

# Federal Register

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## THE FEDERAL REGISTER

### WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** Sponsored by the Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

- WHEN:** January 23, 1996 at 9:00 am
- WHERE:** Office of the Federal Register Conference Room, 800 North Capitol Street, NW., Washington, DC (3 blocks north of Union Station Metro)
- RESERVATIONS:** 202-523-4538



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**Reader Aids**

Additional information, including a list of public laws,  
telephone numbers, and finding aids, appears in the Reader  
Aids section at the end of this issue.

**New Feature in the Reader Aids!**

Beginning with the issue of December 4, 1995, a new listing  
will appear each day in the Reader Aids section of the  
Federal Register called "Reminders". The Reminders will  
have two sections: "Rules Going Into Effect Today" and  
"Comments Due Next Week". Rules Going Into Effect  
Today will remind readers about Rules documents  
published in the past which go into effect "today".  
Comments Due Next Week will remind readers about  
impending closing dates for comments on Proposed Rules  
documents published in past issues. Only those documents  
published in the Rules and Proposed Rules sections of the  
Federal Register will be eligible for inclusion in the  
Reminders.

The Reminders feature is intended as a reader aid only.  
Neither inclusion nor exclusion in the listing has any legal  
significance.

The Office of the Federal Register has been compiling data  
for the Reminders since the issue of November 1, 1995. No  
documents published prior to November 1, 1995 will be  
listed in Reminders.

**Electronic Bulletin Board**

Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of documents on public inspection is available on 202-275-1538 or 275-0920.

**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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# Rules and Regulations

Federal Register

Vol. 61, No. 7

Wednesday, January 10, 1996

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 330

RIN 3206-AH26

#### Career Transition Assistance for Surplus and Displaced Federal Employees

**AGENCY:** Office of Personnel  
Management.

**ACTION:** Correction to interim rule.

**SUMMARY:** The Office of Personnel Management inadvertently failed to designate a section in a redesignated subpart. This document corrects this error.

**EFFECTIVE DATE:** December 29, 1995.

**ADDRESSES:** Employment Service, Office of Personnel Management, 1900 E Street NW., Washington, D.C. 20415-0001.

**FOR FURTHER INFORMATION CONTACT:**  
Diane Bohling, 202-606-0960, FAX  
202-606-2329.

**SUPPLEMENTARY INFORMATION:**  
Accordingly, on page 67282, third column, Amendment 3 of the interim rule published on December 29, 1995, is corrected to read as follows:

“3. Subpart F is redesignated as subpart J, section 330.601 is redesignated as section 330.1001, and Subpart F is added to read as follows:”

Robert T. Coco,

*Federal Regulations Liaison Officer.*

[FR Doc. 96-393 Filed 1-9-96; 8:45 am]

**BILLING CODE** 6325-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 95-NM-239-AD; Amendment  
39-9448; AD 95-25-04]

#### Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

**AGENCY:** Federal Aviation  
Administration, DOT.

**ACTION:** Final rule; request for  
comments.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD-11 series airplanes, that currently requires an inspection and other specified actions to ensure that the ground stud assemblies at three locations of the airplane are installed properly and torqued to certain specifications, to verify the integrity of the components of the ground stud assemblies, and to detect heat damage in adjacent areas; and correction of any discrepancy. That AD was prompted by reports indicating that arcing occurred across the pins in the galley external power receptacle due to loose attach hardware on the ground stud. The actions specified in that AD are intended to ensure that the ground stud assemblies are attached correctly so that arcing will not occur. Such arcing, if not corrected, could result in heat damage to adjacent structure and a fire in the forward cargo compartment, the center accessory compartment, or the aft fuselage compartment. This action would expand the applicability of the existing AD to include additional airplanes.

**DATES:** Effective January 25, 1996.

The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD11-24A090, Revision 1, dated November 6, 1995, as listed in the regulations, is approved by the Director of the Federal Register as of January 25, 1996.

The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD11-24A090, dated July 21, 1995, as listed in the regulations, was approved previously by the Director of the Federal Register as of September 5, 1995 (60 FR 43364, August 21, 1995).

Comments for inclusion in the Rules Docket must be received on or before March 11, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-239-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**  
Brett Portwood, Aerospace Engineer,  
Branch, ANM-130L, FAA, Transport  
Airplane Directorate, Los Angeles  
Aircraft Certification Office, 3960  
Paramount Boulevard, Lakewood,  
California 90712; telephone (310) 627-  
5347; fax (310) 627-5210.

**SUPPLEMENTARY INFORMATION:** On August 11, 1995, the FAA issued AD 95-17-11, amendment 39-9341 (60 FR 43364, August 21, 1995), applicable to certain McDonnell Douglas Model MD-11 series airplanes, to require an inspection and other specified actions to ensure that the ground stud assemblies at three locations of the airplane are installed properly and torqued to certain specifications, to verify the integrity of the components of the ground stud assemblies, and to detect heat damage in adjacent areas; and correction of any discrepancy. That action was prompted by reports indicating that arcing occurred across the pins in the galley external power receptacle due to loose attach hardware on the ground stud. The actions required by that AD are intended to ensure that the ground stud assemblies are attached correctly so that arcing will not occur. Such arcing, if not corrected, could result in heat damage to adjacent structure and a fire in the forward cargo compartment, the center

accessory compartment, or the aft fuselage compartment.

Since the issuance of that AD, the manufacturer has advised the FAA that, during random sampling of the fleet, additional airplanes have been identified on which improper installation and incorrect torquing of the attach hardware on the ground stud occurred during manufacture. In light of this, the FAA has determined that those additional airplanes are subject to the same unsafe condition addressed by AD 95-17-11.

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11-24A090, Revision 1, dated November 6, 1995. The inspection and other specified actions described in this revision are identical to those described in the original issue of the alert service bulletin (which was referenced in AD 95-17-11). Additionally, this revision expands the effectivity listing to include additional airplanes that are subject to the addressed unsafe condition. This revision also contains minor editorial changes.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, this AD supersedes AD 95-17-11 to continue to require an inspection and other specified actions to ensure that the ground stud assemblies at three locations of the airplane are installed properly and torqued to certain specifications, to verify the integrity of the components of the ground stud assemblies, and to detect heat damage in adjacent areas; and correction of any discrepancy. This AD expands the applicability of the existing AD to include additional airplanes. The actions are required to be accomplished in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A090.

This AD also requires that operators report inspection results, positive or negative, to the FAA.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are

invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95-NM-239-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy

of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### **PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40101, 40113, 44701.

#### **§ 39.13 [Amended]**

2. Section 39.13 is amended by removing amendment 39-9341 (60 FR 43364, August 21, 1995), and by adding a new airworthiness directive (AD), amendment 39-9448, to read as follows:

95-25-04 McDonnell Douglas: Amendment 39-9448. Docket 95-NM-239-AD.

Supersedes AD 95-17-11, Amendment 39-9341.

*Applicability:* Model MD-11 series airplanes, as identified in McDonnell Douglas Alert Service Bulletin MD11-24A090, Revision 1, dated November 6, 1995; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (e) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

*Compliance:* Required as indicated, unless accomplished previously.

Note 2: Paragraph (a) of this AD merely restates the requirements of paragraph (a) of AD 95-17-11, amendment 39-9341. As allowed by the phrase, "unless accomplished previously," if those requirements of AD 95-17-11 have already been accomplished, this AD does not require that those actions be repeated.

To prevent arcing in the ground stud assemblies of the airplane, which could result in heat damage to adjacent structure and a fire in the forward cargo compartment, the center accessory compartment, or the aft fuselage compartment, accomplish the following:

(a) For airplanes having manufacturer's numbers 532, 544, and 559 through 588 inclusive: Within 90 days after September 5, 1995 (the effective date of AD 95-17-11), perform a one-time inspection and other specified actions to ensure that the ground stud assemblies in the forward cargo compartment, the center accessory compartment, and the aft fuselage compartment are installed properly and torqued as specified in Figure 1 of McDonnell Douglas Alert Service Bulletin MD11-24A090, dated July 21, 1995, or Revision 1, dated November 6, 1995; to verify the integrity of the components of the ground stud assemblies; and to detect heat damage to areas adjacent to the ground stud assemblies. Perform the inspection and other specified actions in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A090, dated July 21, 1995, or Revision 1, dated November 6, 1995.

(b) For airplanes other than those identified in paragraph (a) of this AD: Within 90 days after the effective date of this AD, perform a one-time inspection and other specified actions to ensure that the ground stud assemblies in the forward cargo compartment, the center accessory compartment, and the aft fuselage compartment are installed properly and torqued as specified in Figure 1 or 2, as applicable, of McDonnell Douglas Alert Service Bulletin MD11-24A090, Revision 1, dated November 6, 1995; to verify the integrity of the components of the ground stud assemblies; and to detect heat damage to areas adjacent to the ground stud assemblies. Perform the inspection and other specified actions in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A090, Revision 1, dated November 6, 1995.

(c) If any discrepancy is found during the actions required by paragraph (a) or (b) of this AD, prior to further flight, correct the discrepancy in accordance with paragraph 3.A.3. of the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin MD11-24A090, dated July 21, 1995, or Revision 1, dated November 6, 1995.

(d) Within 10 days after accomplishing the inspection required by this AD, report inspection results, positive or negative, to the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712; fax (310) 627-5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) and have been assigned OMB Control Number 2120-0056.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los ACO,

FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(f) Special flight permits may be issued in accordance with sections 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.

(g) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11-24A090, Revision 1, dated November 14, 1995; or McDonnell Douglas Alert Service Bulletin MD11-24A090, dated July 21, 1995. The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD11-24A090, Revision 1, dated November 6, 1995, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The incorporation by reference of McDonnell Douglas Alert Service Bulletin MD11-24A090, dated July 21, 1995, was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of September 5, 1995 (60 FR 43364, August 21, 1995). Copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846. Attention: Technical Publications Business Administration, Department C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on January 25, 1996.

Issued in Renton, Washington, on November 28, 1995.

S. R. Miller,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 96-271 Filed 1-9-96; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 71

[Airspace Docket No. 95-AWP-29]

#### Amendment of Class E Airspace; Bullhead City, AZ; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

**SUMMARY:** This action corrects an error in the geographic coordinates of a final rule that was published in the Federal Register on December 18, 1995, Airspace Docket No. 95-AWP-29. The Final Rule Amended .

**EFFECTIVE DATE:** 0901 UTC February 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** Scott Speer, Airspace Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, telephone (310) 725-6533.

#### SUPPLEMENTARY INFORMATION:

##### History

Federal Register Document 95-30692, Airspace Docket No. 95-AWP-29, published on December 18, 1995 (60 FR 65020), revised the description of the Class E airspace area at Bullhead City, AZ. An error was discovered in the geographic coordinates for the Bullhead City, AZ, Class E airspace area. This action corrects that error.

##### Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the geographic coordinates for the Class E airspace area at Bullhead City, AZ, as published in the Federal Register on December 18, 1995 (60 FR 65020), (Federal Register Document 95-30692), are corrected as follows:

#### § 71.1 [Corrected]

AWP CA E5 Bullhead City, AZ [Corrected]

On Page 65221, column 1, the geographic coordinates for the Bullhead City, AZ Class E airspace area are corrected by removing "(lat, 35°16'00"N., long. 115°10'00"W.)" and adding "(lat. 35°16'00"N., long. 115°00'00"W.)."

Issued in Los Angeles, California, on December 26, 1995.

Richard R. Lien,

*Manager, Air Traffic Division, Western-Pacific Region.*

[FR Doc. 96-378 Filed 1-9-96; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 95-AWP-34]

#### Amendment of Class E Airspace; Winnemucca, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule

**SUMMARY:** This action amends the Class E airspace area in Winnemucca, NV. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 14/32 has made this action necessary. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight

Rules (IFR) operations at Winnemucca Municipal Airport, Winnemucca, NV  
**EFFECTIVE DATE:** 0901 UTC February 29, 1996.

**FOR FURTHER INFORMATION CONTACT:**  
 Scott Speer, Airspace Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, telephone (310) 725-6533.

**SUPPLEMENTARY INFORMATION:**

**History**

On November 8, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending the Class E airspace area at Winnemucca, NV (60 FR 56277). This action will provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Winnemucca Municipal Airport, Winnemucca, NV.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1 The Class E airspace designations listed in this document will be published subsequently in this Order.

**The Rule**

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends the Class E airspace area at Winnemucca, NV. The development of a GPS SIAP at Winnemucca Municipal Airport has made this action necessary. The intended effect of this action is to provide adequate Class E airspace for aircraft executing the GPS RWY 14/32 SIAP at Winnemucca Municipal Airport, Winnemucca NV.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 10034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it

is certified that this rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—[AMENDED]**

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

AWP NV E5 Winnemucca, NV [Revised]

Winnemucca Municipal Airport, NV  
 (lat. 40°53'47"N, long. 117°48'21"W)

Winnemucca NDB  
 (lat. 40°57'48"N, long. 117°50'29"W)

Battle Mountain VORTAC  
 (lat. 40°34'09"N, long. 116°55'20"W)

That airspace extending upward from 700 feet above the surface within a 4.3-mile radius of the Winnemucca Municipal Airport and within 7.8 miles northwest and 4.3 miles east of the Winnemucca NDB 342° and 162° bearings, extended from 4.3 miles south to 8.7 miles north of the NDB. That airspace extending upward from 1,200 feet above the surface within 4.3 miles northeast and 9.6 miles southwest of the Winnemucca NDB 342° and 162° bearings, extending from the southeast edge of V-113 to 9.6 miles southeast of the NDB and within 4.3 miles each of the 162° bearing from the Winnemucca NDB, extending from the 9.6 miles southeast of the NDB to the north edge of V-32 and within 4.3 miles each side of the Battle Mountain VORTAC 296° radial extending from 10.4 miles to 43.4 miles northwest of the Battle Mountain VORTAC and that airspace bounded by a line beginning at lat. 40°33'00"N, long. 117°52'00"W; to lat. 40°37'30"N, long. 117°47'00"W; to lat. 40°34'00"N, long. 117°46'00"W, thence to the point of beginning and that airspace bounded by a line beginning at lat. 41°05'00"N, long. 118°12'30"W to lat. 41°10'00"N, long. 118°08'30"W, at lat. 41°03'00"N, long. 118°06'00"W, thence to the point of

beginning and that airspace bounded by a line beginning at lat. 40°46'00"N, long. 117°39'00"W, to lat. 40°37'00"N, long. 117°35'00"W, to lat. 40°34'30"N, long. 117°34'30"W, thence to the point of beginning.

\* \* \* \* \*

Issued in Los Angeles, California, on December 21, 1995.

Harvey R. Riebel,

*Acting Manager, Air Traffic Division,*

[FR Doc. 96-377 Filed 1-9-96; 8:45 am]

**BILLING CODE 4910-13-M**

**14 CFR Part 71**

**[Airspace Docket No. 95-ACE-10]**

**Amendment to Class E Airspace; Omaha, Millard Airport, NE**

**AGENCY:** Federal Aviation Administration [FAA], DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment modifies the Class E airspace area at Omaha, Millard Airport, NE, to accommodate a planned Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at the Omaha, Millard Airport. This action will provide for additional controlled airspace necessary for the planned GPS SIAP.

**DATES:** 0901 UTC April 25, 1996.

**FOR FURTHER INFORMATION CONTACT:** Kathy Randolph, Air Traffic Operations Branch, ACE-530C, Federal Aviation Administration, 601 E. 12th St., Kansas City, Missouri 64106; telephone (816) 426-3408.

**SUPPLEMENTARY INFORMATION:**

**History**

On October 30, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by modifying the Class E airspace area at Omaha, Millard Airport, NE (60 FR 55223). The proposed action would provide additional controlled airspace to accommodate a GPS SIAP to Runway 12 at the Omaha, Millard Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

**The Rule**

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends the Class E airspace area at Omaha, Millard Airport, by providing additional controlled airspace for aircraft executing the GPS Runway 12 SIAP to the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Aviation, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—[AMENDED]**

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

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

*Paragraph 6005 Class E airspace areas extending from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

ACE NE E5 Omaha, Millard Airport, NE [Revised]

Omaha, Millard Airport, NE (lat. 41°11'46"N, long. 96°06'44"W)

Millard NDB (lat. 41°11'42"N, long. 96°06'51"W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Millard Airport and within 4.4 miles each side of the 316° bearing from the

Millard NDB extending from the 6.4-mile radius to 8.3 miles northwest of the airport, excluding that airspace which lies within the Eppley Airfield and Offutt Air Force Base E5 airspace.

\* \* \* \* \*

Issued in Kansas City, MO on December 21, 1995.

Richard L. Day,

*Acting Manager, Air Traffic Division, Central Region.*

[FR Doc. 96-376 Filed 1-9-96; 8:45 am]

**BILLING CODE 4910-13-M**

**14 CFR Part 71**

[Airspace Docket No. 95-AWP-37]

**Amendment of Class E Airspace; Alturas, CA**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends the Class E airspace area at Alturas, CA. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 31 has made this action necessary. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Alturas Municipal Airport, Alturas, CA.

**EFFECTIVE DATE:** 0901 UTC February 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** Scott Speer, Airspace Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, telephone (310) 725-6533.

**SUPPLEMENTARY INFORMATION:**

**History**

On November 8, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending the Class E airspace area at Alturas, CA (60 FR 56276). This action will provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Alturas Municipal Airport, Alturas, CA.

Interested parties were invited to participate in this rulemaking proceedings by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 15, 1995, which

is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in this Order.

**The Rule**

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends the Class E airspace area at Alturas, CA. The development of a GPS SIAP at Alturas Municipal Airport has made this action necessary. The intended effect of this action is to provide adequate Class E airspace for aircraft executing the GPS RWY 31 SIAP at Alturas Municipal Airport, Alturas, CA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 10034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—[AMENDED]**

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

AWP CA E5 Alturas, CA [Revised]

Alturas Municipal Airport, CA  
(lat. 41°28'59" N, long. 120°33'55" W)

That airspace extending upward from 700 feet above the surface beginning at lat. 41°34'00" N, long. 120°46'24" W; to lat. 41°36'50" N, long. 120°30'19" W; to lat. 41°14'20" N, long. 120°23'49" W; to lat. 41°11'35" N, long. 120°39'34" W, thence to the point of beginning. That airspace extending upward from 1,200 feet above the surface beginning at lat. 41°22'10" N, long. 120°58'04" W; to lat. 41°41'00" N, long. 120°41'04" W; to lat. 41°41'00" N, long. 120°20'00" W; to lat. 41°14'00" N, long. 120°15'00" W; to lat. 41°02'00" N, long. 120°39'30" W, thence to the point of beginning.

\* \* \* \* \*

Issued in Los Angeles, California, on December 21, 1995.

Harvey R. Riebel,

Acting Manager, Air Traffic Division,  
Western-Pacific Region.

[FR Doc. 96-375 Filed 1-9-96; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 71**

[Airspace Docket No. 95-ACE-03]

**Amendment to Class E Airspace;  
Fremont, NE**

**AGENCY:** Federal Aviation  
Administration [FAA], DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment modifies the Class E airspace area at Fremont, NE to accommodate a planned Standard Instrument Approach Procedure (SIAP) at the Fremont Municipal Airport. This action will provide additional controlled airspace necessary for the planned SIAP utilizing the Fremont, NE, Non-directional Radio Beacon (NDB) and the Scribner, NE, Very High Frequency Omnidirectional Range (VOR).

**EFFECTIVE DATE:** 0901 UTC April 25, 1996.

**FOR FURTHER INFORMATION CONTACT:**  
Kathy Randolph, Air Traffic Operations  
Branch, ACE-530C, Federal Aviation  
Administration, 601 E. 12th St., Kansas  
City, Missouri 64106; telephone (816)  
426-3408.

**SUPPLEMENTARY INFORMATION:**

**History**

On November 3, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by modifying the Class E airspace area at Fremont, NE. (60 FR 55814). The proposed action would provide additional controlled airspace to accommodate the new SIAP to Fremont Municipal Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraphs 6005 of FAA Order 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

**The Rule**

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends the Class E airspace area at Fremont, NE, by providing additional controlled airspace for aircraft executing the new SIAP to the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Aviation, Incorporation by reference,  
Navigation (air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—[AMENDED]**

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

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

**§71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective

September 16, 1995, is amended as follows:

*Paragraph 6005 Class E airspace areas extending from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

ACE NE E5 Fremont, NE [Revised]

Fremont Municipal Airport, NE  
(lat. 41°26'49" N, long. 96°31'03" W)

Fremont NDB  
(lat. 41°27'01" N, long. 96°31'05" W)

Scribner VOR  
(lat. 41°36'19" N., long. 96°37'44" W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Fremont Municipal Airport and within 2.6 miles each side of the 306° bearing from the Fremont NDB extending from the 6.4-mile radius to 7 miles northwest of the airport, and within 2 miles each side of the Scribner VOR 153° radial extending from the Scribner VOR to the 6.4-mile radius of the Fremont Municipal Airport.

\* \* \* \* \*

Issued in Kansas City, MO on December 21, 1995.

Richard L. Day,

Acting Manager, Air Traffic Division, Central  
Region.

[FR Doc. 96-374 Filed 1-9-96; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 71**

[Airspace Docket No. 95-AGL-13]

**Establishment of Class E Airspace;  
Eagle Butte, SD**

**AGENCY:** Federal Aviation  
Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Eagle Butte, SD. A Global Positioning System (GPS) standard instrument approach procedure (SIAP) to Runway 31 has been developed for the Cheyenne Eagle Butte Airport. The intended effect of this action is to provide controlled airspace extending upward from 700 feet above ground level (AGL) and 1200 feet AGL is needed for aircraft executing the approach.

**EFFECTIVE DATE:** 0901 UTC, April 25, 1996.

**FOR FURTHER INFORMATION CONTACT:**  
Eleanor J. Williams, Air Traffic Division,  
System Management Branch, AGL-530,  
Federal Aviation Administration, 2300  
East Devon Avenue, Des Plaines, Illinois  
60018, telephone (708) 294-7568.

**SUPPLEMENTARY INFORMATION:**

**History**

On October 30, 1995, the FAA proposed to amend part 71 of the

Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Eagle Butte, SD (60 FR 55227). The proposal was to add controlled airspace for aircraft executing the GPS SIAP at Cheyenne Eagle Butte Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Eagle Butte, SD to provide adequate controlled airspace for operators executing the GPS Runway 31 SIAP at Cheyenne Eagle Butte Airport. Controlled airspace extending upward from 700 feet AGE and 1200 feet AGL is needed for aircraft executing the approach. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

### PART 71—[AMENDED]

1. The authority citation for 14 part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

*Paragraph 6005 Class E airspace areas extending from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

AGL SD E5 Eagle Butte, SD [New]

Cheyenne Eagle Butte Airport  
(lat 44°59'06" N, long. 101°15'07" W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Cheyenne Eagle Butte Airport and that airspace extending upward from 1,200 feet above the surface from the 7-mile radius to the 9-mile radius northwest of the airport clockwise from V120 to V344 and from the 7-mile radius to the 19-mile radius east of the airport clockwise from V344 to V120 excluding that airspace within all Federal Airways.

\* \* \* \* \*

Issued in Des Plaines, Illinois on December 29, 1995.

Jeffrey L. Griffith,

*Acting Manager, Air Traffic Division*

[FR Doc. 96–372 Filed 1–9–96; 8:45 am]

BILLING CODE 4910–13–M

### 14 CFR Part 95

[Docket No. 28416; Amdt. No. 393]

#### IFR Altitudes; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

**EFFECTIVE DATE:** 0901 UTC, January 4, 1996.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 267–8277.

**SUPPLEMENTARY INFORMATION:** This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

#### The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current.

It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.  
 List of Subjects in 14 CFR Part 95  
 Airspace, Navigation (air).

Issued in Washington, D.C. on December 29, 1995.  
 Thomas C. Accardi,  
*Director, Flight Standards Service.*  
 Adoption of the Amendment  
 Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal

Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC,  
 1. The authority citation for part 95 continues to read as follows:  
 Authority: 49 U.S.C. 106(g), 40103, 40113, and 14 CFR 11.49(b)(2).  
 2. Part 95 is amended to read as follows:

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES AND CHANGEOVER POINTS  
 [Amendment 393 Effective Date, January 4, 1996]

From	To	MEA
<b>§ 95.1001 Direct Routes-U.S. 95.48 Green Federal Airway 8 is Amended to Read in Part</b>		
Campbell Lake, AK NDB .....	Glennallen, AK NDB .....	13000
<b>Atlantic Routes</b>		
<b>A509</b>		
Epson, OG FIX .....	Marci, FL FIX .....	6000
Marci, FL FIX .....	Dolphin, FL VORTAC .....	8000
<b>§ 95.6003 VOR Federal Airway 3 is Amended to Read in Part</b>		
Drown, FL FIX .....	Mnate, FL FIX .....	5000
<b>§ 95.6008 VOR Federal Airway 8 is Amended to Read in Part</b>		
Goffs, CA VORTAC .....	Lynsy, NV FIX .....	7600
Lynsy, NV FIX .....	Means, NV FIX .....	7500
<b>§ 95.6046 VOR Federal Airway 46 is Amended to Read in Part</b>		
Calverton, NY VORTAC .....	Hampton, NY VORTAC .....	1900
<b>§ 95.6091 VOR Federal Airway 91 is Amended to Read in Part</b>		
Sardi, NY FIX *1900-MOCA .....	Calverton, NY VORTACT ..	*2500
<b>§ 95.6113 VOR Federal Airway 113 is Amended to Read in Part</b>		
Boise, ID VORTAC .....	Pluto, ID FIX. SW BND .....	9700
	NE BND .....	13000
Pluto, ID FIX .....	Salmon, ID VOR/DME .....	15500
<b>§ 95.6234 VOR Federal Airway 234 is Amended to Read in Part</b>		
Anton Chico, NM, VORTAC *7500-MOCA .....	Dalhart, TX VORTAC .....	*8500
<b>§ 95.6328 VOR Federal Airway 328 is Amended to Read in Part</b>		
Kipnuk, AK VOR/DME .....	Acate, AK Fix .....	2000
Acate, AK FIX *5500-MOCA .....	Brous, AK FIX .....	*9000
Brous, AK FID .....	Dillingham, AK VOR/DME. E BND .....	5000
	W BND .....	9000
<b>Is Amended to Delete</b>		
Perci, AK FIX .....	Dillingham, AK VOR/DME ..	5000
<b>§ 95.6514 VOR Federal Airway 514 is Added to Read in Part</b>		
Mission May, CA VORTACT .....	Ryahh, CA FIX .....	4000
*Ryahh, CA FIX *6200-MCA Ryahh FIX, E BND .....	Baret, CA FIX .....	8000
	E BND .....	8000
	W BND .....	5500
Baret, CA FIX .....	Canno, CA FIX .....	8000
Canno, CA FIX .....	Julian, CA VORTAC .....	8500
Julian, CA VORTAC .....	Warne, CA FIX. S BND .....	8000
	N BND .....	9000
Warne, CA FIX *5600-MCA Thermal VORTAC, N BND .....	*Thermal, CA VORTAC .....	9000
Thermal, CA VORTAC .....	Twentynine Palms, CA VORTAC.	7000
*Twentynine Palms, CA VORTAC *7900-MCA Twentynine Palms VORTAC, NE BND **7400-MOCA.	Goffs, CA VORTAC .....	**10000
Goffs, CA VORTAC .....	Boulder City, NV VORTAC	7600
<b>§ 95.6533 VOR Federal Airway 533 is Amended to Read in Part</b>		
Lakeland, FL VORTAC *3000-MRA .....	*Cambe, FL FIX .....	1700
<b>§ 95.6538 VOR Federal Airway 538 is Amended to Read in Part</b>		
*Twentynine Palms, CA VORTAC *7900-MCA Twentynine Palms VORTAC, NE BND **7400-MOCA.	Goffs, CA VORTAC .....	**10000

§ 95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

Airway segment		Changeover points	
From	To	Distance	From
<b>V-113 is Amended to Read in Part</b>			
Boise, ID VORTAC .....	Salmon, ID VOR/DME .....	45	Biose.
Salmon, ID VOR/DME .....	Coppertown, MT VOR/DME .....	60	Salmon.
<b>V-328 is Amended by Adding</b>			
Dillingham, AK VOR/DME .....	Kipnuk, AK VOR/DME .....	70	Dillingham.
<b>V-514 is Amended by Adding</b>			
Goffs, CA VORTAC .....	Boulder City, NV VORTAC .....	#60	Goffs.

#COP measured from EED VORTAC.

[FR Doc. 96-380 Filed 1-9-96; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 97**

[Docket No. 28408; Amdt. No. 1700]

**Standard Instrument Approach Procedures; Miscellaneous Amendments**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

*For Purchase—*Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description

of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identified the airport, its location, the procedure identification and the amendment number.

**The Rule**

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a

"significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on December 15, 1995.

Thomas C. Accardi,  
Director, Flight Standards Service.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

#### §§ 97.23, 97.25, 97.27, 97.29, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; AND § 97.35 COPTER SIAPs, identified as follows:

*Effective February 29, 1996*

Bullhead City, AZ, Laughlin/Bullhead Intl, GPS RWY 34, Orig  
Little Rock, AR, Adams Field, GPS RWY 18, Orig  
Magnolia, AR, Magnolia Muni, GPS RWY, 17, Orig  
Magnolia, AR, Magnolia Muni, GPS RWY, 35, Orig  
Rogers, AR, Rogers Municipal-Carter Field, GPS RWY 1, Orig  
Mammoth Lakes, CA, Mammoth Lakes, GPS RWY 27, Orig  
Denver, CO, Front Range, GPS RWY 35, Orig  
Bridgeport, CT, Igor I. Sikorsky Memorial, GPS RWY 29, Orig  
Adel, GA, Cook County, VOR/DME RNAV RWY 5, Orig

Atlantic, IA, Atlantic Muni, GPS RWY 12, Orig  
Tipton, IA, Mathews Memorial, GPS RWY 11, Orig  
Mayfield, KY, Mayfield Graves County, GPS RWY 36, Orig  
Mansfield, LA, De Soto Parish, GPS RWY 18, Orig  
Portland, ME, Portland Intl Jetport, RADAR-1, Amdt 4, CANCELLED  
Plymouth, MA, Plymouth Muni, GPS RWY 6, Orig  
Grayling, MI, Grayling AAF, GPS RWY 14, Orig  
Howell, MI, Livingston County, GPS RWY 13, Orig  
Sedalia, MO, Sedalia Memorial, GPS RWY 18, Orig  
Sedalia, MO, Sedalia Memorial, GPS RWY 36, Orig  
Warrensburg, MO, Skyhaven, GPS RWY 36, Orig  
Hastings, NE, Hastings Muni, GPS RWY 14, Orig  
Elko, NV, Elko Muni-J.C. Harris Field, GPS RWY 5, Orig  
West Milford, NJ, Greenwood Lake, VOR RWY 6, Orig  
West Milford, NJ, Greenwood Lake, VOR OR GPS-A, Amdt 3, CANCELLED  
Hamilton, OH, Hamilton-Fairfield, GPS RWY 29, Orig  
Philadelphia, PA, Philadelphia Intl, ILS RWY 9L, Amdt 3  
Pawtucket, RI, North Central State, GPS RWY 5, Orig  
Pawtucket, RI, North Central State, GPS RWY 23, Orig  
Winnsboro, SC, Fairfield County, GPS RWY 22, Orig  
Rock Springs, WY, Rock Springs-Sweetwater County, GPS RWY 27, Orig

*Effective February 1, 1996*

Sault Ste Marie, MI, Sault Ste Marie/Sanderson Field, VOR OR GPS RWY 32, Amdt 1  
Springfield, IL, Capital, ILS RWY 31, Orig  
Indianapolis, IN, Indianapolis Intl, NDB OR GPS RWY 5L, Amdt 2, CANCELLED  
Indianapolis, IN, Indianapolis Intl, NDB RWY 5L, Orig  
Indianapolis, IN, Indianapolis Intl, ILS RWY 5L, Amdt 23, CANCELLED  
Indianapolis, IN, Indianapolis Intl, ILS RWY 5L, Orig  
Indianapolis, IN, Indianapolis Intl, ILS RWY 23R, Amdt 9, CANCELLED  
Indianapolis, IN, Indianapolis Intl, ILS RWY 23R, Orig  
St. Louis, MO, St. Louis/Lambert-St. Louis Intl, ILS RWY 12L, Amdt 3  
Albuquerque, NM, Albuquerque Intl, ILS RWY 3, Orig  
Wilmington, OH, Airborne Airpark, ILS RWY 4L, Amdt 3  
Wilmington, OH, Airborne Airpark, ILS/DME RWY 4R, Amdt 1  
Wilmington, OH, Airborne Airpark, ILS RWY 22R, Amdt 4  
Wilmington, OH, Airborne Airpark, ILS/DME RWY 22L, Amdt 1

[FR Doc. 96-382 Filed 1-9-96; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 97

[Docket No. 28410; Amdt. No. 1702]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

#### *For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

*For Purchase—*Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

#### **FOR FURTHER INFORMATION CONTACT:**

Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and §§ 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Form 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

#### The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAPs contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with Global Positioning System (GPS) equipment. In consideration of the above, the applicable Standard Instrument Approach Procedures (SIAPs) will be altered to include "or GPS" in the title without otherwise reviewing or modifying the procedure. (Once a stand alone GPS procedure is developed, the procedure title will be altered to remove "or GPS" from these non-localizer, non-precision instrument

approach procedure titles.) Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are, impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on December 15, 1995.

Thomas C. Accardi,  
*Director, Flight Standards Service.*

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standards Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

#### **PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

#### **§§ 97.23, 97.27, 97.33, 97.35 [Amended]**

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.27 NDB, NDB/DME; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . Effective JAN 04, 1996

Cabool, MO, Cabool Memorial, VOR/DME or GPS RWY 21, Amdt 2 CANCELLED  
Cabook, MO, Cabool Memorial, VOR/DME RWY 21, Amdt 2

Goldsby, OK, David Jay Perry, VOR/DME or GPS RWY 31, Orig CANCELLED  
Goldsby, OK, David Jay Perry, VOR/DME RWY 31, Orig  
Charleston, SC, Charleston Executive, RNAV or GPS RWY 9, Amdt 5A CANCELLED  
Charleston, SC, Charleston Executive, RNAV RWY 9, Amdt 5A

[FR Doc. 96-381 Filed 1-9-96; 8:45 am]

BILLING CODE 4910-13-M

#### **14 CFR Part 97**

**[Docket No. 28409; Amdt. No. 1701]**

#### **Standard Instrument Approach Procedures; Miscellaneous Amendments**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

- For Examination—*
1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
  2. The FAA Regional Office of the region in which affected airport is located; or
  3. The Flight Inspection Area Office which originated the SIAP.
- For Purchase—*Individual SIAP copies may be obtained from:
1. FAA Public inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
  2. The FAA Regional Office of the region in which the affected airport is located.
- By Subscription—*Copies of all SIAPs, mailed once every 2 weeks, are for sale

by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure

identification and the amendment number.

**The Rule**

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPs criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

**Conclusion**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 97**

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on December 15, 1995.

Thomas C. Accardi,  
*Director, Flight Standards Service.*

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

**§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]**

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME, § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV, § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:..

Effective Upon Publication.

FDC date	State	City	Airport	FDC Number	SIP
11/30/95	MI	Howell .....	Livingston County .....	FDC 5/6471	VOR or GPS Rwy 31, Amdt 10.
11/30/95	NC	Hickory .....	Hickory Regional .....	FDC 5/6482	NDB or GPS Rwy 24, Amdt 4B.
11/30/95	NC	Hickory .....	Hickory Regional .....	FDC 5/6483	ILS Rwy 24, Amdt 6A.
11/30/95	TN	Memphis .....	Memphis Intl .....	FDC 5/6468	RADAR-1, Amdt 37.
11/30/95	TN	Memphis .....	Memphis Intl .....	FDC 5/6469	NDB or GPS Rwy 9, Admt 25C.
12/01/95	AR	Springdale .....	Springdale Muni .....	FDC 5/6491	ILS Rwy 18, Amdt 6.
12/01/95	AR	Springdale .....	Springdale Muni .....	FDC 5/6496	VOR or GPS Rwy 18, Amdt 14.
12/01/95	TX	Dumas .....	Moore County .....	FDC 5/6495	VOR/DME RNAV or GPS Rwy 19, Amdt 3.
12/04/95	AK	Bethel .....	Bethel .....	FDC 5/6539	NDB Rwy 18, Amdt 8.
12/04/95	AK	Bethel .....	Bethel .....	FDC 5/6540	VOR or GPS Rwy 18, Amdt 8.

FDC date	State	City	Airport	FDC Number	SIP
12/04/95	AK	Bethel .....	Bethel .....	FDC 5/6541	VOR/DME Rwy 18, Orig.
12/04/95	AK	Bethel .....	Bethel .....	FDC 5/6544	ILS/DME Rwy 18, Amdt 4A.
12/04/95	AK	Cold Bay .....	Cold Bay .....	FDC 5/6538	VOR or GPS, Rwy 14, Admt 12a.
12/04/95	AK	Cold Bay .....	Cold Bay .....	FDC 5/6545	NDB Rwy 14, Amdt 10A.
12/04/95	AK	Cold Bay .....	Cold Bay .....	FDC 5/6546	ILS Rwy 14, Amdt 15.
12/04/95	CA	Arcata-Eureka .....	Arcata .....	FDC 5/6534	ILS Rwy 32, Amdt 29.
12/04/95	FL	Miami .....	Miami Intl .....	FDC 5/6527	ILS Rwy 9R, Amdt 8.
12/05/95	AK	Talkeetna .....	Talkeetna .....	FDC 5/6565	VOR/DME or GPS Rwy 36, Amdt 1.
12/05/95	MN	Rochester .....	Rochester Intl .....	FDC 5/6561	ILS Rwy 31, Amdt 20.
12/12/95	TX	Levelland .....	Levelland Muni .....	FDC 5/6662	NDB or GPS Rwy 35, Amdt 1.
12/12/95	TX	Levelland .....	Levelland Muni .....	FDC 5/6664	NDB or GPS Rwy 17, Amdt 2.

[FR Doc. 96-379 Filed 1-9-96; 8:45 am]

BILLING CODE 4910-13-M

# Proposed Rules

Federal Register

Vol. 61, No. 7

Wednesday, January 10, 1996

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### 7 CFR Part 1485

#### Agreements for the Development of Foreign Markets for Agricultural Commodities

**AGENCY:** Commodity Credit Corporation (CCC).

**ACTION:** Proposed rule.

**SUMMARY:** The Commodity Credit Corporation (CCC) is proposing to amend its regulations implementing the Market Promotion Program (MPP) authorized by Section 203 of the Agricultural Trade Act of 1978, 7 U.S.C. 5623. Specifically, the proposed rule would extend the period of time following the expiration of the marketing year during which participants may pay for approved market development activities and still be entitled to receive reimbursement from CCC. This period would be extended from 30 days to 4 months. The proposed rule is part of an effort by CCC to increase program flexibility and ease administrative requirements on program participants.

**DATES:** Comments on the proposed rule should be submitted in writing to the address below by February 9, 1996 to be assured of consideration.

**FOR FURTHER INFORMATION CONTACT:** Sharon L. McClure, Director, Marketing Operations Staff, Foreign Agricultural Service, United States Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20250-1042, (202) 720-5521.

#### SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule is issued in conformance with Executive Order 12866. Based on information compiled by the Department, it has been determined that this proposed rule:

(1) Would have an annual effect on the economy of less than \$100 million;

(2) Would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(3) Would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(4) Would not alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients thereof; and

(5) Would not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

The Department of Agriculture is committed to carrying out its statutory and regulatory mandates in a manner that best serves the public interest. Therefore, where legal discretion permits, the Department actively seeks to promulgate regulations that promote economic growth, create jobs, are minimally burdensome and are easy for the public to understand, use or comply with. In short, the Department is committed to issuing regulations that maximize net benefits to society and minimize costs imposed by those regulations.

#### Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of rulemaking with respect to the subject matter of this rule.

#### Paperwork Reduction Act

The proposed rule does not impose any new reporting or recordkeeping requirements. The information collection requirements of participating in the MPP were approved for use by the Office of Management and Budget under OMB control number 0551-0027.

#### Executive Order 12372

This proposed rule is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 46 FR 29115 (June 24, 1983).

#### Executive Order 12778

This proposed rule has been reviewed under the Executive Order 12778, Civil Justice Reform. The proposed rule would have pre-emptive effect with respect to any state or local laws, regulations, or policies which conflict with such provisions or which otherwise impede their full implementation. The proposed rule would not have retroactive effect. Administrative proceedings are not required before parties may seek judicial review.

#### Background

On February 1, 1995, the CCC published final rules at 60 FR 6352 governing the MPP. These new rules were applicable beginning with a participant's 1995 marketing year. Following publication, CCC participated with interested parties in five information sessions designed to familiarize participants with the new regulations and offer participants an additional opportunity to identify any problem areas. At these sessions, there was considerable discussion concerning the requirement that participants must have completely paid for approved activities not later than 30 days following the end of a participant's activity plan in order to receive reimbursement, 7 CFR 1485.16(h)(3). As a result of these discussions, CCC recognized that this requirement is too restrictive and does not allow sufficient time for a participant to receive and pay an invoice submitted by a third party, particularly for those activities that are conducted near the end of an activity plan year. In addition, the current requirement may, inadvertently, impose a requirement on participants to prepay invoices. This is not a practice CCC wishes to endorse since it is not a common business practice and may also jeopardize the financial integrity of the program. This proposed rule would amend the current requirement in 7 CFR 1485.16(h) by allowing participants to transfer funds to pay for activities not later than 4 months following the end of the activity plan year and still be entitled to receive reimbursement from CCC.

#### List of Subjects in 7 CFR Part 1485

Agricultural commodities, Exports.

For the reasons set forth in the preamble, CCC proposes to amend 7 CFR part 1485 as follows:

**PART 1485—AGREEMENTS FOR THE DEVELOPMENT OF FOREIGN MARKETS FOR AGRICULTURAL COMMODITIES**

1. The authority citation for Part 1485 continues to read as follows:

Authority: 7 U.S.C. 5623, 5662–5664 and sec. 1302, Pub. L. 103–66, 107 Stat. 330.

**Subpart B—Market Promotion Program**

2. In § 1485.16, paragraph (h) is revised to read as follows:

**§ 1485.16 Reimbursement rules.**

\* \* \* \* \*

(h) CCC will reimburse for expenditures made after the conclusion of participant's activity plan year provided:

- (1) The activity was approved prior to the end of the activity plan year;
- (2) The activity was completed within 30 calendar days following the end of the activity plan year; and
- (3) all funds transferred to pay for the activity within 4 months following the end of the activity plan year.

Signed at Washington, D.C. on December 19, 1995.

Timothy J. Galvin,

*Acting Administrator, Foreign Agricultural Service and Vice President, Commodity Credit Corporation.*

[FR Doc. 95–326 Filed 1–9–95; 8:45 am]

BILLING CODE 3410–05–M

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**18 CFR Chapter I**

[Docket No. RM95–16–000]

**Regulations for the Relicensing of Hydroelectric Projects**

January 4, 1996.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Petition for rulemaking; extension of time.

**SUMMARY:** On October 31, 1995, the Commission issued a notice of National Hydropower Association's (NHA) petition for rulemaking in the above-captioned docket (60 FR 56278, November 8, 1995). Certain departments and agencies of the Federal Government are presently closed for all but emergency matters due to a lack of appropriated funds. The Commission

anticipates that a number of these agencies may wish to file comments on the petition. In order to accommodate this unusual circumstance, notice is hereby given that an extension of time is granted.

**DATES:** Initial comments by all parties shall be filed on or before February 5, 1996. Reply comments shall be due on or before March 4, 1996.

**ADDRESSES:** Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426.

**FOR FURTHER INFORMATION CONTACT:** Barry Smoler, Office of the General Counsel, (202) 208–1269.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–303 Filed 1–9–96; 8:45 am]

BILLING CODE 6717–01–M

**18 CFR Part 35**

[Docket Nos. RM95–8–000 and RM94–7–001]

**Promoting Wholesale Competition Through Open Access Nondiscriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities; Notice of Technical Conference and Potential Broadcast of Technical Conference Concerning Independent System Operators and Reform of Power Pools Under the Federal Power Act**

January 4, 1996.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of Technical Conference and Potential Broadcast of Technical Conference.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) notifies interested persons that it will hold a technical conference regarding independent system operators (ISOs) and power pools on January 24, 1996, at 9:30 A.M. The Commission has invited specific persons with technical expertise to participate in the conference. Their names, and an agenda for the conference, are attached. This notice also provides interested persons with the necessary information by which they may seek to receive the broadcast of the conference.

**DATES:** Persons interested in receiving the broadcast of the conference for a fee must notify Shirley Al-Jarani or Julia Morelli at the Capitol Connection (703–993–3100) by January 10, 1996. The conference will be held on January 24, 1996, at 9:30 A.M.

**ADDRESSES:** The conference will be held at the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

**FOR FURTHER INFORMATION CONTACT:** Karen A. Tomcala (Legal Issues), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208–0464  
Carolyn A. Berry (Technical Issues), Office of Economic Policy, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208–2227

**SUPPLEMENTARY INFORMATION:** In addition to publishing the full text of this document in the Federal Register, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, N.E., Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the text of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (800) 856–3920 or (202) 208–1397 if dialing locally. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this document will be available on CIPS in ASCII and WordPerfect 5.1 format. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in the Public Reference Room at 888 First Street, N.E., Washington, D.C. 20426.

At the Commission's technical conference on comparability for power pools held December 5 and 6, 1995, several speakers described proposals for developing independent system operators (ISOs) as one method to address full competition and comply with the Commission's open access and comparability requirements.<sup>1</sup> Power pools considering the formation of ISOs include PJM, NEPOOL and NYPP.

To follow up on the issues raised during the December technical conference, the Commission will hold a

<sup>1</sup> See Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, Notice of Proposed Rulemaking and Supplemental Notice of Proposed Rulemaking, 60 FR 17662 (April 7, 1995), IV FERC Stats. & Regs. ¶ 32,514 (1995) (Open Access Proceeding).

technical conference on issues relating to ISOs and power pools on January 24, 1996, beginning at 9:30 a.m. The speakers for the technical conference are:

Panel One

Hon. William Daniel Fessler, President, California Public Utilities Commission (invited)  
 John Rowe, President and CEO, New England Electric System  
 Paul Joskow, MITSUI Professor of Economics and Management, Massachusetts Institute of Technology  
 Steven J. Kean, Vice President, Enron Power Marketing, Inc.  
 J. Leroy Thilly, General Manager & Counsel, Wisconsin Public Power, Inc.

Panel Two

E. Linn Draper, Jr., Chairman, President and CEO, American Electric Power Company  
 William W. Hogan, Thorton Bradshaw Professor of Public Policy & Management, Harvard University  
 Alan Richardson, Executive Director, American Public Power Association  
 Jeanine Hull, Vice President and Assistant General Counsel, LG&E Power Inc.  
 Steven Walton, P.E., Manager, Transmission Policy & Pricing, Pacificorp

The conference will be held at the Commission, 888 First Street, NE., Washington, DC 20426.

The purpose of the technical conference is threefold. First, the Commission expects the participants to help us define the essential elements and operational characteristics of an ISO.

Second, the Commission wishes to explore the development of principles that should be applied in reforming power pools, including evaluating ISO proposals by power pools, to ensure that they are not unduly discriminatory under the Federal Power Act. The Commission is particularly interested in exploring whether the creation of ISOs is necessary to ensure comparability of transmission service by power pools.

Third, the Commission is aware that public utilities that are not members of power pools also are considering the formation of ISOs. The Commission is interested in exploring the development of criteria for evaluating these types of ISO proposals as well. As is the case with power pools, the Commission is interested in whether ISOs are necessary to ensure comparability for public utilities that are not members of power pools.

Broadcast of Technical Conference

If there is sufficient interest, the Capitol Connection may broadcast the technical conference on January 24, 1996, to interested persons. Persons interested in receiving the broadcast for a fee should contact Shirley Al-Jarani or Julia Morelli at the Capitol Connection (703-993-3100) no later than January 10, 1996.

Lois D. Cashell,  
*Secretary.*

[FR Doc. 96-340 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF THE TREASURY**

**Bureau of Alcohol, Tobacco, and Firearms**

**27 CFR Part 9**

[Notice No. 818]

RIN 1512-AA07

**Extension of the Paso Robles Viticultural Area**

**AGENCY:** Bureau of Alcohol, Tobacco, and Firearms (ATF), Department of the Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes the extension of the western border of the Paso Robles viticultural area in San Luis Obispo County, California. The Paso Robles viticultural area was originally approved in Treasury Decision ATF-148, 48 FR 45241, October 4, 1983 (27 CFR 9.84). The petition was initially submitted by Justin C. Baldwin and more recently re-submitted by July Ackerman, Executive Director, Paso Robles Vintners and Growers Association as spokesperson for the seven vineyards and one winery within the proposed new border.

ATF believes the establishment of American viticultural areas and their subsequent use as appellations of origin in wine labeling and advertising allows wineries to better designate the specific grape-growing area where their wines come from and allows consumers to better identify the wines they purchase.

**DATES:** Comments must be received on or before April 9, 1996.

**ADDRESSES:** Comments must be addressed to: Chief, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20226 (Notice No. 818). Copies of the petition, the proposed regulations, the appropriate maps, and any written comments received will be available for

public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 6480, 650 Massachusetts Avenue, NW, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mary Lou Blake, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, N.W., Washington, D.C. 20226 (202-927-8210).

**SUPPLEMENTARY INFORMATION:**

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definitive American viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in Subpart C of Part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

The original petition to extend the western border of the Paso Robles viticultural area was filed in July 1993,

by Justin C. Baldwin as spokesperson for his own vineyard and winery and for five other wineries in the area. All of the vineyards and the winery, which are located outside the western border of the current Paso Robles viticultural area, were established after the original Paso Robles viticultural area was approved. At the time Mr. Baldwin submitted his petition additional information was still needed to complete the petition. Until the additional information could be obtained, the original petition was returned to Mr. Baldwin.

July Ackerman, Executive Director of the Paso Robles Vintners and Growers Association, later resubmitted the petition in December 1994. Ms. Ackerman, in her official role as Executive Director, along with members of the Paso Robles Vintners and Growers Association, support the proposed extension. The petition also includes the names of 71 people in the grape and wine industries who support the proposed expansion area.

Ms. Ackerman states the proposed expansion area has always been considered a part of the Paso Robles Wine Country. In fact, the petition notes that the proposed expansion area was included in the original petition but was removed due to a petition involving a contiguous area. The proposed expansion area is between the boundaries set forth in these two petitions. In 1989 the Paso Robles Chamber of Commerce published "A History and Tour Guide of the Paso Robles Wine Country." Included in this publication was one of the vineyards and wineries located in the proposed expansion area. As noted, the proposed expansion area was also originally included in the petition for the current Paso Robles viticultural area. However, a concurrent petition was being considered for the York Mountain viticultural area and to prevent any intrusion into York Mountain the petitioner for Paso Robles amended the southwestern border. At the same time, the western boundary was amended to begin at the next most eastern range line. At the time of this amendment, no vineyards had been established in the area beyond the amended western boundary.

The area under petition will expand the western border of the current Paso Robles viticultural area while continuing to maintain a southwestern border adjacent to York Mountain's northern border. This expansion would add approximately 52,618 acres to the existing viticultural area. Since the final rule for the Paso Robles viticultural area was published in 1983, seven vineyards

have been planted in the proposed expansion area.

#### *Historical and Current Evidence*

The name of the area comes from the Spanish name "El Paso de Robles" (meaning "the Pass of the Oaks"), which was given to the area by travelers between the missions of San Miguel and San Luis Obispo. A land grant, in this name, was conveyed by Governor Micheltorena to Pedro Narvaez on May 12, 1844. This land grant included the present area of Paso Robles, Templeton, and Adelaida.

Historically, the Santa Lucia Mountain range has been known as the western border of the Paso Robles area. All seven of the vineyards planted since 1983 are located east of the Santa Lucia Mountain Range, just beyond the western border of the current Paso Robles Viticultural area and north of the York Mountain viticultural area.

In addition, the proposed expansion area contains the same telephone number prefixes and post office zip codes as the existing viticultural area. Further, the proposed expansion area utilizes the same government services (*i.e.* schools, fire departments, etc.) as the existing viticultural area.

#### *Geographical Evidence*

The petitioner provided geographical evidence derived from the "Soil Survey of San Luis Obispo County, California"—Paso Robles Area. This survey was a cooperative effort of the Soil Conservation Service and the University of California Agriculture Experiment Station. Petitioner's data also reflects information collected from airports, forestry stations, city and county historical records and individual agriculturalists.

The proposed expansion area is characterized by rolling hills, 750 feet to 1800 feet, similar to the current Paso Robles appellation and unlike the more mountainous area of York Mountain. Soils generally consist of Nacimiento Ayar, Nacimiento Los Osos Balcom Series and Linne-Calodo Series, three of the four soil types found in the current appellation.

Temperatures in the proposed expansion area are the same as the current appellation, ranging between 20–110 degrees Fahrenheit. Rainfall in the current appellation is between 10 and 25 inches per year. The proposed expansion area averages 25 inches per year maintaining a similarity with the current appellation and less than the 45 inches per year within the York Mountain Viticultural Area. Degree days of 2500–3500 are also the same for both

the current appellation and the proposed expansion area.

#### *Proposed Boundaries*

The proposed boundaries for the expansion of the Paso Robles viticultural area use range and township lines, the county line and other points of reference. These same features are used as boundaries for the existing Paso Robles viticultural area.

The points of reference for the boundaries of the current viticultural area and the proposed expansion area are found on United States Geological Survey (U.S.G.S.) map entitled "San Luis Obispo," scale 1:250,000 (1956, revised 1969).

#### *Paperwork Reduction Act*

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice of proposed rulemaking because no requirement to collect information is proposed.

#### *Regulatory Flexibility Act*

It is hereby certified that this proposed regulation will not have a significant economic impact on a substantial number of small entities. The establishment of a viticultural area is neither an endorsement nor approval by ATF of the quality of wine produced in the area, but rather an identification of an area that is distinct from surrounding areas. ATF believes that the establishment of viticultural areas merely allows wineries to describe more accurately the origin of their wines to consumers, and helps consumers identify the wines they purchase. Thus, any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from that region.

Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, is not expected (1) to have significant secondary or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

#### *Executive Order 12866*

It has been determined that this proposed regulation is not a significant regulatory action as defined by Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this Executive Order.

## Public Participation

ATF requests comments from all interested parties. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any comment as confidential. Comments may be disclosed to the public. Any material which a commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure. During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

## Drafting Information

The principal author of this document is Mary Lou Blake, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

## List of Subject in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine.

## Authority and Issuance

Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas, is proposed to be amended as follows:

### PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

\* \* \* \* \*

### Subpart C—Approved American Viticultural Areas

Par. 2. Section 9.84(c) is revised to read as follows:

#### § 9.84 Paso Robles.

\* \* \* \* \*

(c) *Boundaries.* The Paso Robles viticultural area is located within San Luis Obispo County, California. From the point of beginning where the county lines of San Luis Obispo, Kings and Kern Counties converge, the county line also being the township line between T.24S. and T.25S., in R.16E.:

(1) Then in a westerly direction along this county line for 42 miles to the range line between R.9E. and R.10E.;

(2) Then in a southerly direction for 12 miles along the range line to the southwest of corner of T.26S. and R.10E.;

(3) Then in a southeasterly direction, approximately 5.5 miles to a point of intersection of the Dover Canyon Jeep Trail and Dover Canyon Road;

(4) Then in an easterly direction along Dover Canyon Road, approximately 1.5 miles, to the western border line of Rancho Paso de Robles;

(5) Then, following the border of the Paso Robles land grant, beginning in an easterly direction, to a point where it intersects the range line between R.11E. and R.12E.;

(6) Then southeasterly for approximately 16.5 miles to the point of intersection of the township line between T.29S. and T.30S. and the range line between R.12E. and R.13E.;

(7) Then in an easterly direction for approximately 6 miles to the range line between R.13E. and R.14E.;

(8) Then in a northerly direction for approximately 6 miles to the township line between T.28S. and T.29S.;

(9) Then in an easterly direction for approximately 18 miles to the range line between R.16E. and R.17E.;

(10) Then in a northerly direction for approximately 24 miles to the point of beginning.

Dated: December 29, 1995.

Daniel R. Black,

*Acting Director.*

[FR Doc. 96-298 Filed 1-9-96; 8:45 am]

BILLING CODE 4810-31-U

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 67

[CGD 95-052]

RIN 2115-AF15

### Conformance of Lights on Artificial Islands and Fixes Structures, and Other Facilities to IALA Standards

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

**SUMMARY:** In keeping with the National Performance Review, the Coast Guard is reviewing its requirements for lights on artificial islands and fixed structures (such as oil rigs) and other facilities to bring them into conformance with the International Association of Lighthouse Authorities (IALA) standards. Also, the Coast Guard is reviewing its approval procedures and considering requiring manufacturers to have lighting equipment and fog signal emitters tested

by independent laboratories. Adopting the IALA standards may enhance maritime safety by conforming to lighting standards which are easier for the mariner to understand. After consideration of the comments received, the Coast Guard may initiate a rulemaking project.

**DATES:** Comments are requested by February 9, 1996.

**ADDRESSES:** Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 95-052), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this request for comments. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LTJG Chad Asplund, Short Range Aids to Navigation Division, Telephone: (202) 267-1386.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Coast Guard encourages interested persons to participate in this request for comments by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 95-052) and the specific section of this notice 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. Persons wanting acknowledgment of receipt of comments should enclosed stamped, self-addressed postcards or envelopes.

##### Background and Purpose

In keeping with the National Performance Review, the Coast Guard is reviewing its standards for lighting equipment presently required on artificial islands, fixed structures, and other facilities. The Coast Guard is considering bringing the lighting standards into conformance with the International Association of Lighthouse Authorities (IALA) standards. In 1982, the United States, along with most of the world's other maritime nations, became a party to the agreement that established the IALA Maritime Buoyage

System (MBS). In 1985, the United States began harmonizing the United States Aids to Navigation System (USATONS) with the MBS.

If the standards of IALA are adopted, the current candlepower for these lights would be revised to an "area specific" standard. These lights would still have to be visible for 90 percent of the nights of the year. The Coast Guard is also considering standardizing the approval procedures for optical and audio equipment for fog signal emitters.

Presently, under 33 CFR part 67, all artificial islands and structures erected on or over the seabed and subsoil of the outer continental shelf (OCS) are marked as private aids to navigation. The obstruction lights prescribed are either a white or red, quick-flashing, all-around light, depending on structure classification and background lighting. Multiple obstruction lights are required to flash in unison.

The IALA standards define a quick-flashing, white light as a north cardinal mark. The present private aid system may be misleading to the mariner accustomed to the IALA system. The mariner accustomed to using a white, quick-flashing light as a cardinal mark might mistake a structure which is not a cardinal mark for a cardinal mark. To conform with IALA, each structure would retain the red or white light, but display a Morse code "U" (...) rather than the quick flashing light.

Current regulations in 33 CFR part 67, subpart 67.05 require that lights be of sufficient candlepower so as to be visible for a prescribed distance, corresponding to the structure's class, 90 percent of the nights of the year. Certain geographic regions have environmental conditions that preclude lights from meeting the above standard. The new standards might divide the country into separate regions to allow for differences in transmissivity and its effects on the range of visibility. For example, one region might include the First, Ninth, and Eleventh Coast Guard Districts, while the other region might include the remaining districts.

The existing procedure in 33 CFR 67.05-10 that regulates lighting equipment states that manufacturers of lights must have their equipment approved by the District Commander and a permit must be issued before the equipment can be distributed. This procedure might be changed to require an independent laboratory to conduct the test. If so, the manufacturer would then forward the results to Commandant (G-NSR), U.S. Coast Guard, 2100 2nd Street SW., Washington, D.C., 20593, for review.

#### Cost Information

The Coast Guard is seeking additional information on the cost that could be associated with this project. Presently, the Coast Guard is consulting with Automatic Power Incorporated, Tideland Signal Corporation, and Sea Nav Corporation in an effort to estimate the economic impact that this project could have on manufacturers and users. The Coast Guard specifically requests comments from laboratories which conduct tests of lighting systems and fog signal emitters covered by part 67 regarding the costs of approvals.

#### Solicitation of Views

The Coast Guard solicits comments from all segments of the marine community and other interested persons on these suggestions and recommended alternatives related to obstruction lighting on artificial islands, fixed structures, and other facilities. The Coast Guard is particularly interested in receiving information, views, data, and reasons on the following questions and areas of concern:

1. Should these lights be changed to conform to IALA standards?

Should the lights be changed to Morse "U" in accordance with IALA standards, or with another configuration?

2. Should Class "C" structures be required to conform to IALA?

3. Should fog signal and light inspection procedures be changed?

Should the equipment approval procedures be changed to require testing by independent laboratories with results then forwarded to the Coast Guard?

Would such a change increase or decrease costs and compliance time?

4. What other factors should be considered in light of this proposed change?

Is there any other information that you feel may be helpful in implementing this change with less impact on the affected persons?

Dated: January 3, 1996.

J.A. Creech,

*Captain, U.S. Coast Guard, Acting Chief, Office of Navigation Safety and Waterway Services.*

[FR Doc. 96-354 Filed 1-9-96; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 117

[CGD05-95-081]

RIN 2115-AE47

#### Drawbridge Operation Regulations; Anacostia River, Washington, DC

AGENCY: Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** At the request of the Consolidated Rail Corporation (CONRAIL), the Coast Guard is proposing to change the regulations that govern the operation of the railroad bridge across the Anacostia River, mile 3.4, at Washington, DC. This proposal would change the current schedule by extending the winter seasonal restrictions and reducing the hours of operation during the boating season.

These changes to the drawbridge regulations are intended to relieve the bridge owner of the burden of having a bridgetender staff the bridge during periods of non-use, while still providing for the reasonable needs of navigation.

**DATES:** Comments must be received on or before April 9, 1996.

**ADDRESSES:** Comments may be mailed to Commander (ob), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, or may be delivered to Room 109 at the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (804) 398-6222. Comments will become part of this docket and will be available for inspection at Room 109, Fifth Coast Guard District.

**FOR FURTHER INFORMATION CONTACT:** Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398-6222.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD05-95-081) and the specific section of this proposal to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

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

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Commander (ob) at the address under ADDRESSES. The request should include reasons why

a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

#### Drafting Information

The principal persons involved in drafting this document are Linda L. Gilliam, Project Manager, Bridge Administration Section, and CDR T.R. Cahill, Project Counsel, Fifth Coast Guard District Legal Office.

#### Background and Purposes

The current regulations found at 33 CFR 117.253 provide that the draw of the CONRAIL bridge, mile 3.4, on the Anacostia River, shall open on signal on Saturdays, Sundays, and Federal Holidays from April 1 through September 30; between 7 a.m. and 11 p.m. on weekdays that are not Federal Holidays from April 1 through September 30; and on eight hours notice at all other times. CONRAIL has requested that 33 CFR 117.253 be amended to reduce the periods during which it must open the bridge on signal. In support of its request, CONRAIL contends that its records show that the period of heavy boating traffic is from May 15 through September 15, not April 1 through September 30 as provided in the current regulations. CONRAIL has also asked that the hours during which the bridge must open on signal be reduced, and that the same schedule be adopted for both weekdays and weekends.

The Coast Guard has reviewed CONRAIL's bridge logs for 1993 and 1994, copies of which are available for inspection at Room 10-9, Fifth Coast Guard District. According to the logs for 1993 and 1994, the railroad bridge only opened a total of 11 times from April 1 through May 15, and 6 times between September 15 through September 30. For 1993 and 1994 during the weekdays, the bridge opened 10 times between noon and 1 p.m.; 4 times between 6 p.m. and 7 p.m.; and 5 times after 7 p.m. During 1993 and 1994 on the weekends, the bridge opened 9 times between 7 p.m. and 9 a.m.

Based on the above information, the Coast Guard is proposing changes to 33 CFR 117.253. The proposed changes would require the bridge to open on signal between 9 a.m. and 12 noon and between 1 p.m. and 6 p.m. every day from May 15 through September 30. The bridge would also open on signal between 6 p.m. and 7 p.m. every day from May 15 through September 30 if notice is given to the bridgetender prior to 6 p.m. on the day for which the

opening is requested. Requirements would be the same for both weekend and weekday openings. The bridge will continue to open on eight hours notice at all other times.

As discussed above, openings have been infrequent during the periods which would be affected by these proposed changes. The Coast Guard believes that these proposed changes will relieve CONRAIL of the burden of requiring a bridgetender to be on duty during periods of little or no vessel traffic while not unduly restricting navigation.

#### Regulatory Evaluation

This proposed action 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 been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

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

#### Federalism

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

#### Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations to read as follows:

### **PART 117—DRAWBRIDGE OPERATION REGULATIONS**

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); Section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. In § 117.253, paragraphs (b)(1) (ii) and (iii) are revised to read as follows:

#### **§ 117.253 Anacostia River.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(i) \* \* \*

(ii) Between 9 a.m. and 12 noon and between 1 p.m. and 6 p.m. from May 15 through September 30.

(iii) Between 6 p.m. and 7 p.m. from May 15 through September 30 if notice is given to the bridgetender not later than 6 p.m. on the day for which the opening is requested.

\* \* \* \* \*

Dated: December 21, 1995.

W.J. Ecker,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 96-353 Filed 1-9-96; 8:45 am]

BILLING CODE 4910-14-M

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 651**

[I.D. 010496C]

### **New England Fishery Management Council; Modification of Meeting**

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Modification of public meeting.

**SUMMARY:** NMFS previously announced a public meeting (60 FR 67116, December 28, 1995) of the New England Fishery Management Council for 2 days to consider actions affecting New England fisheries in the exclusive economic zone. This modification announces that only the Groundfish Committee of the New England Fishery Management Council will be meeting.

