new towing vessel?

(a) *Drills and instruction.* You must ensure that drills are conducted and instruction is given to each person on board at least once each month. Instruction may be provided in conjunction with drills or at other times and places, provided the instruction ensures that persons are familiar with their duties and their responses to at least the following contingencies:

(1) Fighting a fire in the engine room and other locations on board the vessel;

(2) Activating the general alarm;

(3) Reporting inoperative alarm systems and fire detection systems; and

(4) Putting on a fireman's outfit and a self-contained breathing apparatus, if the vessel is so equipped.

(b) *Participation in drills.* Drills must be conducted on board the towing vessel, as if there were an actual emergency. These drills must include:

(1) Participation by all persons on board,

(2) Breaking out and using emergency equipment,

(3) Testing of all alarm and detection systems, and

(4) Individuals putting on protective clothing, if the vessel is so equipped.

(c) *Training.* The instruction and drills conducted on your towing vessel, as required by this section, must be performed by an individual trained in the proper procedures for conducting the activity. Anyone licensed for operation of inspected vessels of 100 gross tons or more meets this requirement.

(d) You may substitute the requirement for instruction in paragraph (a) of this section by the viewing of videotapes concerning at least the contingencies listed in paragraph (a), followed by a discussion led by someone familiar with these contingencies. This instruction can may be conducted on or off the vessel. However, this does not satisfy the requirement for drills in paragraph (b) of this section or for the safety orientation in paragraph (e) of this section.

(e) *Safety orientation.* The master or person in charge of a vessel must ensure that a safety orientation is given to each person on board who has not received the instruction and has not participated in the drills required by paragraph (a) before the vessel may be operated.

(f) The safety orientation must explain the muster list required by § 27.350 and cover the specific evolutions listed in paragraph (a).

Note to § 27.355: The person conducting the drills and instruction need not be the master, person in charge of the vessel, or a member of the crew.

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIRMENTS

6. The authority citation for part 32 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703, 3719; 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 Sec. 4109, Pub. L. 101–380, 104 Stat. 515.

7. In § 32.15–15, revise paragraphs (a) and (d); and add new paragraphs (e) and (f) to read as follows:

§ 32.15–15 Anchors, Chains, and Hawsers–TB/ALL.

(a) *Application.* The provisions of this section, with the exception of paragraphs (d) and (e), apply to every tankship and manned seagoing barge constructed on or after June 15, 1987. Tankships and manned seagoing barges constructed prior to June 15, 1987 must meet the requirements of paragraphs (d) and (f) of this section. Manned barges equipped with anchors to comply with 33 CFR 155.230(b)(1) must meet the requirements of paragraphs (e) and (f) of this section.

* * * * *

(d) *Tankships and barges constructed prior to June 15, 1987.* For tankships and manned seagoing barges constructed prior to June 15, 1987, with the exception of manned barges equipped with anchors to comply with 33 CFR 155.230(b)(1), the installations previously accepted or approved will be considered satisfactory for the same service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. If the service of the tank vessel is changed, the suitability of the equipment will be evaluated by the Officer in Charge, Marine Inspection.

(e) *Manned barges equipped with anchors to comply with 33 CFR 155.230(b)(1).* Manned barges equipped with anchors to comply with 33 CFR 155.230(b)(1) must be fitted with operable anchor systems that include anchors, chains, and hawsers in general agreement with the standards established by the American Bureau of Shipping. The current standards of other recognized classification societies may also be accepted upon approval by the Commandant.

(f) *Operation and performance.* Anchors, exposed portions of chain, and hawsers must be visually inspected prior to getting underway and stowed so that the anchor is ready for immediate use in an emergency. The vessel must have a functioning means for releasing the anchor that does not endanger operating personnel.

Dated: September 30, 1997.

R.C. North,

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

[FR Doc. 97–26304 Filed 10–3–97; 8:45 am]

BILLING CODE 4910–14–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–1–FRL–5901–4]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Reasonably Available Control Technology for Nitrogen Oxides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Connecticut. This revision establishes and requires reasonably available control technology for major stationary sources of nitrogen oxides. In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this proposal. Any parties interested in commenting on this proposal should do so at this time.

DATES: Comments must be received on or before November 5, 1997.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106–1630.

FOR FURTHER INFORMATION CONTACT: Steven A. Rapp at (617) 565–2773, or E-mail at Rapp.Steve@EPAMAIL.EPA.GOV.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule located in the Rules Section of this **Federal Register**.

Authority: 42 U.S.C. 7401–7671q.

Dated: September 22, 1997.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 97–26435 Filed 10–3–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[TX–89–1–7359, FRL–5904–9]

Clean Air Act Reclassification, Texas; Dallas/Fort Worth Nonattainment Area; Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of public comment period.

SUMMARY: The EPA is extending the public comment period from October 2, 1997, to December 1, 1997, on the proposed rule to reclassify the Dallas/Fort Worth ozone nonattainment area from moderate to serious. The extension to the public comment period is being granted by EPA in response to the area's Congressional delegation request to permit the area's constituents to have adequate time to assess the proposal and submit comments before a final decision is published. For additional information please refer to the proposed redesignation notice published in the **Federal Register** on September 2, 1997 (62 FR 46238).

DATES: Comments on the proposed redesignation must be received in writing by December 1, 1997.

ADDRESSES: Written comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD–L), at the EPA Regional Office listed below. Copies of the State ozone air quality monitoring data and EPA policy concerning attainment findings are contained in the docket for this rulemaking. The docket is available for inspection during normal business hours at the following locations: