

14 by just one parent or legal guardian if such person provides, under penalty of perjury:

(A) Documentary evidence that such person is the sole parent or has sole custody of the child; or

(B) A written statement of consent from the non-applying parent or guardian, if applicable, to the issuance of the passport.

(iii) An individual may apply in *loco parentis* on behalf of a minor under age 14 by submitting a notarized written statement or a notarized affidavit from both parents specifically authorizing the application. However, if only one parent provides the notarized written statement or notarized affidavit, documentary evidence that such parent has sole custody of the child must be presented.

(iv) Documentary evidence in support of an application executed on behalf of a minor under age 14 by one parent or person in *loco parentis* under paragraphs (b)(2)(ii) and (iii) of this section may include, but is not limited to, the following:

(A) A birth certificate providing the minor's name, date and place of birth and the name of the sole parent;

(B) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240) or a Certification of Report of Birth of a United States Citizen (DS-1350) providing the minor's name, date and place of birth and the name of the sole parent;

(C) An adoption decree showing only one adopting parent;

(D) An order of a court of competent jurisdiction granting sole custody to the applying parent or legal guardian and containing no travel restrictions inconsistent with issuance of the passport;

(E) A judicial declaration of incompetence of the non-applying parent;

(F) An order of a court of competent jurisdiction specifically permitting the applying parent's or guardian's travel with the child;

(G) A death certificate for the non-applying parent; or

(H) A copy of a Commitment Order or comparable document for an incarcerated parent.

(v) In instances when a parent submits a custody decree invoking the provisions of paragraph (d)(1) of this section, the judicial limitations on the minor's ability to travel contained in the custody decree will be given effect.

(vi) The requirements of paragraphs (b)(2)(i), (ii) and (iii) of this section may be waived in cases of exigent or special family circumstances, as determined by a Department official designated under paragraph (b)(2)(vi)(E) of this section.

(A) Exigent circumstances are defined as time-sensitive circumstances in which the inability of the minor to obtain a passport would jeopardize the health and safety or welfare of the minor or would result in the child being separated from the rest of his or her traveling party.

(B) "Time-sensitive" generally means that there is not enough time before the minor's emergency travel to obtain either the required consent of both parents/guardians or documentation reflecting a sole parent's/guardian's custody rights.

(C) Special family circumstances are circumstances in which the minor's family situation makes it impossible for one or both of the parents to execute the passport application.

(D) A parent applying for a passport for a child under age 14 under this paragraph (b)(2)(vi) must submit with the application a written statement subscribed under penalty of perjury describing the exigent or special family circumstances the parent believes should be taken into consideration in applying an exception.

(E) Determinations under this paragraph (b)(2)(vi) may be made by a senior passport adjudicator or the Deputy Assistant Secretary for Passport Services for an application filed within the United States, or a consular officer or the Deputy Assistant Secretary for Overseas Citizens Services for an application filed abroad.

(vii) Nothing contained in this section shall prohibit any Department official adjudicating a passport application on behalf of a minor from requiring an applicant to submit other documentary evidence deemed necessary to establish the applying adult's entitlement to obtain a passport on behalf of a minor under the age of 14 in accordance with the provisions of this regulation.

\* \* \* \* \*

(d) \* \* \*

(1)(i) When there is a dispute concerning the custody of a minor under age 18, a passport may be denied if the Department has on file, or is provided in the course of a passport application executed on behalf of a minor, a copy of a court order from a court of competent jurisdiction in the United States or abroad which:

\* \* \* \* \*

5. Revise § 51.40 to read as follows:

#### **§ 51.40 Burden of proof.**

The applicant has the burden of proving that he or she is a national of the United States.

6. Revise § 51.41 to read as follows:

#### **§ 51.41 Documentary evidence.**

Every application shall be accompanied by evidence of the U.S. nationality of the applicant.

Dated: May 10, 2001.

For the Secretary of State.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs,  
Department of State.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Coast Guard**

#### **33 CFR Part 165**

**[CGD09-01-048]**

#### **Safety Zone: Captain of the Port Detroit Zone**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of implementation of final rule.

**SUMMARY:** The Coast Guard is implementing safety zones for annual fireworks displays in the Captain of the Port Detroit Zone during June 2001. This action is necessary to provide for the safety of life and property on navigable waters during these events. These zones will restrict vessel traffic from a portion of the Captain of the Port Detroit Zone.

**DATES:** Effective from 12:01 a.m.(EST) on June 1, 2001 to 11:59 p.m.(EST) on June 30, 2001.

**FOR FURTHER INFORMATION CONTACT:** Ensign Brandon Sullivan, U.S. Coast Guard Marine Safety Office Detroit, MI (313) 568-9580.

**SUPPLEMENTARY INFORMATION:** The Coast Guard is implementing the permanent safety zones in 33 CFR 165.907 (published May 21, 2001, in the **Federal Register**, 66 FR 27868), for fireworks displays in the Captain of the Port Detroit Zone during June 2001. The following safety zones are in effect for fireworks displays occurring in the month of June 2001:

(1) *Bay-Rama Fishfly Festival*, New Baltimore, MI. Location: All waters off New Baltimore City Park, Lake St. Clair-Anchorage Bay bounded by the arc of a circle with a 300-yard radius with its center located at approximate position 42° 41'N, 082° 44'W, June 13, 2001, from 9 p.m. to 11 p.m.

(2) *Jefferson Beach Marina Fireworks*, St. Clair Shores, MI. Location: All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42° 32'N, 082°

51°W, about 1000 yards east of Jefferson Beach Marina on June 28, 2001, from 9:30 p.m. to 10:30 p.m.

(3) *St. Clair Shores Fireworks*, St. Clair Shores, MI. Location: All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42° 32'N, 082° 51'W, about 1000 yards east of Veterans Memorial Park (off Masonic Rd.), St. Clair Shores, MI on June 29, 2001, from 10 p.m. to 10:30 p.m.

(4) *City of Wyandotte Fireworks*, Wyandotte, MI. Location: The waters off the breakwall between Oak & Van Alstyne St., Detroit River bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42° 12'N, 083° 09'W on June 29, 2001 from 9:15 p.m. to 10:15 p.m.

(5) *Grosse Pointe Farms Fireworks*, Grosse Pointe Farms, MI. Location: All waters of Lake St. Clair within a 300-yard radius of the fireworks barge in approximate position 42° 23'N, 082° 52'W, about 300 yards east of Grosse Pointe Farms on June 30, 2001 from 9:30 p.m. to 10:30 p.m.

(6) *Grosse Ile Yacht Club Fireworks*, Grosse Ile, MI. Location: The waters off the Grosse Ile Yacht Club deck, Detroit River bounded by the arc of a circle with a 300-yard radius with its center approximately located at 42° 05'N, 083° 09'W on June 30, 2001 from 9:45 p.m. to 10:45 p.m.

(7) *Sigma Gamma Assoc.*, Grosse Pointe Farms, MI. Location: The waters off Ford's Cove, Lake St. Clair bounded by the arc of a circle with a 300-yard radius with its center in approximate position 42° 27'N, 082° 52'W on June 25, 2001 from 9 p.m. to 10 p.m.

In order to ensure the safety of spectators and transiting vessels, these safety zones will be in effect for the duration of the events. Vessels may not enter the safety zones without permission from Captain of the Port Detroit. If you would like permission, contact the person listed in **FOR FURTHER INFORMATION CONTACT**. Spectator vessels may anchor outside the safety zones but are cautioned not to block a navigable channel.

Dated: May 25, 2001.

**S.P. Garrity,**

*Commander, U.S. Coast Guard, Captain of the Port Detroit.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 46 CFR Parts 110 and 111

[USCG-1999-6096]

RIN 2115-AF89

#### Marine Shipboard Electrical Cable Standards

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard amends its electrical engineering regulations for merchant vessels by adding alternate cable standards that are equivalent to the existing standards. Our purpose is to revise requirements that create an unwarranted difference between domestic rules and international standards for marine cable.

**DATES:** This final rule is effective July 5, 2001. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of July 5, 2001.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-1999-6096 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call Dolores Mercier, Project Manager, Office of Design and Engineering Standards (G-MSE), Coast Guard, telephone 202-267-0658. If you have questions on viewing the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202-366-5149.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

On February 8, 2000, we published a notice of proposed rulemaking (NPRM) entitled "Marine Shipboard Electrical Cable Standards" in the **Federal Register** (65 FR 6111). Following publication of the NPRM, we received several requests to hold a public meeting. In response to these requests, we scheduled a public meeting for June 28, 2000. We notified the public of the meeting in a notice of public meeting and reopening of comment period

published on June 5, 2000 (65 FR 35600). On June 26, 2000, we published a correction to the notice (65 FR 39334). On July 27, 2000, we published a notice to reopen the comment period (65 FR 46143).

#### Background and Purpose

Since the last revision of our electrical engineering regulations in 46 CFR chapter I, subchapter J, (62 FR 23894, May 1, 1997), we have received a number of letters concerning the construction requirements in 46 CFR 111.60-1 and 111.60-3 for cable used on merchant vessels. Sections 111.60-1 and 111.60-3 allow the use of cables meeting certain industry standards listed in those sections. The letters suggest that there are other cable standards beside those listed in the two sections that would provide a level of performance and safety equivalent to the listed standards. The Coast Guard completed equivalency determinations on UL 1309 (1995); IEC 92-350, 1988, amendment 1 (1994); and IEC 92-353 (1995-01) and found them to be equivalent.

#### Discussion of Comments and Changes

The Coast Guard received 58 comments on the notice of proposed rulemaking (NPRM). Here, we discuss first comments of a general nature, then comments relating to specific sections of the regulation.

##### I. General Comments

1. Several commenters liked the proposed changes to §§ 111.60-1 and 111.60-3. They agreed that the changes offered the entire maritime industry more flexibility and increased the clarity of the regulations without compromising performance or safety. A number of comments commended the Coast Guard's effort to enhance its marine shipboard electrical cable regulation and incorporate industry standards, both domestic and international.

2. Eight comments recommended that the Coast Guard use the new IEC numbering system for its references to any IEC standard.

The Coast Guard agrees with these comments and will change them throughout 46 CFR as part of a separate rulemaking.

3. Six comments stated that the Coast Guard requires marine shipboard electrical cable to be certified by an independent laboratory.

The Coast Guard does not require third-party verification for marine shipboard electrical cable. The cable manufacturer may self-certify its cable