**DATES:** The meeting will begin on Wednesday, January 10, 1996, at 10 a.m. and on Thursday, January 11, 1996, at 8:30 a.m.

**ADDRESSES:** The meeting will be held at the Tara's Ferncroft Conference Resort

and Hotel, 50 Ferncroft Road, Danvers, MA; telephone: (508) 277-2500.

Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1097; telephone: (617) 231-0422.

**FOR FURTHER INFORMATION CONTACT:** Douglas G. Marshall, Executive Director, (617) 231-0422.

**SUPPLEMENTARY INFORMATION:** The January 10-11 meeting is being convened specifically to address the remaining groundfish issues that relate to finalizing draft Amendment 7 to the Northeast Multispecies (Groundfish) Fishery Management Plan. The intent of this amendment is to implement measures to rebuild severely overfished

stocks, with particular emphasis on cod, haddock, and yellowtail flounder. If time allows, the Committee may consider other relevant business.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Douglas G. Marshall (see **ADDRESSES**) at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 4, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

[FR Doc. 96-345 Filed 1-5-96; 11:44 am]

**BILLING CODE 3510-22-P**

# Notices

Federal Register

Vol. 61, No. 7

Wednesday, January 10, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### Draft Supplemental Environmental Impact Statement to Assess the Impacts of Disposal and Reuse of the Former Fort Ord

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice of Availability of a Draft Supplemental Environmental Impact Statement (DSEIS) for the disposal and reuse of former Fort Ord, California.

**SUMMARY:** The Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) were completed in 1993 to support the Army disposal of excess lands and establishment of the Presidio of Monterey (POM) Annex. Disposal of properties is underway. The DSEIS addresses the disposal of 250 acres of newly excess lands made available by reducing the size of the POM Annex.

The DSEIS addresses two new reuse alternatives as secondary actions by others. The Final Fort Ord Base Reuse Plan was adopted by the Fort Ord Reuse Authority on December 12, 1994 and is analyzed as Alternative Seven. One additional reuse scenario, reflecting land use changes received through the DSEIS scoping process and recent public benefit conveyance requests is considered as Alternative Eight. The DSEIS fulfills the Army commitment in the ROD to develop additional environmental analysis to address the impacts of the reuse plan not already addressed in the FEIS. Copies of the draft DSEIS have been forwarded to federal, state and local agencies; and interested organizations and individuals.

**ADDRESSES:** Copies of the DSEIS can be obtained by writing or calling Ms. Kristy Chew at Jones & Stokes, Associates, Inc., 2600 V Street, Suite 100, Sacramento, CA 95818-1914, telephone (916) 737-3000.

#### FOR FURTHER INFORMATION CONTACT:

Comments and questions should be addressed to Mr. Bob Verkade, Sacramento District, U.S. Army Corps of Engineers, 1325 J. Street, Sacramento, CA 95814-2922, or call (916) 557-7423.

**SUPPLEMENTARY INFORMATION:** Copies of the DSEIS and related reports are available for review at the following branch libraries: Seaside, Aromas, Big Sur, Bradley, Carmel Valley, Castroville, Gonzales, Greenfield, King City, Marina, Park, Prunedale, San Ardo, San Lucas, Santa Lucia, and Soledad. Copies are also available for review at the Harrison Memorial Library, Monterey Public Library, Pacific Grove Public Library, Parkfield Library, Salina Public Library, Steinbeck Library, Morro Bay Public Library, Paso Robles Public Library, San Luis Obispo Public Library, Seaside Branch Municipal Public Library, and Monterey Free Libraries. Written comments may also be submitted to the address below until the close of the DSEIS comment period (45 days after the date of the Environmental Protection Agency notice on this action).

Raymond J. Fatz,

*Acting Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA, (I,L&E).*

[FR Doc. 96-299 Filed 1-9-96; 8:45 am]

**BILLING CODE 3710-08-M**

### Department of the Army

#### Record of Decision on the Final Environmental Impact Statement (FEIS), on the Disposal and Reuse of Jefferson Proving Ground, Madison, Indiana

**AGENCY:** Department of the Army, DOD.

**ACTION:** Notice of availability.

**SUMMARY:** In compliance with the National Environmental Policy Act and its implementing regulations promulgated by the President's Council on Environmental Quality, the Army has prepared a Record of Decision (ROD) pertaining to the Final Environmental Impact Statement (FEIS) for the disposal and reuse of Jefferson Proving Ground (JPG).

The decision is to dispose of 55,264 acres of excess property at JPG in accordance with the Defense Authorization Amendments and Base Closure and Realignment Act of 1988, Public 100-526. The disposal actions

will be incremental and based on the ability to remediate contaminated portions of the property.

The FEIS addressed the environmental and socioeconomic effects of the disposal and subsequent reuse of 55,264 acres. Three alternative methods of disposal were analyzed: Encumbered Disposal, Unencumbered Disposal and Retention of the Property in a Caretaker status (i.e., the No-Action Alternative).

The Encumbered Disposal Alternative addressed the transfer of property with Army-imposed conditions on future use for purposes that may include protection of important resources such as water quality and historical resources, and protection of human health and the environment from hazardous substances that may be present on the property. The Unencumbered Disposal Alternative evaluated the potential to remove encumbrances, thereby allowing the property to be disposed with few or no Army-imposed restrictions on future use. The impacts of reuse were evaluated in terms of low, medium and high intensity land use.

**ADDRESSES:** Copies of the Record of Decision and the Final Environmental Impact Statement can be obtained by writing or calling Mr. James Davidson, at the U.S. Army Materiel Command, ATTN: AMCSO, 5001 Eisenhower Avenue, Alexandria, VA 22333-0001, (703) 274-5510.

Dated: January 3, 1996.

Raymond J. Fatz,

*Acting Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA, (I,L&E).*

[FR Doc. 96-301 Filed 1-9-96; 8:45 am]

**BILLING CODE 3710-08-M**

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#### Draft Environmental Impact Statement (DEIS) on the Disposal and Reuse of Vint Hill Farms Station, Warrenton, Virginia

**AGENCY:** Department of the Army, DOD.

**ACTION:** Notice of availability.

**SUMMARY:** The proposed action evaluated by this DEIS is the disposal of Vint Hill Farms Station, Warrenton Virginia, in accordance with the Defense Base Closure and Realignment Act of 1990, Public Law 101-510. The DEIS addresses the environmental

consequences of the disposal and subsequent reuse of the 701 acres. Three alternative methods of disposal are analyzed: Encumbered Disposal, Unencumbered Disposal and retention of the property in a caretaker status (i.e., the No Action Alternative). The Encumbered Disposal Alternative addresses transfer of property with certain constraints on future use as a condition of disposal. The Unencumbered Disposal Alternative involves removing existing constraints to allow for property disposal with fewer or no Army imposed restrictions on future use. The impacts of reuse are evaluated in terms of land use intensities.

A scoping meeting was held at the Vint Hill Farms Stanton Theater on December 5, 1994. Public notices requesting input and comments from the public were issued in the regional area surrounding the Vint Hill Farms Station.

**DATES:** Written public comments and suggestions received within 45 days of the publication of the Environmental Protection Agency's Notice of Availability for this action will be addressed in the Final Environmental Impact Statement.

**ADDRESSES:** Copies of the Draft Environmental Impact Statement can be obtained by writing to Dr. Susan Rees, U.S. Army Corps of Engineers, Mobile District, (ATTN: CESAM-PD-EC), 109 St. Joseph Street, P.O. Box 2288, Mobile, Alabama 36628-0001 or by telephone at (334) 694-4141 or telefax (334) 690-2424.

Dated: January 3, 1996.

Raymond J. Fatz,

*Acting Deputy Assistant Secretary of the Army, (Environmental Safety and Occupational Health) OASA (IL&E).*

[FR Doc. 96-300 Filed 1-9-96; 8:45 am]

BILLING CODE 3710-08-M

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## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Pantex Plant, Amarillo, Texas

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Pantex Plant.

**DATE AND TIME:** Tuesday, January 23, 1996: 1:30 p.m.–5:30 p.m.

**ADDRESSES:** Amarillo Association of Realtors, 5601 Enterprise Circle, Amarillo, Texas.

**FOR FURTHER INFORMATION CONTACT:** Tom Williams, Program Manager, Department of Energy, Amarillo Area Office, P.O. Box 30030, Amarillo, TX 79120 (806)477-3121.

**SUPPLEMENTARY INFORMATION:**

Purpose of the Committee

The Board provides input to the Department of Energy on Environmental Management strategic decisions that impact future use, risk management, economic development, and budget prioritization activities.

Tentative Agenda

- 1:30 pm Welcome—Introductions—Approval of Minutes
- 1:40 pm Co-Chairs' Comments
- 2:00 pm Task Force Reports—Public Participation/Public Information
- Environmental Restoration
- Sitewide Environmental Impact Statements
- Future of the Nuclear Complex
- Waste Management
- 2:30 pm Updates
- Occurrence Reports—DOE
- 3:30 pm Break
- 3:45 pm Presentation—Employee Concerns Process
- 4:30 pm Subcommittee Reports—Budget and Finance
- Community Outreach
- Policy and Personnel
- Program and Training
- Nominations
- 5:30 pm Adjourn

Public comment will be taken periodically throughout the meeting.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Written comments will be accepted at the address above for 15 days after the date of the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Tom Williams' office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to

present their comments. This notice is being published less than 15 days before the date of the meeting, due to programmatic issues that had to be resolved prior to publication.

Minutes

The minutes of this meeting will be available for public review and copying at the Pantex Public Reading Rooms located at the Amarillo College Lynn Library and Learning Center, 2201 South Washington, Amarillo, TX phone (806) 371-5400. Hours of operation are from 7:45 am to 10:00 pm, Monday through Thursday; 7:45 am to 5:00 pm on Friday; 8:30 am to 12:00 noon on Saturday; and 2:00 pm to 6:00 pm on Sunday, except for Federal holidays. Additionally, there is a Public Reading Room located at the Carson County Public Library, 401 Main Street, Panhandle, TX phone (806) 537-3742. Hours of operation are from 9:00 am to 7:00 pm on Monday; 9:00 am to 5:00 pm, Tuesday through Friday; and closed Saturday and Sunday as well as Federal Holidays. Minutes will also be available by writing or calling Tom Williams at the address or telephone number listed above.

Issued at Washington, DC on January 5, 1996.

Rachel M. Samuel,

*Acting Deputy Advisory Committee Management Officer.*

[FR Doc. 96-384 Filed 1-9-96; 8:45 am]

BILLING CODE 6450-01-P

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### Environmental Management Site-Specific Advisory Board, Savannah River Site; Meeting

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site.

**DATES AND TIMES:** Monday, January 22, 1996:

- 9:30 a.m.–4 p.m. (Risk Management and Future Use Subcommittee)
- 6:00 p.m.–7 p.m. (public comment session) Tuesday, January 23, 1996: 8:30 a.m. to 4:00 p.m.

**ADDRESSES:** All meetings will be held at: The Hilton Resort, Palmetto Dunes Plantation, Hilton Head Island, South Carolina.

**FOR FURTHER INFORMATION CONTACT:** Tom Heenan, Manager, Environmental

Restoration and Solid Waste,  
Department of Energy Savannah River  
Operations Office, P.O. Box A, Aiken,  
S.C. 29802 (803) 725-8074.

**SUPPLEMENTARY INFORMATION:**

**Purpose of the Board:**

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management and related activities.

**Tentative Agenda**

*Monday, January 22, 1996*

- 9:30 a.m. Risk Management  
Subcommittee meeting—support  
documentation for future use  
recommendation and fiscal year  
1998 budget prioritization
- 4:00 p.m. Adjourn
- 6:00 p.m. Public Comment Session (5-  
minute rule)
- 7:00 p.m. Adjourn

*Tuesday, January 23, 1996*

- 8:00 a.m. Coffee
- 8:30 a.m. Approval of minutes and  
agency updates
- 9:00 a.m. Bylaws Subcommittee report  
including amendments to Bylaws
- 10:00 a.m. Elections of officers
- 10:30 a.m. Environmental Remediation  
and Waste Management  
Subcommittee Report
- 1:00 p.m. Risk Management and  
Future Use Subcommittee Report
- 2:45 p.m. Nuclear Materials  
Management Subcommittee Report
- 2:55 p.m. Membership Subcommittee  
Report
- 3:05 p.m. Annual report/workplan  
discussion
- 3:30 p.m. Public Comment Session (5-  
minute rule)
- 4:00 p.m. Adjourn
- If needed, time will be allotted after public comments for items added to the agenda, and administrative details. A final agenda will be available at the meeting Monday, January 22, 1996.

**Public Participation**

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Tom Heenan's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual

wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

**Minutes**

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday except Federal holidays. Minutes will also be available by writing to Tom Heenan, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, S.C. 29802, or by calling him at (803) 725-8074.

Issued at Washington, DC on January 5, 1996.

Rachel Murphy Samuel,  
*Acting Deputy Advisory Committee  
Management Officer.*

[FR Doc. 96-386 Filed 1-9-96; 8:45 am]

**BILLING CODE 6450-01-P**

**Federal Energy Regulatory  
Commission**

[Docket No. EG96-26-000, et al.]

**Calpine Parlin Cogen, Inc., et al.;  
Electric Rate and Corporate Regulation  
Filings**

January 3, 1996.

Take notice that the following filings have been made with the Commission:

1. Calpine Parlin Cogen, Inc.

[Docket No. EG96-26-000]

On December 22, 1995, Calpine Parlin Cogen, Inc. ("Calpine Parlin") filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Calpine Parlin is a Delaware corporation and an indirect wholly owned subsidiary of Calpine Corporation, a California corporation which owns and operates qualifying facilities in the western United States. Calpine Parlin proposes to own and operate a 117 MW gas-fired cogeneration facility located in Parlin, New Jersey and sell electric power exclusively at wholesale to Jersey Central Power & Light Company.

*Comment date:* January 22, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Calpine Newark Cogen, Inc.

[Docket No. EG96-27-000]

On December 22, 1995, Calpine Newark Cogen, Inc. ("Calpine Newark") filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Calpine Newark is a Delaware corporation and an indirect wholly owned subsidiary of Calpine Corporation, a California corporation which owns and operates qualifying facilities in the western United States. Calpine Newark proposes to own and operate a 52 MW gas-fired cogeneration facility located in Newark, New Jersey and sell electric power exclusively at wholesale to Jersey Central Power & Light Company.

*Comment date:* January 22, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Lone Star Energy Plant Operations, Inc.

[Docket No. EG96-28-000]

On December 22, 1995, Lone Star Energy Plant Operations, Inc. ("LSEPO"), 1817 Wood Street, Dallas, TX 75201, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

LSEPO provides operating and maintenance services for three existing natural gas-fired cogeneration facilities (located in Sweetwater, TX; Buffalo, NY; and Bellingham, WA) which are qualifying facilities under the Commission's Rules.

*Comment date:* January 22, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Encogen One Partners Ltd.

[Docket No. EG96-29-000]

On December 22, 1995, Encogen One Partners Ltd. ("Encogen One"), c/o Enserch Development Corporation, 1817 Wood Street, Dallas, TX 75201, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Encogen One owns one eligible facility (an existing natural gas-fired cogeneration facility, a transformer and appurtenant interconnecting

equipment), near Sweetwater, Texas, with a electric generating capacity of approximately 255 MW.

*Comment date:* January 22, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

5. Southwestern Electric Power Company

[Docket No. ER94-1393-000]

Take notice that on December 11, 1995, Southwestern Electric Power Company (SWEPCO) filed a supplement to its filing in the above-captioned docket. SWEPCO has served a copy of this filing on Northeast Texas Electric Cooperative, Inc. and the Public Utilities Commission of Texas.

*Comment date:* January 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Appalachian Power Company

[Docket No. ER95-1797-000]

Take notice that on December 19, 1995, the American Electric Power Service Corporation (AEPSC), on behalf of Appalachian Power Company (APCO) tendered for filing an amendment to its filing in the above-referenced docket clarifying the AEP Companies' policy regarding emission allowance cost recovery.

An effective date of January 1, 1996 is requested.

*Comment date:* January 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Northeast Utilities Service Company

[Docket No. ER96-202-000]

Take notice that on December 18, 1995, Northeast Utilities Service tendered for filing an amendment in the above-referenced dockets.

*Comment date:* January 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Indeck Pepperell Power Associates, Inc.

[Docket No. ER96-345-000]

On December 26, 1995, Indeck Pepperell, Inc. ("Indeck Pepperell") filed a supplement to its petition for waivers, blanket approvals and an order approving its Rate Schedule No. 1.

In its petition, filed on November 13, 1995, Indeck Pepperell stated that it intended to sell energy and capacity from the Indeck Pepperell 38 MW combined-cycle cogeneration facility located in Pepperell, Massachusetts. The rates charged by Indeck Pepperell will be mutually agreed upon by the parties to each particular transaction.

*Comment date:* January 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Florida Power Corporation

[Docket No. ER96-582-000]

Take notice that on December 12, 1995, Florida Power Corporation tendered for filing a Contract for Interchange Service between itself and Citizens Lehman Power Sales. Florida Power states that the contract provides for service under existing Schedule J, Negotiated Interchange Service, and existing Schedule OS, Opportunity Sales.

*Comment date:* January 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. International Utility Consultants

[Docket No. ER96-594-000]

Take notice that on December 14, 1995, International Utility Consultants tendered for filing an application for review of its Rate Schedule for entrance into the Wholesale Power Market as a broker and marketer of power. In addition, on December 26, 1995, International Utility Consultants filed additional information to its December 14, 1995 filing in this docket.

*Comment date:* January 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. PSI Energy, Inc.

[Docket No. ER96-608-000]

Take notice that PSI Energy, Inc. on December 18, 1995, tendered for filing a Schematic and Exhibit Update to the Interconnection Agreement between PSI, the United States of America, Hoosier Energy Rural Electric Cooperative, Inc. (Hoosier), and Southern Indiana Gas and Electric Company (SIGECO).

*Comment date:* January 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Wisconsin Power and Light Company

[Docket No. ER96-609-000]

Take notice that on December 18, 1995, Wisconsin Power and Light Company (WP&L) tendered for filing an Agreement dated October 30, 1995, establishing Electric Clearinghouse, Inc. as a customer under the terms of WP&L's Point-to-Point Transmission Tariff.

WP&L requests an effective date of December 13, 1995, and accordingly seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Public Service Commission of Wisconsin.

*Comment date:* January 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Pacific Gas and Electric Company

[Docket No. ER96-611-000]

Take notice that on December 18, 1995, Pacific Gas and Electric Company (PG&E) tendered for filing a new Interconnection Agreement superseding PG&E's Rate Schedule FPC No. 29, and PacifiCorp's Rate Schedule FPC No. 83. The prior Interconnection and power sale agreement (1984 Agreement—Supplement No. 1 to Rate Schedule FPC Nos. 29 and 83) expires by its own terms on December 31, 1995, and the parties have accordingly negotiated a predecessor Agreement. This new Agreement supersedes both the 1984 agreement and a prior 1967 Agreement, which the 1984 Agreement Supplemented.

By this filing, PG&E and PacifiCorp formally request that the FERC allow the 1967 agreement and the 1984 Agreement to both terminate effective December 31, 1995 and be replaced by the new Agreement, effective January 1, 1996.

Copies of this filing were served upon PacifiCorp and the California Public Utilities Commission.

*Comment date:* January 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. New York State Electric & Gas Corporation

[Docket No. ER96-612-000]

Take notice that New York State Electric & Gas Corporation (NYSEG) on December 18, 1995, tendered for filing as an initial rate schedule, an agreement with KCS Power Marketing, Inc. (KCS). The agreement provides a mechanism pursuant to which the parties can enter into separately scheduled transactions under which NYSEG will sell to KCS and KCS will purchase from NYSEG either capacity and associated energy or energy only as the parties may mutually agree.

NYSEG requests that the agreement become effective on December 16, 1995, so that the parties may, if mutually agreeable enter into separately scheduled transactions under the agreement. NYSEG has requested waiver of the notice requirements for good cause shown.

NYSEG served copies of the filing upon the New York State Public Service Commission and KCS.

*Comment date:* January 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. New York State Electric & Gas Corporation

[Docket No. ER96-613-000]

Take notice that New York State Electric & Gas Corporation (NYSEG) on December 18, 1995, tendered for filing as an initial rate schedule, an agreement with Industrial Energy Applications, Inc. (IEA). The agreement provides a mechanism pursuant to which the parties can enter into separately scheduled transactions under which NYSEG will sell to IEA and IEA will purchase from NYSEG either capacity and associated energy or energy only as the parties may mutually agree.

NYSEG requests that the agreement become effective on December 16, 1995, so that the parties may, if mutually agreeable enter into separately scheduled transactions under the agreement. NYSEG has requested waiver of the notice requirements for good cause shown.

NYSEG served copies of the filing upon the New York State Public Service Commission and IEA.

*Comment date:* January 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Wisconsin Power and Light Company

[Docket No. ER96-614-000]

Take notice that on December 18, 1995, Wisconsin Power and Light Company (WP&L) tendered for filing an Agreement dated November 21, 1995, establishing Koch Power Services as a customer under the terms of WP&L's Point-to-Point Transmission Tariff.

WPL requests an effective date of December 1, 1995 and accordingly seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Public Service Commission of Wisconsin.

*Comment date:* January 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Wisconsin Power and Light Company

[Docket No. ER96-615-000]

Take notice that on December 18, 1995, Wisconsin Power and Light Company (WP&L) tendered for filing an Agreement dated November 15, 1995, establishing Industrial Energy Applications, Inc. as a customer under the terms of WP&L's Point-to-Point Transmission Tariff.

WPL requests an effective date of December 1, 1995 and accordingly seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Public Service Commission of Wisconsin.

*Comment date:* January 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. PECO Energy Company

[Docket No. ER96-640-000]

Take notice that on December 21, 1995, PECO Energy Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* January 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-341 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. ER96-602-000, et al.]

**Northern Indiana Public Service Company, et al.; Electric Rate and Corporate Regulation Filings**

January 2, 1996.

Take notice that the following filings have been made with the Commission:

1. Northern Indiana Public Service Company

[Docket No. ER96-602-000]

Take notice that on December 15, 1995, Northern Indiana Public Service Company tendered for filing an executed Service Agreement between Northern Indiana Public Service Company and National Gas & Electric L.P.

Under the Service Agreement, Northern Indiana Public Service Company agrees to provide services to National Gas & Electric L.P. under Northern Indiana Public Service Company's Power Sales Tariff, which was accepted for filing by the Commission and made effective by

Order dated August 17, 1995 in Docket No. ER95-1222-000. Northern Indiana Public Service Company and National Gas & Electric L.P. request waiver of the Commission's sixty-day notice requirement to permit an effective date of January 1, 1996.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

*Comment date:* January 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Maine Public Service Company

[Docket No. ER96-603-000]

Take notice that on December 15, 1995, Maine Public Service Company submitted an agreement under its Umbrella Power Sales tariff.

*Comment date:* January 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Portland General Electric Company

[Docket No. ER96-604-000]

Take notice that on December 18, 1995, Portland General Electric Company (PGE), tendered for filing a Revision No. 5 to Exhibit C of the General Transfer Agreement for Integration of Resources between the Bonneville Power Administration and PGE, Contract No. DE-MS79-89BP92273, (Portland General Electric Rate Schedule FERC No. 185).

The BPA and PGE mutually agree to revise Exhibit C to the General Transfer Agreement for Integration of Resources to provide for the addition of the Trojan Switching Station as a Point of Delivery in the amount of 265 MW for the Beaver Combined Cycle Project Resource and revises the short distance discount applied to the Allston Point of Integration (POI) effective at 2400 hours on June 30, 1995. This revision also provides for the addition of the Alvey Substation as a short-term off-system Point of Delivery in the amount of 20 MW of firm service, a contract resource to the Springfield Utility Board, for the month of December 1995, effective at 2400 hours on November 30, 1995.

Copies of the filing have been served on the Bonneville Power Administration.

Pursuant to 18 CFR 35.11, PGE respectfully requests that the Commission grant a waiver of the notice requirements of 18 CFR 35.3 to allow Revision No. 5 to Exhibit C of the General Transfer Agreement for Integration of Resources to become effective as of November 15, 1995.

*Comment date:* January 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Portland General Electric Company  
[Docket No. ER96-605-000]

Take notice that on December 18, 1995, Portland General Electric Company (PGE), tendered for filing under FERC Electric Tariff, 1st Revised Volume No. 2, an executed Service Agreement between PGE and Power Exchange Corporation.

Pursuant to 18 CFR 35.11 and the Commission's order issued July 30, 1993 (Docket No. PL93-2-002), PGE respectfully requests the Commission grant a waiver of the notice requirements of 18 CFR 35.3 to allow the executed Service Agreement to become effective January 1, 1996.

Copies of this filing were served upon the entity listed in the body of the filing letter.

*Comment date:* January 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. The Montana Power Company

[Docket No. ER96-606-000]

Take notice that on December 18, 1995, The Montana Power Company (Montana Power), tendered for filing pursuant to Part 35 of the Federal Energy Regulatory Commission's (FERC) Regulations under the Federal Power Act its proposed Rate Schedule REC-1, applicable for sales of electricity by Montana Power for resale to Central Montana Electric Power Cooperative, Inc., (Central Montana) (Rate Schedule FPC No. 39). Montana Power states that this filing has been served upon Central Montana. Montana Power has requested that the Commission allow the revised rates to be effective as of February 15, 1996.

Montana Power states that Rate Schedule REC-1 will provide it with an annual increase in revenues from sales to these customers of \$960,000 as a result of a rate settlement agreement accepted by the above-mentioned parties.

*Comment date:* January 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Cinergy Services, Inc.

[Docket No. ER96-607-000]

Take notice that on December 18, 1995, Cinergy Services, Inc., tendered for filing on behalf of its operating companies, The Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI), an Interchange Agreement, dated November 1, 1995, between Cinergy, CG&E, PSI and Sonat Power Marketing, Inc. (SONAT).

The Interchange Agreement provides for the following service between Cinergy and SONAT.

1. Exhibit A—Power Sales by SONAT
  2. Exhibit B—Power Sales by Cinergy
- Cinergy and SONAT have requested an effective date of January 1, 1996.

Copies of the filing were served on Sonat Power Marketing, Inc., the Alabama Public Service Commission, the Kentucky Public Service Commission, the Public Utilities Commission of Ohio and the Indiana Utility Regulatory Commission.

*Comment date:* January 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-343 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-P

[Project No. 2496-OR]

**Eugene Water & Electrical Board; Notice of Intent To Hold Public Meeting in Springfield, OR, To Discuss the Draft Environmental Impact Statement (DEIS) for the Proposed Relicensing of the Leaburg-Waltermville Hydroelectric Project**

January 4, 1996.

On October 13, 1995, the Commission staff mailed the DEIS to the Environmental Protection Agency, resource and land management agencies, and interested organizations and individuals. This document evaluates the environmental consequences of the proposed relicensing of the Leaburg-Waltermville Hydroelectric Project at the installed capacity of 21.5 megawatts. The project is located on the McKenzie River in Lane County, Oregon.

A public meeting, to be recorded by a court reporter, is scheduled to be held at 7 p.m. on Wednesday, January 17,

1996 at the Thurston High School auditorium which is located just off Highway 126, at 333 North 58th Street, Springfield, Oregon. At the meeting, Commission Staff will summarize major DEIS findings and recommendations. Resource agency personnel and other interested persons will have an opportunity to submit oral and written comments on the DEIS for the public record. Written comments on the DEIS may also be sent to: The Secretary, Federal Energy Regulatory Commission, 888 1st Street, NE., Washington, DC 20426. Comments must be received before January 19, 1996 and should be identified by project name and number.

The DEIS considers recommendations of government agencies, nongovernmental organizations, affected Indian tribes, the public, Eugene Water & Electric Board (EWEB), and the Commission's staff. It evaluates natural and social resource benefits, the economic costs, and the project-specific and cumulative environmental impacts associated with relicensing the project.

To maintain and enhance the project's power generation efficiency and capacity, the DEIS recommends raising Leaburg Lake by 1.5 feet, installing structures in the McKenzie River near the Waltermville intake, excavating the Waltermville tailrace, and upgrading powerhouse generation equipment. The environmental impacts of these actions would be minor and could be mitigated by staff recommended measures.

To enhance highly valued McKenzie River fishery resources, EWEB would install a fish screen in the Waltermville canal intake and would install tailrace barriers in the Leaburg and Waltermville tailraces. To further improve fish habitat and boating opportunities, enhanced year-around minimum in-stream flows, including a flow allotment that could be used during late-summer low-flow conditions are recommended.

To enhance recreation access and opportunities along the McKenzie River, EWEB proposes trust fund donations to acquire lands along the river for access and habitat protection. EWEB also proposes several lesser measures to enhance wildlife habitat values and recreation opportunities on project lands.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-304 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP96-109-000, et al.]

**Williams Natural Gas Company, et al.;  
Natural Gas Certificate Filings**

January 2, 1996.

Take notice that the following filings have been made with the Commission:

1. Williams Natural Gas Company

[Docket No. CP96-109-000]

Take notice that on December 18, 1995, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma, 74101, filed in Docket No. CP96-109-000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205.) for approval to extend an existing 4-inch loop line an additional 1.3 miles to provide increased delivery volumes to Missouri Gas Energy (MGE) for the Simmons chicken farm located in McDonald County, Missouri under Williams' blanket certificate authority issued in Docket No. CP82-479-000, pursuant to Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Williams indicates that the original loop line was constructed pursuant to Docket No. CP86-634-000. Williams states that the total construction cost is estimated to be \$407,956 which cost will be offset by the execution of a new firm transportation agreement by MGE. It is indicated that the new loop extension will provide an additional 1.87 Mmcf per day of capacity to MGE on a peak day.

*Comment date:* February 16, 1996, in accordance with Standard Paragraph G at the end of this notice.

2. East Tennessee Natural Gas Company

[Docket No. CP96-115-000]

Take notice that on December 21, 1995, East Tennessee Natural Gas Company (East Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP96-115-000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to switch its existing 2-inch connection to an existing 6-inch connection for continuing firm service to Knoxville Utilities Board (KUB), under East Tennessee's blanket certificate issued in Docket No. CP82-412-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with

the Commission and open to public inspection.

East Tennessee proposes to construct and operate a side valve and 20 feet of 6-inch pipeline at M.P. 3114-1+2.97 of the KUB Storage Facility Line located in Knox County, Tennessee in order to use an existing, plugged 6-inch tap located next to the 2-inch tap currently being used. East Tennessee states that these new facilities would cost \$10,600 and the existing 2-inch connection would be removed once the physical connection to the 6-inch tap has been placed in service. East Tennessee mentions that KUB requested this modification because of increased residential growth in its service area.

East Tennessee asserts that the proposed connection is not prohibited by its tariff and the total quantities of natural gas to be delivered to KUB after switching its connection would not exceed the total quantities authorized to be delivered. East Tennessee also mentions that it has sufficient capacity to accomplish deliveries at the proposed delivery point without detriment or disadvantage to its other customers.

*Comment date:* February 16, 1996, in accordance with Standard Paragraph G at the end of this notice.

3. MarkWest Hydrocarbon Partners, Ltd.

[Docket No. CP96-121-000]

Take notice that, on December 22, 1995, in Docket No. CP96-121-000, MarkWest Hydrocarbon Partners, Ltd. (MarkWest), 5613 DTC Parkway, Suite 400, Englewood, Colorado 80111, filed a petition with the Commission, pursuant to Rule 207 of the Commission's Rules of Practice and Procedure (18 CFR 385.307), for a declaratory order disclaiming jurisdiction over gas processing facilities that MarkWest is constructing on land it purchased from Columbia Gas Transmission Corporation (Columbia) at Columbia's Kenova Processing Plant (a.k.a. the Kenova Station or the Kenova plant), all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

In a related proceeding, in Docket No. CP96-118-000, Columbia filed an abbreviated application for permission and approval to abandon the Kenova plant, by sale to MarkWest.

MarkWest states that, since its 1988 acquisition of the Siloam, Kentucky fractionation plant from Columbia Hydrocarbon (a former affiliate of Columbia), MarkWest has been contractually obligated to purchase natural gas liquids (NGL) from Columbia, and Columbia has been contractually obligated to deliver, to

MarkWest, the NGL that Columbia extracted at its Kenova and Cobb processing plants. MarkWest adds that, because the Kenova plant is old, inefficient, and outmoded, having been built in 1958, Columbia decided to replace it, and undertook a competitive bidding process to solicit proposals from third parties interested in: (1) purchasing and replacing the existing Kenova plant; (2) demolishing and remediating the old facility site; (3) taking over the Kenova plant processing function with Columbia's shippers; and (4) dealing with the Columbia-MarkWest contract. MarkWest, as the winning bidder, has since moved to construct a new Kenova processing plant, and states that it expects the new facility to be in service by mid-to-late December, 1995.

MarkWest asserts that the Commission's jurisdiction under the Natural Gas Act (15 U.S.C. § 717) is limited to natural gas, which has been construed to mean methane, not the heavier hydrocarbons that constitute NGL, while the primary purpose of new Kenova processing plant will be to continue the Columbia-MarkWest contract function, which (from MarkWest's perspective) will be the extraction of NGL for sale by MarkWest.

MarkWest further states that there was no Federal Power Commission certification for the Kenova plant. Therefore, MarkWest believes that its construction, ownership, and operation of the new processing plant will be outside the Commission's certificate jurisdiction under section 7 of the Natural Gas Act. Accordingly, to the extent that the Commission deems it necessary to act on Columbia's abandonment application, MarkWest requests the Commission to issue an order finding that the new Kenova processing plant is outside the Commission's certificate jurisdiction under section 7 of the Natural Gas Act.

*Comment date:* January 23, 1996, in accordance with Standard Paragraph F at the end of this notice.

4. Columbia Gas Transmission Corporation

[Docket No. CP96-118-000]

Take notice that on December 22, 1995, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314-1599, filed an abbreviated application in Docket No. CP96-118-000, pursuant to Section 7(b) of the Natural Gas Act, Part 157 of the Commission's Regulations, and the Commission's Rules of Practice and Procedure, for permission and approval to abandon its Kenova Processing Plant

(a.k.a. the Kenova Station or the Kenova plant), by sale to MarkWest Hydrocarbon Partners, Ltd. (MarkWest), all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

In a related proceeding, in Docket No. CP96-121-000, MarkWest filed a petition with the Commission for a declaratory order disclaiming jurisdiction over the gas processing facilities that MarkWest is constructing on land purchased from Columbia at the Kenova plant site.

The Kenova plant is located in Wayne County, West Virginia. It was designed and built in 1957-1958, and was designed to remove essentially all of the propane and heavier hydrocarbons (i.e., natural gas liquids, or NGL) and water vapor from the gas stream entering Columbia's transmission system. The gas processed at the Kenova plant originates as production from fields in southern West Virginia and eastern Kentucky. Since it began operation in 1958, the NGL removed from this gas stream at the Kenova plant is recovered as one mixed liquid and is transported via a pipeline owned by MarkWest to Siloam, Kentucky, for further separation, purification, and sale of the NGL by MarkWest.

Columbia states that the Kenova plant needs to be replaced, because of its age and deteriorating condition, with more modern and efficient gas processing facilities. Columbia adds that it believes the public interest can best be served through its abandonment of the existing Kenova plant, thereby allowing a non-jurisdictional company to continue the processing service now being provided. Columbia notes that MarkWest has purchased the existing facilities at the Kenova site, that those facilities are being removed, and that MarkWest is constructing and will operate new gas processing facilities at the Kenova site, thereby allowing MarkWest to remove certain hydrocarbons from the natural gas being transported on Columbia's pipeline system.

To Columbia's knowledge, no certificate exists for the Kenova plant, due to the Commission's historical view that its jurisdiction generally does not encompass processing plants. However, to the extent deemed necessary by the Commission, Columbia requests authorization to abandon the existing Kenova plant, by sale to MarkWest.

*Comment date:* January 23, 1996, in accordance with Standard Paragraph F at the end of this notice.

#### Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an

application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-342 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. RP96-106-000]

#### ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

January 4, 1996.

Take notice that on December 29, 1995, ANR Pipeline Company (ANR), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the tariff sheets as listed in Attachment A to the filing, to be effective February 1, 1996. With respect to the Volumetric Buyout Buydown Surcharges, the proposed charges are designed to recover \$1.2 million less on an annual basis than the currently effective volumetric surcharge. With respect to Fixed Monthly Charges, the proposed charges are designed to recover \$30,864 less on an annual basis than the currently effective Fixed Monthly Charges.

ANR states that the referenced tariff sheets are being submitted as part of ANR's Seventh Annual Reconciliation of buyout buydown costs being recovered by means of Volumetric Buyout Buydown Surcharges contained in Docket Nos. RP91-33, et al., RP91-192, RP92-4, RP92-199, RP93-29, RP93-149 and RP96-10 and Fixed Monthly Charges associated with Docket No. RP96-10.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426 in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public

inspection in the Public Reference Room.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-309 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP96-102-000]**

**Colorado Interstate Gas Company; Notice of Application**

January 4, 1996.

Take notice that on December 29, 1995, Colorado Interstate Gas Company (CIG), tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheet to be effective February 1, 1996.

First Revised Sheet No. 314

CIG proposes to revise its tariff to eliminate Section 7.10(a)(ii) of the General Terms and Conditions of the Tariff which allows Shippers to post an offer to swap a transportation imbalance. CIG states that no Shipper has ever posted an offer to swap an imbalance under this provision and if a Shipper wants to post an offer to swap it can do so pursuant to current Section 7.10(a)(iii).

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-313 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP96-100-000]**

**Columbia Gas Transmission Corporation; Notice of Filing of Report on Second Year Storage Operations Under Order No. 636**

January 4, 1996.

Take notice that on December 29, 1995, Columbia Gas Transmission Corporation (Columbia) tendered for filing its Report On Second Year Storage Operations Under Order No. 636 for the twelve month period November 1, 1994 through October 31, 1995. Columbia agreed to file this report during the review of its first year report. See Columbia Gas Transmission Corp., 71 FERC ¶ 61,190 (1995).

Columbia states that copies of its filing have been mailed to all jurisdictional firm customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before January 11, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-315 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP96-98-000]**

**Great Lakes Gas Transmission Limited Partnership; Notice of Compliance Filing**

January 4, 1996.

Take notice that on December 29, 1995, Great Lakes Gas Transmission Limited Partnership (Great Lakes) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to become effective February 1, 1996:

Title Page

First Revised Sheet No. 1

First Revised Sheet No. 3

Original Sheet No. 3A

Original Sheet No. 3B

Original Sheet No. 3C

Original Sheet No. 50A

Original Sheet No. 50B

Original Sheet No. 50C

First Revised Sheet No. 55

First Revised Sheet No. 60

Take notice that the following tariff sheet is also being filed as part of its FERC Gas Tariff, Original Volume No. 2 to become effective February 1, 1996:

Twenty-Eighth Revised Sheet No. 1000

Great Lakes asserts that the purpose of this filing is to comply with Commission Order No. 581, 72 FERC ¶ 61,301 (1995), issued September 28, 1995, in Docket No. RM95-4-000 and Commission Order No. 582, 72 FERC ¶ 61,300 (1995), issued September 28, 1995, in Docket No. RM95-3-000. Pursuant to the requirements of these Orders, Great Lakes is (a) adding to the title page the telephone and facsimile number of the person to whom communications concerning the tariff should be sent; (b) updating the system map and adding maps for the separate zones; (c) including a statement of the company's policy with respect to the financing or construction of laterals; (d) including a statement with respect to the order in which rates are discounted; (e) listing the periodic reports it files as required by Commission Order or Settlement Agreement; (f) including in its FERC Gas Tariff, Second Revised Volume No. 1 an Index of Customers as of January 1, 1996; (g) updating the Index of Customers within its FERC Gas Tariff, Original Volume No. 2 to reflect those customers transporting gas under this tariff as of January 1, 1996; and (h) removing from the tariff any references to filing fees under § 284.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.214 and Section 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public

inspection in the Commission's Public Reference Room.

Lois D. Cashell,  
*Secretary.*

[FR Doc. 96-317 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP96-107-000]**

**K N Interstate Gas Transmission Company; Notice of Filing of Reconciliation and Refund Report**

January 4, 1996.

Take notice that on December 29, 1995, K N Interstate Gas Transmission Company (KNI) filed a reconciliation and refund report in the above captioned docket. KNI states that the filing and refunds related to KNI's reporting of IT and storage revenues and the refunding of excess storage service revenues. KNI states that these amounts were paid by KNI on December 29, 1995.

KNI also states that the reconciliation report summarizes refund amounts for the period October 1, 1994 through September 30, 1995 related to Sections 27 and 28, Second Revised Volume No. 1-B and Section 31, First Revised Volume No. 1-D of KNI's FERC Gas Tariff. These sections relate to accounting for and refunding of excess IT and storage related revenues. KNI states that IT revenues during the reporting period were less than the allocated costs and therefore, no excess IT revenues were collected.

KNI states that copies of the filing were served upon KNI's jurisdictional customers, interested public bodies, and all parties to the proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before January 11, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,  
*Secretary.*

[FR Doc. 96-308 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP96-87-000]**

**Koch Gateway Pipeline Company; Notice of Proposed Changes In FERC Gas Tariff**

January 4, 1996.

Take notice that on December 19, 1995, Koch Gateway Pipeline Company (Koch Gateway) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets effective January 1, 1996.

Tenth Revised Sheet No. 20  
Ninth Revised Sheet No. 21  
Tenth Revised Sheet No. 22  
Tenth Revised Sheet No. 24

Koch Gateway states that the above referenced tariff sheets are being submitted pursuant to Section 32.3(d)(ii) of its tariff to reflect the annual recalculation of its Account 858 surcharge. Koch Gateway states that the revised rates has been adjusted downward to reflect actual revenue received from December 1, 1994 through November 30, 1995. During the 12 month period, Koch Gateway collected a surcharge which recovered costs associated with High Island Offshore System and U-T Offshore System stranded contacts.

Koch Gateway states that the revised tariff sheets are being served upon all its customers, State Commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.214 and Section 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Commission's Public Reference Room.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-318 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP96-99-000]**

**Nora Transmission Company; Notice of Proposed Changes in FERC Gas Tariff**

January 4, 1996.

Take notice that on December 29, 1995, Nora Transmission Company

(Nora) tendered for filing as part of its FERC Gas tariff, First Revised Volume No. 1, the following tariff sheets to become effective February 1, 1996.

Title Page

First Revised Sheet No. 1  
Original Sheet No. 4  
Sheet No. 5-25 (reserved for future use)  
First Revised Sheet No. 27  
First Revised Sheet No. 31  
First Revised Sheet No. 100  
First Revised Sheet No. 160  
First Revised Sheet No. 162  
First Revised Sheet No. 221  
First Revised Sheet No. 231  
First Revised Sheet No. 320

Nora states that the proposed changes would increase revenues from jurisdictional service by \$67,467 based upon the 12-month period ending August 31, 1995, as adjusted. Changes to delete the Pittston payment and address company policy for laterals and discounts are also contained in the filing.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.314 and Section 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file with the Commission a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-316 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP96-105-000]**

**Overthrust Pipeline Company; Notice of Tariff Filing**

January 4, 1996.

Take notice that on December 29, 1995, Overthrust Pipeline Company, (Overthrust) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1-A, the following tariff sheets, to be effective January 29, 1996:

First Revised Sheet Nos. 41, 43-47, 50-52A, 53-55, 66, and 67

Second Revised Sheet Nos. 40, 42 and 49A  
Third Revised Sheet Nos. 48 and 49

Overthrust states that it seeks Commission approval of proposed tariff revisions that (1) will resolve areas of concern expressed by its customers, and (2) more accurately reflect post-636 pipeline operations. Overthrust states further that acceptance of the proposed tariff revisions will enable Overthrust to respond more effectively to customer needs as it continues to fine tune transportation service while remaining consistent with current Commission policy.

Overthrust states that a copy of this filing has been served upon its jurisdictional customers as well as the Wyoming Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-310 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP95-407-000]**

**Questar Pipeline Company; Notice of Informal Settlement Conference**

January 4, 1996.

Take notice that an informal settlement conference will be convened in this proceeding on Thursday, January 11, 1996, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined in 18 CFR 385.102(c) (1991), or any participant, as defined in 18 CFR 385.102(b) (1991), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations, 18 CFR 385.214 (1991).

For additional information, contact Lorna J. Hadlock at (202) 208-0737 or John P. Roddy at (202) 208-0053.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-320 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP96-104-000]**

**Sea Robin Pipeline Company; Notice of Flowthrough Crediting Report**

January 4, 1996.

Take notice that on December 29, 1995, Sea Robin Pipeline Company (Sea Robin), tendered for filing a report setting forth amounts due shippers through its Annual Flowthrough Crediting Mechanism. This report is filed pursuant to Section 27 of the General Terms and Conditions of Sea Robin's FERC Gas Tariff which requires the crediting of certain amounts received as a result of resolving monthly imbalances between its gas and liquefiable shippers and under its operational balancing agreements, and imposing scheduling penalties during the 12 month period ending October 31, 1995.

Sea Robin states that Copies of Sea Robin's filing will be served upon all of Sea Robin's shippers, interested commissions and interested parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (Sections 385.214 and 385.211). All such petitions or protests should be filed on or before January 11, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-311 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP96-109-000]**

**South Georgia Natural Gas Company; Notice of Proposed Changes to FERC Gas Tariff**

January 4, 1996.

Take notice that on December 29, 1995, South Georgia Natural Gas Company, (South Georgia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to become effective January 29, 1996:

Second Revised Sheet No. 14  
Third Revised Sheet No. 33

South Georgia states that the purpose of this filing is to change its deadline for first-of-the-month nominations from 8:00 a.m. Central Time on the fifth business day to 8:00 a.m. Central Time on the third business day prior to the beginning of the month effective with nominations for February 1, 1996. Accordingly, South Georgia has requested that these sheets be made effective as of January 29, 1996, the new nomination deadline for February 1, 1996.

South Georgia states that copies of the filing will be served upon its shippers and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-306 Filed 1-9-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP96-101-000]**

**Southern Natural Gas Company; Notice of GSR Cost Recovery Filing**

January 4, 1996.

Take notice that on December 29, 1995, Southern Natural Gas Company

(Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets with the proposed effective date of January 1, 1996:

Tariff Sheets Applicable to Contesting Parties:  
 Twenty-Seventh Revised Sheet No. 15  
 Twenty-Seventh Revised Sheet No. 17  
 Fifteenth Revised Sheet No. 18  
 1st Substitute Seventeenth Revised Sheet No. 29  
 1st Substitute Seventeenth Revised Sheet No. 30  
 1st Substitute Seventeenth Revised Sheet No. 31  
 Tariff Sheets Applicable to Supporting Parties:  
 Seventh Revised Sheet No. 15a  
 Seventh Revised Sheet No. 17a

Southern submits the revised tariff sheets to its FERC Gas Tariff, Seventh Revised Volume No. 1, to reflect a change in its FT/FT-NN GSR Surcharge, its other transition cost surcharge, and its Interruptible Transportation Rates due to a decrease in the FERC interest rate and to an increase in GSR billing units effective January 1, 1996.

Southern states that copies of the filing were served upon all parties listed on the official service list compiled by the Secretary in these proceedings.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of Southern's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
 Secretary.

[FR Doc. 96-314 Filed 1-9-96; 8:45 am]  
 BILLING CODE 6717-01-M

**[Docket No. RP96-108-000]**

**Southern Natural Gas Company; Notice of Proposed Changes to FERC Gas Tariff**

January 4, 1996.

Take notice that on December 29, 1995, Southern Natural Gas Company,

(Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets to become effective January 29, 1996:

Second Revised Sheet No. 44  
 First Revised Sheet No. 44a  
 Second Revised Sheet No. 58  
 First Revised Sheet No. 63  
 First Revised Sheet No. 64  
 Second Revised Sheet No. 124

Southern states that the purpose of this filing is to change its deadline for first-of-the-month nominations from 8:00 a.m. Central Time on the fifth business day to 8:00 a.m. Central Time on the third business day prior to the beginning of the month effective with nominations for February 1, 1996. Accordingly, Southern has requested that these sheets be made effective as of January 29, 1996, the new nomination deadline for February 1, 1996.

Southern states that copies of the filing will be served upon its shippers and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,  
 Secretary.

[FR Doc. 96-307 Filed 1-9-96; 8:45 am]  
 BILLING CODE 6717-01-M

**[Docket No. RP96-78-000]**

**Stingray Pipeline Company; Notice of Stipulation Agreement**

January 4, 1996.

Take notice that on December 6, 1995, Stingray Pipeline Company (Stingray) filed a Stipulation and Agreement (Agreement) intended to resolve all issues regarding the procurement and ownership of and title to line pack on Stingray's system. The Agreement provides that the two historic firm shippers on Stingray's system—Natural

Gas Pipeline Company of America and Trunkline Gas Company—will agree to relinquish to Stingray any title or claim to line pack quantities that they previously furnished to the system; these two firm shippers are the only two shippers holding any such claim. In consideration therefor, these firm shippers will be compensated by Stingray through payments from a limited-term surcharge mechanism that is established pursuant to the Agreement. Stingray states that resolution of this claim became of significance because of the termination of those two contracts on November 29, 1994.

Comments on the settlement, as well as motions to intervene or protests should be filed with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC, 20426 on or before January 16, 1996. Reply comments should be filed on or before January 23, 1996. Only those parties who have not already filed comments on the settlement may file comments on January 16, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this petition are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
 Secretary.

[FR Doc. 96-319 Filed 1-9-96; 8:45 am]  
 BILLING CODE 6717-01-M

**[Docket No. TM96-3-17-000]**

**Texas Eastern Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff**

January 4, 1996.

Take notice that on December 29, 1995, Texas Eastern Transmission Corporation, (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1 and Original Volume No. 2, revised tariff sheets listed on Appendix A to the filing. The proposed effective date of these revised tariff sheets is February 1, 1996.

Texas Eastern states that these revised tariff sheets are filed pursuant to Section 15.1, Electric Power Cost (EPC) Adjustment, of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff, Sixth Revised Volume No. 1. Texas Eastern states that Section 15.1 provides that Texas Eastern shall file to be effective each February 1 revised

rates for each applicable zone and rate schedule based upon the projected annual electric power costs required for the operation of transmission compressor stations with electric motor prime movers and to also reflect the EPC Surcharge which is designed to clear the

balance in the Deferred EPC Account as of October 31, 1995. Texas Eastern states that these revised tariff sheets are being filed to reflect changes in Texas Eastern's projected expenditures for electric power for the twelve month period beginning February 1, 1996. Texas Eastern states

that the rate reductions proposed to the primary firm capacity reservation charges, usage rates and 100% load factor average costs for full Access Area Boundary service from the Access Area Zone, East Louisiana, to the three market area zones are as follows:

Zone	Reservation	Usage	100% LF
Market 1 .....	\$(0.035)/dth	\$(.009)/dth	\$(.0021)/dth
Market 2 .....	(0.108)/dth	(.0026)/dth	(.0062)/dth
Market 3 .....	(0.159)/dth	(.0038)/dth	(.0090)/dth

Texas Eastern states that copies of its filing have been served on all firm customers of Texas Eastern and current interruptible shippers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with sections 385.214 and 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,  
Secretary.

[FR Doc. 96-305 Filed 1-9-96; 8:45 am]  
BILLING CODE 6717-01-M

Transco states that, on December 15, 1995, it refunded 90 percent (\$10,861,125.28 including interest of \$288,967.38) of the excess interruptible transportation/gathering revenues to applicable firm transportation Buyers based on each respective Buyers' fixed cost contribution as a percentage of the total fixed cost contribution of each Buyers during the refund period.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before January 11, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 96-321 Filed 1-9-96; 8:45 am]  
BILLING CODE 6717-01-M

First Revised Sheet No. 20  
First Revised Sheet No. 21  
Second Revised Sheet No. 22

WIC proposes simplifying its Form of Transportation Service Agreement ("Agreement") applicable to Rate Schedule FT by: (1) Transferring to Rate Schedule FT certain provisions from the Agreement; (2) removing certain provisions of the Agreement that are referenced in other locations of the Tariff; and (3) adding clarifying notes to the exhibits of the Agreement. WIC states the proposed revisions do not make any substantive change to the current Agreement or the Tariff.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 96-312 Filed 1-9-96; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. GT96-41-000]

**Transcontinental Gas Pipe Line Corporation; Notice of Refund Report**

January 4, 1996.

Take notice that on December 18, 1995, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing with the Federal Energy Regulatory Commission a Refund Report pursuant to Section 29 of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume 1, in order to show the calculation of excess interruptible transportation/gathering revenues for the period November 1994 through August 1995.

[Docket No. RP96-103-000]

**Wyoming Interstate Company, Ltd.; Notice of Application**

January 4, 1996.

Take notice that on December 29, 1995, Wyoming Interstate Company, Ltd. (WIC), tendered for to become part of its FERC Gas Tariff, Second Revised Volume No. 2 filing the following revised tariff sheets, to be effective February 1, 1996:

- First Revised Sheet No. 13
- First Revised Sheet No. 14
- First Revised Sheet No. 15
- Second Revised Sheet No. 16
- First Revised Sheet No. 17
- First Revised Sheet No. 18
- Second Revised Sheet No. 19

**Office of Energy Research**

**Fusion Energy Advisory Committee; Notice of Open Meeting**

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is given of a meeting of the Fusion Energy Advisory Committee.

**DATES:** Thursday, January 18, 1996, 9:00 a.m. to 6:00 p.m.; and Friday, January 19, 1996, 9:00 a.m. to 4:00 p.m.

**ADDRESSES:** Omni Shoreham Hotel, 2500 Calvert St., N.W., Washington, DC 20008.

**FOR FURTHER INFORMATION CONTACT:** Albert L. Opdenaker, III, Executive Assistant, Office of Fusion Energy, ER-50, GTN, U.S. Department of Energy, Washington, D.C. 20585, Telephone: 301-903-4941.

**SUPPLEMENTARY INFORMATION:**

Purpose of the Meeting

The Committee will receive a report from its Strategic Planning Subcommittee containing recommendations on how to restructure the fusion program. The full committee will then prepare its report to the Department on this subject.

Tentative Agenda

*Thursday, January 18, 1996, and Friday, January 19, 1996*

- Presentation of the Strategic Planning Subcommittee Report
- Discussion of the Subcommittee Report
- Preparation of FEAC Report to DOE
- Public Comments (10-minute rule)

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Albert Opdenaker at the address or telephone number listed above. Requests to make oral statements must be received 5 days prior to the meeting; reasonable provision will be made to include the statement in the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes

The minutes of this meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room, I-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on January 5, 1996.

Rachel Murphy Samuel,  
*Acting Deputy Advisory Committee Management Officer.*

[FR Doc. 96-385 Filed 1-9-96; 8:45 am]

BILLING CODE 6450-01-P

**Office of Fossil Energy.**

**[Docket No. FE C&E 95-02—Certification Notice—148]**

**Blue Mountain Power, L.P.; Notice of Filing of Coal Capability Powerplant and Industrial Fuel Use Act**

**AGENCY:** Office of Fossil Energy, Department of Energy  
**ACTION:** Notice of filing.

**SUMMARY:** On December 18, 1995, Blue Mountain Power, L.P., submitted a coal capability self-certification pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

**ADDRESSES:** Copies of self-certification filings are available for public inspection, upon request, in the Office of Fuels Programs, Fossil Energy, Room 3F-056, FE-52, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

**FOR FURTHER INFORMATION CONTACT:** Ellen Russell at (202) 586-9624.

**SUPPLEMENTARY INFORMATION:** Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the Federal Register that a certification has been filed. The following owner/operator of a proposed new baseload powerplant has filed a self-certification in accordance with section 201(d).

**Owner:** Blue Mountain Power, L.P.  
**Operator:** Destec Operating Company.  
**Location:** Richland Township, in Bucks County adjacent to Quakertown, PA.

**Plant Configuration:** Combined cycle.  
**Capacity:** 150 megawatts.  
**Fuel:** Natural gas.  
**Purchasing Entities:** Metropolitan Edison.

**In-Service Dates:** Late 1997.

Issued in Washington, D.C., December 29, 1995.

Anthony J. Como,

*Director, Office of Coal & Electricity, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 96-387 Filed 1-9-96; 8:45 am]

BILLING CODE 6450-01-P

**FEDERAL RESERVE SYSTEM**

**Associated Banc-Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 2, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Associated Banc-Corp.*, Green Bay, Wisconsin, and *Associated Banc-Shares, Inc.*, Madison, Wisconsin; to acquire, by merger, 100 percent of the voting shares of *Greater Columbia Bancshares, Inc.*, Portage, Wisconsin, and thereby indirectly acquire *The First National Bank of Portage, Portage, Wisconsin.*

2. *First Capital Bankshares, Inc.*, Peoria, Illinois, a *de novo* bank; to become a bank holding company by

acquiring 100 percent of the voting shares of First Capital Bank, Peoria, Illinois (in organization).

B. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. *First Hawaiian, Inc.*, Honolulu, Hawaii; to acquire 100 percent of the voting shares of Pacific One Bank, Portland, Oregon, a *de novo* bank.

2. *ValliCorp Holdings, Inc.*, Fresno, California; to merge with CoBank Financial Corporation, San Luis Obispo, California, and thereby indirectly acquire Commerce Bank of San Luis Obispo, National Association, San Luis Obispo, California.

Board of Governors of the Federal Reserve System, January 4, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96-332 Filed 1-9-96; 8:45 am]

BILLING CODE 6210-01-F

### Ohio Valley Banc Corp., et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 96-00009) published on page 168 of the issue for Wednesday, January 3, 1996.

Under the Federal Reserve Bank of Cleveland heading, the entry for Ohio Valley Banc Corp., Gallipolis, Ohio, is revised to read as follows:

1. *Ohio Valley Banc Corp.*, Gallipolis, Ohio; to engage *de novo* through its subsidiary, Loan Central, Inc., in secured and unsecured consumer and commercial lending activities pursuant to § 225.25(b)(1)(iii) of the Board's Regulation Y. These activities are to be performed nationwide.

Comments on this application must be received by January 19, 1996.

Board of Governors of the Federal Reserve System, January 4, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96-333 Filed 1-9-96; 8:45 am]

BILLING CODE 6210-01-F

### GENERAL SERVICES ADMINISTRATION

#### Public Buildings Service: Proposed Pacific Highway Port of Entry Expansion, Blaine, Washington; Notice of Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act

(NEPA) of 1969, as amended, as implemented by the Council on Environmental Quality (40 CFR Parts 1500-1508), the General Services Administration (GSA) has filed with the Environmental Protection Agency, and made available to other government and interested private parties, the Final Environmental Statement (FEIS) for the proposed expansion at the Pacific Highway Port of Entry in Blaine, Washington.

The FEIS is on file and a copy may be obtained from U.S. General Services Administration, Region 10, Attention: Donna M. Meyer, 400 15th Street, SW, Auburn, Washington 98001 (206) 931-7675. A limited number of copies of the FEIS are available to fill single copy requests. Loan copies are available for public review at the Blaine City Library, 610 Third Street, Blaine, Washington.

Written comments regarding the Final Environmental Impact Statement may be submitted until January 22, 1996 and should be addressed to General Services Administration in care of GSA's EIS subconsultant, Berger/ABAM Engineers Inc. 33301 Ninth Avenue South, Federal Way, Washington, 98003-6395

Dated: December 21, 1995.

L. Jay Pearson,

*Regional Administrator (10A).*

[FR Doc. 96-323 Filed 1-9-96; 8:45 am]

BILLING CODE 6820-33-M

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[NV-030-96-4830-10-24-1 A]

#### Sierra Front/Northwest Great Basin Resource Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

DATES: January 25-26, 1996.

ADDRESSES: 850 Harvard Way, Reno, Nevada, 89520.

SUMMARY: The Council will meet January 25, 1996, from 10:00 a.m. to 5:00 p.m. and on January 26 from 8:00 a.m. to 3:00 p.m. The Agenda will include the following:

1. Call to Order.
2. Minutes of October 16, 1995 meeting.
3. Correspondence.
4. Overview of Standards and Guidelines.
5. General discussion of Standards and Guidelines.
6. Public comment 1:30 p.m., January 26, 1996.

7. Adjourn.

FOR FURTHER INFORMATION CONTACT: Joan Sweetland, BLM Public Affairs Officer, 1535 Hot Springs Road, Carson City, Nevada 89706-0638. (Phone: 702-885-6000)

Dated this 3rd day of January, 1996.

John O. Singlaub,

*District Manager, Carson City District.*

[FR Doc. 96-392 Filed 1-9-96; 8:45 am]

BILLING CODE 4310-HC-M

### DEPARTMENT OF JUSTICE

#### Drug Enforcement Administration

[Docket No. 94-49]

#### Farmacia Ortiz; Revocation of Registration

On May 6, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Farmacia Ortiz, a pharmacy owned by Wayne Ortiz Ramirez (hereinafter "Owner") of San German, Puerto Rico, notifying him of an opportunity to show cause as to why DEA should not revoke the retail pharmacy's DEA Certificate of Registration, AF1619040 (hereinafter "registration"), under 21 U.S.C. §§ 824(a)(4) and 823(f), as being inconsistent with the public interest. Specifically, the Order to Show Cause recorded ten allegations of recordkeeping violations, of alteration of expiration dates on seven bottles of controlled substances, of providing controlled substances to an undercover operative without a valid prescription, of providing controlled substances to individuals with photocopied or altered prescriptions, of possession of controlled substances not accounted for in its inventory, and of the owner-pharmacist's entering of a guilty plea in Federal court to a single count of dispensing Schedule II controlled substances without a prescription.

On May 28, 1994, the Owner, on behalf of Farmacia Ortiz, requested a hearing, and following prehearing procedures, a hearing was held in Hato Rey, Puerto Rico, on January 25, 1995, before Administrative Law Judge Paul A. Tenney. At the hearing the Owner represented the interests of the pharmacy, both parties called witnesses to testify and introduced documentary evidence, and after the hearing, the Government counsel submitted proposed findings of fact, conclusions of law and argument. No post-hearing submissions were offered for the pharmacy. On March 22, 1995, Judge

Tenney issued his opinion and recommended ruling, recommending that the DEA Certificate of Registration for Farmacia Ortiz be revoked. Neither party filed exceptions to his decision, and on April 24, 1995, Judge Tenney transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR § 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the Findings of Fact, Conclusions of Law and Recommended Ruling of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Deputy Administrator finds that Farmacia Ortiz (hereinafter the Pharmacy) was established over sixty years ago, and is owned by Mr. Ortiz-Ramirez, who is also the pharmacist. The investigation of the Pharmacy began with DEA investigators reviewing the Pharmacy's DEA 222 order forms for Schedule II controlled substances. The investigators found a questionable purchasing pattern of Demerol injectables from 1990 to 1992, specifically, an increase from approximately 2,300 in 1990, to 5,000 in 1991, to 14,400 in 1992.

Based on this information, the investigators conducted an audit of the Pharmacy for the period from December 31, 1990, until November 30, 1992. As evidenced by the computation chart prepared by a DEA Diversion Investigator, the audit revealed an overage of 237 units of Demerol, and a shortage of 400 tablets of Percocet. The audit also revealed overages of Tylenol No. 3, Hydrocort, Valium, Xanax, and Halcion. Judge Tenney took official notice of the facts that (1) Percocet is a brand name for a product containing oxycodone, a Schedule II narcotic controlled substance pursuant to 21 CFR § 1308.12(b); (2) Demerol is a brand name for a product containing meperidine, a Schedule II narcotic controlled substance pursuant to 21 CFR § 1308.12(c); (3) Tylenol No. 3 is a brand name for a product containing codeine, a Schedule III narcotic controlled substance pursuant to 21 CFR § 1308.13(e); (4) Valium is a brand name for a product containing diazepam, a Schedule IV narcotic controlled substance pursuant to 21 CFR § 1308.14(c); (5) Xanax is a brand name for a product containing alprazolam, a Schedule IV controlled substance

pursuant to 21 CFR § 1308.14(c); and (6) Halcion is a brand name for a product containing triazolam, a Schedule IV controlled substance pursuant to 21 CFR § 1308.14(c).

The investigators had also concluded that the Pharmacy had neither an initial inventory nor a biennial inventory. However, at the hearing before Judge Tenney, the Owner testified that the Puerto Rican authorities would not give him a license unless a yearly inventory was made, and Judge Tenney found that this assertion was not rebutted by the Government.

Further, a review of the Pharmacy's prescription records revealed that original prescriptions and multiple photocopies of the same prescriptions had been filled. A DEA Diversion Investigator testified that in February 1993, he had interviewed the doctors who purportedly issued some of these photocopied prescriptions, and each doctor interviewed recognized the names of the patients listed on his prescriptions, but denied issuing the photocopied prescriptions.

The DEA investigators also found a large number of Demerol prescriptions written by Dr. Silvestry to a single named patient. Dr. Silvestry was interviewed, and he explained that the named patient was a cancer patient who frequently visited the doctor, but that Dr. Silvestry never gave this patient prescriptions for more than 75 or 100 ampules of Demerol at one time. However, DEA investigators found at the Pharmacy multiple prescriptions for 125, 150, and 175 ampules of Demerol written to this patient. Also in February 1993, the investigators interviewed this patient, who denied receiving anything greater than 100 ampules of Demerol at a time, and he denied altering any prescriptions. However, he admitted visiting Dr. Silvestry quite often and filling his prescriptions from Dr. Silvestry at the Pharmacy.

Investigators also interviewed a patient of Dr. Pluguez about photocopied prescriptions found at the Pharmacy with his name. The Pharmacy had filled a Demerol (100 mg) prescription purportedly issued in October 1992 by Dr. Pluguez to this patient, and the instructions on the prescription specified "Sig. 1p.o. q 6 H." The DEA Investigator testified that the instructions meant that the patient was to take "one tablet orally every six hours." Both the Investigator and the Owner testified that 100 mg of Demerol is an injectable substance that comes in liquid form; it cannot be taken orally. Judge Tenney found the investigator's testimony credible. Although the Owner testified that the meaning of "p.o."

could differ from doctor to doctor, he did not provide any other meaning. Also, Judge Tenney found it significant that the Owner had not called Dr. Pluguez to ascertain his meaning of "p.o." prior to filling the prescription, and "[d]espite this suspect prescription, [the Pharmacy] continued to fill prescriptions for [this patient] in October and November of 1992."

This same patient admitted to making the prescription photocopies "so he didn't have to go back to the doctor and spend the money." He also told the investigator that he took the photocopied prescriptions to the Pharmacy because he could get them filled without question. However, the Owner testified that in May 1993, the patient had offered a photocopied prescription, and that then he had called the doctor to verify the prescription. When the doctor denied issuing the prescription in question, the Owner had refused to fill that prescription.

Next the investigators initiated two undercover visits to the Pharmacy, with the assistance of Dr. Pluguez's patient. During the first visit in April 1993, a Puerto Rican police officer observed the patient enter the Pharmacy supplied with two altered, photocopied prescriptions, one for Demerol and one for Percocet, and receive medication from the Owner. Shortly thereafter, the Officer and the patient met outside the Pharmacy, and the patient handed over 10 ampules of Demerol and 80 capsules of Percocet, which he had received from the Owner. The second visit occurred on April 21, 1993, and the police officer, accompanied by the patient, gave the Owner altered prescriptions. The Owner then gave the police officer Demerol and Percocet.

Further, on May 21, 1993, investigators searched the Pharmacy, seizing controlled substances, some of which were expired or had altered labels. Investigators found several bottles of controlled substances on which the expiration dates had been altered; specifically, the year of expiration had been changed on five bottles, and on three of those bottles, the month of expiration had been altered. Before Judge Tenney, the Owner denied changing any of these expiration dates.

On August 18, 1993, the Owner was indicted in the United States District Court for the District of Puerto Rico, and pursuant to a plea agreement, he pled guilty to violations of 21 U.S.C. § 829(a), 842(a)(1), and 842(c)(2)(A), for dispensing Demerol and Percocet "based on the photocopies of the prescriptions which had not been prescribed on original prescriptions by

a licensed physician." The Judge accepted the plea agreement and sentenced him to probation for one year and to pay a \$500.00 fine.

After the plea agreement was entered, the DEA Investigator continued to notice that the Pharmacy still purchased large quantities of Demerol. Based on this information, investigators conducted a second audit of the Pharmacy of the period of May 21, 1993, through November 30, 1993, and this audit revealed that the Pharmacy had a shortage of 28 ampules of Demerol.

Pursuant to 21 U.S.C. §§ 823(f) and 824(a)(4), the Deputy Administrator may revoke a DEA Certificate of Registration if he determines that the continued registration would be inconsistent with the public interest. Section 823(f) requires that the following factors be considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health or safety. These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration denied. See Henry J. Schwarz, Jr., M.D., Docket No. 88-42, 54 Fed. Reg. 16,422 (1989).

In this case, factors one through five are relevant in determining whether the Pharmacy's continued registration would be inconsistent with the public interest. As to factor one, "recommendation of the appropriate State licensing board," Judge Tenney found that there was "no evidence to indicate that [the Pharmacy] does not hold proper State authorization to operate a retail pharmacy and handle controlled substances."

As to factor two, the Respondent's "experience in dispensing \* \* \* controlled substances," the Deputy Administrator agrees with Judge Tenney that the evidence of numerous photocopied prescriptions filled by the Pharmacy "clearly demonstrated poor dispensing experience under 21 U.S.C. § 823(f)(2) \* \* \*. In addition, substantial weight must be given to

factor (2) in evaluating the public interest based upon the dangerous trend concerning Demerol." Specifically, the Deputy Administrator agrees with Judge Tenney's findings concerning the Pharmacy's dispensing of Demerol to individuals presenting altered and photocopied prescriptions and to individuals presenting prescriptions with instructions that were inconsistent with the nature of the substance prescribed. Further, the Pharmacy's inability to accurately account for its supply of Demerol as evidenced by the overage and shortage revealed during DEA audits, and its inability to track its supply of various Schedule III and IV controlled substances, are all relevant concerns under factor two. Finally, the Deputy Administrator agrees with Judge Tenney's conclusion that "the Government has proven poor dispensing experience under 21 U.S.C. § 823(f)(2), and this conduct warrants serious concern by the DEA."

As to factor three, "the applicant's conviction record \* \* \* relating to the \* \* \* distribution \* \* \* of controlled substances," the evidence shows that the Owner-pharmacist working at the Pharmacy had a conviction record related to the dispensing of controlled substances, for in August 1993, he pled guilty to charges of violating Federal statutes; specifically, he admitted to accepting and filling photocopied prescriptions in violation of 21 U.S.C. §§ 829(a), 842(a)(1) and 842(c)(2)(A). He was placed on probation for one year and fined \$500.00.

As to factor four, the Respondent's "[c]ompliance with applicable State, Federal, or local laws relating to controlled substances," there was some dispute as to the evidence presented. The record contains testimony that the pharmacy failed to maintain an initial and a biennial inventory as required by regulation, and yet the Owner testified that he maintained a "perpetual inventory," for the Puerto Rican authorities would not give him a license unless a yearly inventory was maintained. Judge Tenney found that the Owner's testimony on this point was credible and un rebutted, and he concluded "in light of the weight that is attached to other factors under 21 U.S.C. § 823(f), factor (4) is not considered critical in assessing the public interest."

As to factor five, "[s]uch other conduct which may threaten the public health or safety," Judge Tenney agreed with the Government's position, that "in light of [the Owner's] past conduct \* \* \* potential future actions by [the Owner] may threaten the public health and safety \* \* \* [for] considerable weight is attached to the alterations of

expiration dates on bottles of controlled substances seized at the [Pharmacy]." Although the Owner testified that he was unaware of the alterations made on the expiration dates, Judge Tenney found his testimony on this point lacked credibility. In the alternative, Judge Tenney also found that, as the owner and pharmacist at the Pharmacy, "it was his responsibility to assure that such alterations did not occur."

The Deputy Administrator agrees with Judge Tenney's findings and his conclusion that the Government proved, by a preponderance of the evidence, that continued registration of the Farmacia Ortiz by the DEA would be inconsistent with the public interest, and that any pending applications should be denied at the present time. See *Sokoloff v Saxbe*, 501 F. 2d 571, 576 (2d Cir. 1974) (stating that "permanent revocation" of a DEA Certificate of Registration may be "unduly harsh").

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. §§ 823 and 824, and 28 CFR §§ 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AF1619040, issued to Farmacia Ortiz, be, and it hereby is, revoked and any pending applications are hereby denied. This order is effective February 9, 1996.

Dated: December 28, 1995.  
Stephen H. Greene,  
*Deputy Administrator.*  
[FR Doc. 96-338 Filed 1-9-96; 8:45 am]  
BILLING CODE 4410-09-M

#### [Docket No. 94-40]

#### **Darrell Risner, D.M.D., P.S.C.; Granting of Restricted Registration**

On March 18, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Darrell Risner, D.M.D., P.S.C., (Respondent) of Barbourville, Kentucky, notifying him of an opportunity to show cause as to why DEA should not deny his application for registration as a practitioner under 21 U.S.C. 823(f) as being inconsistent with the public interest. Specifically, the Order to Show Cause alleged that:

1. An investigation by the Kentucky State Police in 1989 revealed that in 1988 and 1989, [the Respondent] wrote numerous prescriptions for Percodan and Percocet, Schedule II controlled substances, using the names of fictitious individuals or individuals who did not receive the prescriptions.
2. On June 12, 1989, [the Respondent] surrendered [his] DEA Certificate of Registration, #AR1091482.

3. As a result of [his] unlawful prescribing practices, on July 13, 1992, [he] pled guilty in the Knox County (Kentucky) Circuit Court to one count of facilitation to obtain a Schedule II controlled substance, and [was] sentenced to 24 months unsupervised probation, fined court cost[s] and ordered to perform community service.

4. Effective August 15, 1989, [he] entered into an agreed order with the Kentucky Board of Dentistry in which [his] dental license was suspended for six months followed by three years probation, and [he was] prohibited from prescribing controlled substances during the probationary period.

On April 18, 1994, the Respondent, through counsel, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Arlington, Virginia, on November 29, 1994, before Administrative Law Judge Mary Ellen Bittner. At the hearing both parties called witnesses to testify and introduced documentary evidence, and after the hearing, counsel for both sides submitted proposed findings of fact, conclusions of law and argument. On May 31, 1995, Judge Bittner issued her Opinion and Recommended Ruling, recommending that the Respondent's application be granted with restrictions applicable for a period of two years commencing on the effective date of his registration. Neither party filed exceptions to her decision, and on July 5, 1995, Judge Bittner transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Deputy Administrator finds that the Respondent is licensed to practice dentistry in Kentucky, where he has three offices and provides dental services to low income communities in Barbourville, Cumberland, and Hyden. Besides the Respondent's offices, these communities had available limited alternative dental care. The Respondent testified that his patients do not have access to fluoridated water and did not have training on how to care for their teeth. Consequently, many of his patients suffered serious and painful dental conditions. The Respondent further stated that because he did not have a DEA registration, he had to

prescribe non-controlled medication to his patients. However, these drugs sometimes were not as effective in alleviating pain as controlled substances, and in some cases, such drugs exacerbated his patients' other medical conditions. Consequently, the Respondent could not adequately treat some of his patients, and his only available alternative was to send them to an emergency room to obtain the needed medication. However, some patients had difficulty getting to a hospital with emergency facilities, because of the distances they would need to travel in this rural area of Kentucky.

A retired Kentucky State Police trooper (Trooper) testified before Judge Bittner, stating that he had been assigned to the state police Narcotics Division, and on January 20, 1989, he had opened an investigation in response to a complaint received from the Kentucky Board of Pharmacy. The complaint advised that the Respondent had obtained Schedule II drugs from a pharmacy in Barbourville, Kentucky. The Trooper testified that on February 28, 1989, he obtained approximately 29 prescriptions for Percocet or Percodan signed by the Respondent, and that many of these prescriptions were for "Dennis Smith." The parties stipulated that Percocet and Percodan contain oxycodone, a Schedule II controlled substance.

The Trooper then interviewed the Respondent, who said that "Dennis Smith" was a fictitious name, and that he had written the prescriptions and had had them filled himself in order to have the drugs on hand to dispense without charge to his patients in his Hyden office. The Respondent testified that he saw patients at that location in the evening, and that there were no local pharmacies open evenings where his patients could fill prescriptions for pain medication. He also testified: "I know it's wrong, and I realize it was a bad error in judgment; but I did it."

The Trooper then testified that he contacted Dr. Thompson of the Kentucky Board of Dentistry (Dental Board), and on March 24, 1989, he and Dr. Thompson met with the Respondent. During that interview, the Respondent denied using any of the Percocet or Percodan himself and offered to take a drug test. He also told the Trooper that he had written controlled substance prescriptions for his wife and her parents for pain relief, but that he had not kept any medical records for his wife. He produced a medical file for his mother-in-law, but it did not indicate that he had prescribed her controlled substances. The

Respondent testified before Judge Bittner that he also had failed to maintain a proper medical record for his father-in-law, and that he failed to maintain proper records for his family members because he usually treated them on weekends when staff members were not in the office to assist with recordkeeping.

On May 12, 1989, the Knox County Circuit Court grant jury indicted the Respondent on four felony counts of obtaining a Schedule II controlled substance by deception and fraud, and one felony count of failing to keep records of Schedule II controlled substances. On July 13, 1992, the Commonwealth's Attorney added an additional misdemeanor count of facilitation to obtain a Schedule II controlled substance by fraud. On that same day, the Respondent pled guilty to the misdemeanor count, and the court accepted the plea and sentenced him to 24 months unsupervised probation, costs, and community service consisting of accepting without charge all referrals for dental work from the Kentucky Department of Social Services. The Respondent testified that for two years, from July 13, 1992, to July 13, 1994, he provided free dental care to approximately 150 patients, at a value of approximately \$28,000.00.

In June of 1989, the Respondent appeared before the Dental Board, and on June 12, 1989, he voluntarily surrendered his DEA registration. On July 27, 1989, the Dental Board entered an Agreed Order suspending the Respondent's dental license for six months, placing his license on probation for three years following the suspension, and ordering him to pay a civil penalty of \$500.00. The conditions of probation included, among other things, that the Respondent would not prescribe any controlled substances and that he would submit to random drug screenings. During the third year of his probation, the Respondent underwent drug screenings, and the results were negative. The Respondent testified that he had complied with the Agreed Order, and that since the end of the probationary period on February 15, 1993, his dental license had not been subject to any restrictions.

On February 15, 1993, the Respondent applied for a new DEA registration in Schedule II non-narcotic and in Schedules III through V. One of the questions on that application asks whether the applicant has

Ever been convicted of a crime in connection with controlled substances under State or Federal law, or ever surrendered or had a Federal controlled substance registration revoked, suspended, restricted or

denied, or ever had a State professional license or controlled substance registration revoked, suspended, denied, restricted or placed on probation?

The Respondent had answered that question as "yes," and on the back of the application, in response to the requirement to explain an affirmative answer, he had written:

I surrendered my DEA license #AR1091482 to the Kentucky Board of Dentistry in July 1989. I was placed on three years probation which ended February 15, 1993. This was due to prescription irregularities.

However, the Respondent did not mention his conviction.

Finally, the Respondent testified before Judge Bittner, stating that he had learned his lesson and that he would not make the same "error judgments" again. He stated that if his DEA registration was restored, he would be willing to maintain a log of patients who received controlled substances, keep copies of prescriptions in patient charts, and undergo drug screening to provide assurances that he was handling controlled substances appropriately. He also testified that his application should be amended, for he was no longer requesting to be registered to handle Schedule II non-narcotic substances. He merely asked to be registered to handle controlled substances from Schedules III through V.

Pursuant to 21 U.S.C. 823(f), the Deputy Administrator may deny an application for registration if he determines that the registration would be inconsistent with the public interest. Section 823(f) requires that the following factors be considered:

- (1) The recommendation of the appropriate State licensing board or professional disciplinary authority.
- (2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.
- (3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.
- (4) Compliance with applicable State, Federal, or local laws relating to controlled substances.
- (5) Such other conduct which may threaten the public health or safety.

These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration denied. See Henry J. Schwarz, Jr., M.D., Docket No. 88-42, 54 FR 16,422 (1989).

In this case, the Deputy Administrator agrees with Judge Bittner that all five factors are relevant in determining whether the Respondent's registration

would be inconsistent with the public interest. As to factor one, "recommendation of the appropriate State licensing board," the Kentucky Dental Board, after reviewing the Respondent's conduct, suspended his license, and according to the terms of the Agreed Order, subsequently placed the Respondent on probation. Of equal significance, the Respondent served out the terms of his probation, and as of February 15, 1993, his probationary period ended, and his dental license has not been subject to any restrictions since that time.

As to factor two, the Respondent's "experience in dispensing \* \* \* controlled substances," factor three, his "conviction record" as related to controlled substances, and factor four, the Respondent's "[c]ompliance with applicable State, Federal, or local laws relating to controlled substances," it is undisputed that the Respondent obtained and handled Schedule II controlled substances in violation of State and Federal law and DEA regulations, and that he pled guilty to a criminal offense involving controlled substances. Further, DEA regulations levy recordkeeping requirements, such as a requirement that the Respondent use and maintain a DEA Form 222, order form, for each distribution of a Schedule II controlled substance per 21 CFR 1305.03, and maintain inventories and other dispensing records per 21 CFR 1304.03(b), 1304.04(g) and 1304.24. However, the Respondent failed to maintain records in compliance with these provisions.

As to factor five, "[s]uch other conduct which may threaten the public health or safety," the Government argued that "[w]hat is disturbing about the [Respondent's] conduct" is not only the dishonest and unlawful nature of falsifying prescriptions, but the fact that legitimate means were available to [the] Respondent to adequately and lawfully treat his patients." Further, the Government argued that as to future conduct, the Respondent continued to be less than forthright as evidenced by his 1993 DEA application wherein he failed to disclose his criminal conviction. However, Judge Bittner commented upon this allegation by noting:

In certain contexts, [the] Respondent's failure to state on his application form that he had been convicted of a drug-related crime might be sufficient grounds to \* \* \* deny an application. In the instant case, however, I note that [the] Respondent stated that he had surrendered his DEA registration and that the Dentistry Board had put him on probation for "prescription irregularities," so the Government was clearly aware from the

application that he had engaged in some form of misconduct, and it does not appear that [the] Respondent attempted to conceal his conviction. In addition, it is also well established that the parameters of the hearing are determined by the prehearing statements, and although [the] Respondent's application was at all times available to the Government, the Government did not specify in its prehearing statement or indicate at any time prior to the hearing that [21 U.S.C.] § 824(a)(1) was at issue in this proceeding; and [the] Respondent therefore had no notice that this matter might be litigated. In these circumstances, I find that [the] Respondent's failure to mention his conviction on his application is not a basis for denying him a registration.

As to this point, the Deputy Administrator agrees with Judge Bittner's conclusion.

Further, the Deputy Administrator also agrees with Judge Bittner's conclusion that "[i]t is undisputed that Respondent's obtaining and handling of Schedule II controlled substances violated State and Federal law and DEA regulations, and I find that his falsification of prescriptions, using prescriptions to obtain controlled substances for general dispensing and failure to record dispensings of controlled substances constitute grounds for denying his application for DEA registration."

However, in mitigation, Judge Bittner also found the Respondent's testimony credible. Specifically, that the Respondent dispensed the improperly obtained controlled substances to patients for legitimate medical purposes, and that he credibly acknowledged his wrongdoing and was willing to accept the responsibilities inherent in a DEA registration. Finally, Judge Bittner noted that "although evidence that a DEA registration would assist a practitioner in caring for his patients does not, standing alone, establish that the registration would be in the public interest, such evidence should be considered, and it is clear from the record here that [the] Respondent's lack of a DEA registration adversely affects his ability to effectively treat his patients."

Therefore, the Deputy Administrator agrees with Judge Bittner that the public interest is best served by granting the Respondent's amended application, subject to restrictions. Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823, and 28 CFR 0.100(b) and 0.104, hereby orders that the application for a DEA Certification of Registration in Schedules III through V of Darrell Risner, D.M.D., P.S.C., be granted subject to the following restrictions: (1)

the Respondent shall not administer or dispense, other than by prescribing, any controlled substance; and (2) the Respondent shall maintain a log of all controlled substance prescriptions and submit such logs on a quarterly basis, to the Resident Agent in Charge of the DEA Louisville, Kentucky, Resident Office, or a selected designee. The restrictions will run for a period of two years commencing on the effective date of the Respondent's registration. It hereby is so ordered. This order is effective upon publication in the Federal Register.

Dated: December 28, 1995.

Stephen H. Greene,

*Deputy Administrator.*

[FR Doc. 96-339 Filed 1-9-96; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Extension of Time for Response to a NIOSH Criteria Document

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice; Extension of time for response by the Mine Safety and Health Administration (MSHA) to the recommended standard on occupational exposure to respirable coal mine dust from the National Institute for Occupational Safety and Health (NIOSH).

**SUMMARY:** On November 7, 1995, MSHA received criteria for a recommended standard from the National Institute for Occupational Safety and Health (NIOSH). Under the Federal Mine Safety and Health Act of 1977, the Secretary of Labor must take one of the following three actions within 60 days of receipt of the NIOSH criteria: (1) Appoint an advisory committee; (2) publish a proposed rule; or (3) publish in the Federal Register his determination not to do so, and his reasons therefor. As a result of the lapse in funding for the U.S. Department of Labor and the partial government shutdown, MSHA has been unable to meet the 60-day statutory deadline for a response.

**FOR FURTHER INFORMATION CONTACT:** Patricia Silvey, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, (703) 235-1910.

**SUPPLEMENTARY INFORMATION:** The Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 *et seq.* (Mine Act), authorizes the National Institute for Occupational Safety and Health

(NIOSH) of the U.S. Department of Health and Human Services to recommend that the Secretary of Labor promulgate specific occupational safety and health standards to serve the objectives of the Mine Act. By means of criteria documents NIOSH notifies MSHA, as well as others with an interest in occupational safety and health, of its recommendations for health and safety standards. When the Secretary of Labor receives any such recommendation from NIOSH, Section 101(a)(1) of the Mine Act requires him to take one of three actions within 60 days: (1) Refer such recommendations to an advisory committee; (2) publish such recommendations as a proposed rule; or (3) publish in the Federal Register his determination not to do so, and his reasons therefor.

On November 7, 1995, NIOSH transmitted to MSHA the document entitled *Criteria for a Recommended Standard: Occupational Exposure to Respirable Coal Mine Dust*, which examines the occupational health risks associated with exposures to respirable coal mine dust and crystalline silica over a working lifetime. In that document NIOSH makes a number of recommendations for reducing those risks, including reducing the permissible exposure levels for respirable coal mine dust and for respirable crystalline silica by 50 percent.

Because of the lapse in funding for the U.S. Department of Labor and the resulting shutdown, MSHA has been unable to meet the statutory deadline for a response to the NIOSH criteria document.

As soon as MSHA resumes normal operations, the agency will move as quickly as possible to respond to the criteria document, and will publish notice of its response in the Federal Register.

Dated: January 4, 1996.

J. Davitt McAteer,

*Assistant Secretary for Mine Safety and Health.*

[FR Doc. 96-331 Filed 1-9-96; 8:45 am]

BILLING CODE 4510-43-M

## NATIONAL CREDIT UNION ADMINISTRATION

### Information Collection Under Review

January 10, 1996.

The National Credit Union Administration (NCUA) has submitted the following public information collection requests to the Office of Management and Budget (OMB) for

review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). The proposed information collections are published to obtain comments from the public. Public comments are encouraged and will be accepted for sixty days from the date listed at the top of this page in the Federal Register.

Copies of these individual information collection requests, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, Suzanne Beauchesne, at (703) 518-6412. Written comments and/or suggestions regarding the information collection requests listed below should be directed to Ms. Beauchesne, Office of Administration, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314 within 60 days from the date of this publication in the Federal Register. Comments should also be sent to the OBM Desk Officer indicated below at the following address: OMB Reports Management Branch, New Executive Office Building, Room 10202, Washington, DC 20530. Attn: Milo Sunderhauf.

National Credit Union Administration

*OMB Number:* 3133-0016.

*Form Number:* None.

*Type of Review:* Extension of currently approved collection of information.

*Title:* Letter of Understanding and Agreement.

*Description:* The Letter of Understanding and Agreement requires the credit union to submit financial and statistical reports to the NCUA on a monthly basis. The collection of financial information is used by the NCUA and the credit union to assess the credit unions' financial condition and to minimize potential losses to the National Credit Union Share Insurance Fund.

*Respondents:* Federally insured credit unions.

*Estimated Number of Respondents/Recordkeepers:* 219.

*Estimated Burden Hours Per Response:* 30 minutes.

*Frequency of Response:* Monthly.

*Estimated Total Annual Burden Hours:* 1,314 hours.

*Estimated Total Annual Cost:* \$19,552.32.

*OMB Number:* 3133-0024.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Title:* Mergers of Federally Insured Credit Unions.

*Description:* As authorized by 12 U.S.C. § 1766 and Part 708b, of NCUA's

regulations, credit unions that wish to merge must: (1) develop a plan of merger and submit it to NCUA for approval; (2) provide its members with notice of the meeting at which the proposed merger will be voted on; (3) provide its members with a summary of the plan of merger; (4) advise the NCUA of the election results; and (5) notify NCUA of the merger's completion. The information collection is reviewed by NCUA to determine whether to permit the proposed merger and to ensure that the merger is completed pursuant to all applicable laws and regulations. The credit union's members use the information to decide whether to vote for the proposed transaction.

*Respondents:* Federal credit unions.

*Estimated Number of Respondents/Recordkeepers:* 200.

*Estimated Burden Hours per Response:* 15 hours.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 3,000 hours.

*Estimated Total Annual Cost:* \$44,640.

*OMB Number:* 3133-0032.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Title:* Records Preservation.

*Description:* The information storage requirement enables credit unions to reconstruct their records in the event the credit union's primary records are destroyed by a catastrophe. Without the duplicate records, a credit union could not reconstruct its records and serve its members.

*Respondents:* Federal credit unions.

*Estimated Number of Respondents/Recordkeepers:* 22,836.

*Estimated Burden Hours Per Response:* 2 hours.

*Frequency of Response:* Quarterly.

*Estimated Total Reporting Burden:* 23,672 hours.

*Estimated Total Annual Cost:* \$591,800.

*OMB Number:* 3133-0035.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Title:* Trustees and Custodians of Pension Plans.

*Description:* The Employee Retirement Income Security Act of 1974 (ERISA) (P.L. 93-406) and Part 724 of NCUA's regulations require credit unions that act as trustees or custodians for retirement plans, to maintain individual records for each participant, and to notify the participants of the insurance status of their account(s). The records and the notice are used by the credit union member to make

investment decisions and to track the progress of their account.

*Respondents:* Federal credit unions.

*Estimated Number of Respondents/Recordkeepers:* 3,877.

*Estimated Burden Hours per Response:* 3 minutes.

*Frequency of Response:* On Occasion.

*Estimated Total Reporting Burden:* 193,850 hours.

*Estimated Total Annual Cost:* \$2,884,488.

*OMB Number:* 3133-0052.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Title:* Federal Credit Union Membership.

*Description:* When a credit union denies a membership application, the Federal Credit Union Act, 12 U.S.C. § 1761b(16), and Article I, section 2 of the Standard Federal Credit Union Bylaws require the credit union to provide the applicant with written reasons for the denial, upon the applicant's written request. The credit union must also retain a copy of the reasons. The applicant and the NCUA use the information to determine whether the credit union had a reasonable basis to deny the membership application.

*Respondents:* Federal credit unions.

*Estimated Number of Respondents/Recordkeepers:* 1,874.

*Estimated Burden Hours per Respondent:* 1 hour.

*Estimated Total Annual Burden Hours:* 1,874 hours.

*Estimated Total Annual Cost:* None.

*OMB Number:* 3133-0057.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Title:* Monthly Board Meeting Minutes.

*Description:* Sections 110 and 113 of the Federal Credit Union Act, 12 U.S.C. §§ 1760 and 1761b and Article VIII, Section 8 of the Standard Federal Credit Union Bylaws require credit unions to maintain the minutes of all meetings of its board of directors and members. Credit unions use the information to maintain an accurate record of the actions of its board of directors. NCUA uses the information during examinations to evaluate the conduct and policies of the credit union's board of directors.

*Respondents:* Federal Credit Unions.

*Estimated Number of Respondents/Recordkeepers:* 7,498.

*Estimated Burden Hours per Response:* 15 minutes.

*Frequency of Response:* 13 times a year.

*Estimated Total Reporting Burden:* 24,368.5 hours.

*Estimated Total Annual Cost:* None.

*OMB Number:* 3133-0058.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Title:* Credit Committee Records.

*Description:* Section 108 of the Federal Credit Union Act, 12 U.S.C. § 1758, and Article IX, Sections 3 and 4 of the Standard Federal Credit Union Bylaws requires credit unions to maintain records of its credit committee's loan approvals and denials. NCUA uses the information during its examinations of credit unions to evaluate the conduct of the credit union's credit committee.

*Respondents:* Federal credit unions.

*Estimated Number of Respondents/Recordkeepers:* 7,498.

*Estimated Burden Hours per Response:* 20 minutes.

*Frequency of Response:* 24 times per year.

*Estimated Total Reporting Burden:* 59,984 total annual hours.

*Estimated Total Annual Cost:* \$892,561.92.

*OMB Number:* 3133-0080.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Title:* Meetings of Federal Credit Union Board.

*Description:* Article VII, Section 4 of the Standard Federal Credit Union Bylaws require a written request by a majority of the directors in order to call a special meeting of the board.

*Respondents:* Federal credit unions.

*Estimated Number of Respondents/Recordkeepers:* 7,498.

*Estimated Burden Hours per Response:* 24 minutes.

*Frequency of Response:* On Occasion.

*Estimated Total Reporting Burden:* 300 total annual burden hours.

*Estimated Total Annual Cost:* None.

*OMB Number:* 3133-0081.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Title:* Credit Union Bylaws and Certificate.

*Description:* Article XIX, Section 5 of the Standard Federal Credit Union Bylaws requires credit unions to maintain copies of its organization certificates, bylaws, amendments and special authorizations. The collection of information is used by the NCUA during its examination of the credit union.

*Respondents:* Federal credit unions.

*Estimated Number of Respondents/Recordkeepers:* 7,498.

*Estimated Burden Hours per Response:* 12 minutes.

*Frequency of Response:* Annually.  
*Estimated Total Reporting Burden:* 1,500 hours.

*Estimated Total Annual Cost:* None.

*OMB Number:* 3133-0117.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Title:* Credit Union Bylaws and Certificate.

*Description:* This information collection is required by 12 U.S.C. § 1757(6), and section 701.32(d) of NCUA's regulations so that the NCUA can determine whether to grant a low-income designation to a credit union.

*Respondents:* Federal credit unions.

*Estimated Number of Respondents/Recordkeepers:* 15.

*Estimated Burden Hours per*

*Response:* 15 hours.

*Frequency of Response:* On Occasion.

*Estimated Total Reporting Burden:* 225 hours.

*Estimated Total Annual Cost:* \$5625.

*OMB Number:* 3133-0129.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Title:* Corporate credit unions.

*Description:* Part 704 of NCUA's regulations requires corporate credit unions ("corporate") to engage in information collection and record keeping activities so that the corporate and the NCUA can monitor the corporate's financial condition and transactions with vendors.

*Respondents:* Corporate credit unions.

*Estimated Number of Respondents/Recordkeepers:* 43.

*Estimated Burden Hours per*

*Response:* 86 hours.

*Frequency of Response:* On Occasion.

*Estimated Total Reporting Burden:* 3,698 hours.

*Estimated Total Annual Cost:* \$55,026.24.

*OMB Number:* 3133-0130.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Title:* Written Reimbursement Policy.

*Description:* This information collection is authorized under sections 114 and 120 of the Federal Credit Union Act, 12 U.S.C. §§ 1761(c) and 1766(a) and section 701.33(B)(2)(1) of NCUA's regulations, 12 C.F.R. § 701.33(B)(2)(1). The information collection ensures that any payments to directors are made in accordance with standards set in advance by the credit union's board of directors and enables NCUA examiners to easily verify compliance by comparing the policy to the actual reimbursements.

*Respondents:* Federal Credit Unions.

*Estimated Number of Respondents/Recordkeepers:* 7,498.

*Estimated Burden Hours per*

*Response:* 2 hours.

*Frequency of Response:* Once, and updated as needed.

*Estimated Total Reporting Burden:* 14,996 total burden hours.

*Estimated Total Annual Cost:* None.

By the National Credit Union Administration Board on January 4, 1996.

Becky Baker,

*Secretary of the Board.*

[FR Doc. 96-371 Filed 1-9-96; 8:45 am]

**BILLING CODE 7535-01-M**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50-245-OLA; ASLBP Docket No. 96-711-011-OLA]**

### **Northeast Nuclear Energy Company; Millstone Nuclear Power Station, Unit 1; Notice of Reconstitution of Board**

Pursuant to the authority contained in 10 CFR 2.271 (1995), the Atomic Safety and Licensing Board for Northeast Nuclear Energy Company (Millstone Nuclear Power Station, Unit 1), Docket No. 50-245-OLA, is hereby reconstituted by appointing Administrative Judge James P. Gleason as Chairman of the Licensing Board in place of Administrative Judge Thomas S. Moore.

As reconstituted, the Board is comprised of the following Administrative Judges:

James P. Gleason, Esquire, Chairman  
Dr. Richard F. Cole  
Dr. Peter S. Lam

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1995).

The address of the new Chairman is: James P. Gleason, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Rockville Maryland this 4th day of January, 1996.

B. Paul Cotter, Jr.,

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. 96-391 Filed 1-9-96; 8:45 am]

**BILLING CODE 7590-01-M**

## **Nuclear Safety Research Review Committee**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

The Nuclear Safety Research Review Committee (NSRRC) will hold its next meeting on January 25-26, 1996. The location of the meeting will be in the Cabinet-Judiciary Suite, Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD. The purpose of the meeting is to discuss the conduct of future safety research for the NRC by outside parties in the light of budgetary considerations.

The meeting will be held in accordance with the requirements of the Federal Advisory Committee Act (FACA), 5 U.S.C.App. This will be a closed meeting pursuant to 5 U.S.C.App.10(d) and 5 U.S.C.552b(c)(9)(B) because premature disclosure to the public of the programmatic and budgetary information to be discussed would be likely to significantly frustrate implementation of future NRC contracting actions.

The NSRRC provides advice to the Director of the Office of Nuclear Regulatory Research (RES) on matters of overall management importance in the direction of the NRC's program of nuclear safety research.

Participants in parts of the discussion will include senior NRC staff and other RES technical staff as necessary.

Any inquiries regarding this notice, or any subsequent changes in the status and schedule of the meeting, may be made to the Designated Federal Officer, Dr. Jose Luis M. Cortez (telephone: 301-415-6596), between 8:15 a.m. and 5:00 p.m.

Dated at Rockville, Maryland this 4th day of January, 1996.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

*Federal Advisory Committee Management Officer.*

[FR Doc. 96-350 Filed 1-9-96; 8:45 am]

**BILLING CODE 7590-01-P**

## **Regulatory Guides; Availability**

The Nuclear Regulatory Commission has updated the Regulatory Guide List to advise of the wide range of regulatory guides that are available and to list all published versions of each guide. The Regulatory Guide Series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Single copies of the Regulatory Guide List may be obtained free of charge by

writing the Office of Administration, Attention: Distribution and Services Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; or by fax at (301) 415-2260. Single copies of regulatory guides, both final and draft guides, may also be obtained free of charge at this address.

Regulatory guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161.

Comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides and the list of guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 22nd day of December 1995.

For the Nuclear Regulatory Commission.  
Bill M. Morris,

*Director, Division of Regulatory Applications,  
Office of Nuclear Regulatory Research.*

[FR Doc. 96-347 Filed 1-9-96; 8:45 am]

BILLING CODE 7590-01-M

### **Georgia Power Company, et al.; Vogtle Electric Generating Plant, Units 1 and 2 Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing**

[Docket Nos. 50-424 and 50-425]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-68 and NPF-84, issued to the Georgia Power Company, et al. (the licensee), for operation of the Vogtle Electric Generating Plant (VEGP, Vogtle), Units 1 and 2, located at the licensee's site in Burke County, Georgia.

The proposed amendments were initially requested by the licensee in a letter dated May 1, 1995, and a notice of the Commission's consideration of the licensee's proposal was published in the Federal Register on September 7, 1995 (60 FR 46633). On September 26,

1995, the Commission published a revision to 10 CFR Part 50, Appendix J (60 FR 49505), which became effective October 26, 1995. The licensee supplemented the initial May 1, 1995, application by letters dated August 3 and 9, September 20, November 22, and December 21, 1995. The December 21, 1995, letter included information that is outside the scope of the initial application in that it includes a proposal to adopt certain provisions of the revised 10 CFR Part 50, Appendix J, that was published subsequent to the initial Federal Register notice.

As stated in the initial Federal Register notice, the proposed amendments would represent a full conversion from the current Technical Specifications (TS) to a set of TS based on NUREG-1431, "Standard Technical Specifications, Westinghouse Plants," Revision 1, dated April 1995. NUREG-1431 was developed through working groups composed of NRC staff members and industry representatives and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve the TS. As part of this submittal, the licensee has applied the criteria contained in the Commission's Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors of July 22, 1993, to the current Vogtle TS, and, using NUREG-1431 as a basis, developed a proposed set of improved TS for Vogtle. The criteria in the Final Policy Statement were subsequently added to 10 CFR 50.36, "Technical Specifications," in a rule change which became effective on August 18, 1995 (60 FR 36953).

The licensee has categorized the proposed changes to the existing TS into four general groupings. These groupings are characterized as administrative changes, relocated changes, more restrictive changes, and less restrictive changes. The licensee's decision to adopt certain provisions of the revised 10 CFR Part 50, Appendix J, is considered a less restrictive change. Less restrictive changes are those where current requirements are relaxed or eliminated, or new flexibility is provided. The more significant "less restrictive" requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the TS may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of the Owners Groups' comments on the

improved Standard Technical Specifications. Generic relaxations contained in NUREG-1431 were reviewed by the staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design was reviewed to determine if the specific design basis and licensing basis are consistent with the technical basis for the model requirements in NUREG-1431 and thus provides a basis for these revised TS. These less restrictive changes to the requirements of the current TS do not result in operations that will alter assumptions relative to mitigation of an analyzed accident or transient event.

The licensee's proposal would adopt Option B of 10 CFR Part 50, Appendix J, as part of the implementation of the improved standard TS. The proposal adds a specific reference to Regulatory Guide (RG) 1.163, "Performance-Based Containment Leak-Test Program" in the Administrative Controls section of the Vogtle TS. No exceptions to the RG, nor the documents which are endorsed by the RG, are being requested. The licensee does not propose to deviate from the methods approved by the Commission and endorsed in the RG. The amendment proposes that a detailed performance-based leakage-test program will be available for NRC inspection upon implementation of the new TS.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By February 9, 1996, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Burke County Library, 412 Fourth Street, Waynesboro, Georgia. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and

Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such

a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Herbert N. Berkow, Director, Project Directorate II-2: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Ernest L. Blake, Jr, Esquire, Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendments after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated May 1, 1995, as supplemented by letters dated August 3

and 9, September 22, November 20, and December 21, 1995, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Burke County Library, 412 Fourth Street, Waynesboro, Georgia.

Dated at Rockville, Maryland, this 4th day of January 1996.

For the Nuclear Regulatory Commission.

L.A. Wiens,

*Acting Director, Project Directorate II-2,  
Division of Reactor Projects—I/II, Office of  
Nuclear Reactor Regulation.*

[FR Doc. 96-349 Filed 1-9-96; 8:45 am]

BILLING CODE 7590-01-P

### **Confirmatory Order Suspending Authority for and Limiting Power Operation and Containment Pressure; (Effective Immediately); and Demand for Information**

**[Docket No. 50-309; License No. DPR-36 EA-96003]**

In the Matter of Maine Yankee Atomic Power Company; Maine Yankee Atomic Power Station

I

Maine Yankee Atomic Power Company (Licensee) is the holder of Facility Operating License No. DPR-36, issued by the Atomic Energy Commission, predecessor to the Nuclear Regulatory Commission (NRC or Commission), pursuant to 10 CFR Part 50 on September 15, 1972. The license authorizes the operation of Maine Yankee Atomic Power Station (facility or Maine Yankee) in accordance with conditions specified therein. The facility is located on the Licensee's site in Lincoln County, Maine. The facility has been shut down for refueling and repairs to its steam generators since February 6, 1995.

II

On December 4, 1995, the NRC received both technical allegations and allegations of wrongdoing by Yankee Atomic Electric Company (YAEC) and the Licensee. In brief, it is alleged that YAEC, acting as agent for the Licensee, knowingly performed inadequate analyses of the emergency core cooling systems (ECCS) and the containment to support two license amendments to increase the rated thermal power at which Maine Yankee may operate. It is further alleged that the Licensee deliberately misrepresented the analyses to the NRC in seeking the license amendments. Specifically, it is alleged that YAEC management knew that the

ECCS for Maine Yankee, if evaluated in accordance with 10 CFR Section 50.46 using the RELAP5YA code, did not meet the licensing requirements for either the 2630 MWt or 2700 MWt power uprates that had previously been granted, and that deliberate misrepresentations were made to the NRC in order to obtain the 2700 MWt power uprate. (Operation at the initially licensed power level of 2440 MWt was not identified as a concern.)

It is also alleged that the Licensee had applied for power uprates on the basis of a fraudulent containment analysis. Specifically, the facility containment was designed for a pressure of 55 psig, but allegedly, YAEC deliberately excluded an energy source (steam generators) from the calculations to conceal the possibility that containment pressure could increase beyond the design pressure during a loss-of-coolant accident (LOCA).

In response to technical issues raised by these allegations, the NRC initiated a special technical review of the safety analysis performed by YAEC relating to the Licensee's license amendment applications for power uprate. An assessment team of NRC employees was dispatched to YAEC Headquarters in Bolton, Massachusetts, on December 11, 1995. The NRC team was accompanied by two employees of the State of Maine, who observed the activities of the team. The team reviewed documents and interviewed YAEC employees for 4 days, concentrating their efforts in the areas of small-break loss-of-coolant accident (SBLOCA) analyses and peak containment pressure determinations. YAEC provided additional documents to the NRC after the inspection team completed its inspection and departed, but prior to the close of business on December 14, 1995. This additional information is related to the SBLOCA analysis supporting the Licensee's 15th operating cycle (Cycle 15).

This Order and Demand address requirements and information related to future reactor operation. Allegations related to violations of NRC requirements, including wrongdoing, will be addressed separately from this Order and Demand.

### III

Maine Yankee Atomic Power Company was granted a license to operate Maine Yankee on September 15, 1972, at a power level of 2440 MWt, based in-part on a Combustion Engineering (CE) analysis of ECCS. By application dated August 1, 1977, the Licensee requested a single step increase in the maximum thermal power rating to 2630 MWt, again based on a CE

ECCS analysis. On May 10, 1978, the NRC issued Amendment No. 38 to the License, which increased the licensed power level to 2630 MWt, but restricted operation to 2560 MWt until the Advisory Committee on Reactor Safeguards reviewed and recommended approval of the power increase from 2560 to 2630 MWt. On June 20, 1978, the Commission issued Amendment No. 39, which authorized the Licensee to operate its facility at 2630 MWt. On December 28, 1988, the Licensee submitted a request to amend its license to increase the plant's maximum thermal power rating to 2700 MWt. The Commission granted this amendment request on July 10, 1989.

Licensees are required, in accordance with Appendix K to 10 CFR Part 50 and 10 CFR Section 50.46, to perform specific accident analyses, including SBLOCA analysis, for operation at their licensed maximum power level. NUREG-0737, "Clarification of TMI Action Plan Requirements," (NUREG-0737) issued following the accident at Three Mile Island provides guidance for performing SBLOCA analysis. In particular, Item II.K.3.30, "Revised SBLOCA Methods to Show Compliance With 10 CFR Part 50, Appendix K," and Item II.K.3.31, "Plant-Specific Calculations to Show Compliance with 10 CFR Section 50.46," requested licensees submit to the NRC for approval both the revised methods and SBLOCA analysis. In response to Item II.K.3.30, the Licensee submitted licensing topical report YAEC-1300P, "RELAP5YA: A Computer Program for Light Water Reactor System Thermal-Hydraulic Analysis."

By letter dated January 30, 1989, the NRC found that RELAP5YA was acceptable, under certain conditions, as a licensing method for use in meeting 10 CFR Part 50 Appendix K and NUREG-0737 Item II.K.3.30 for SBLOCA analysis for Maine Yankee. Specifically, the NRC's Safety Evaluation for RELAP5YA listed twelve conditions, including specifications for future plant specific licensing submittals, justifying options taken and sensitivity studies performed. Of specific interest are conditions 4, 7, 8, 9, and 12, which identified justification for model nodalization used when a two-phase mixture level dropped below the top of the core, justification of all selected options and input data used in plant specific licensing submittals, documentation of plant specific sensitivity studies including, but not limited to, time step and break sizes, justification of steam generator nodalization, and the need to perform a break size study to include the worst SBLOCA case for the plant

specific licensing application. This licensee has not provided the justifications or submittals specified by the safety evaluation to support Maine Yankee compliance with II.K.3.31 and 10 CFR Section 50.46. The NRC review team found that the RELAP5YA code as applied for the Maine Yankee Cycle 15 reload included nodding changes and time step selection which differed from those reviewed by NRC in its January 30, 1989 SER for RELAP5YA.

NUREG-0737 Item II.K.3.5, "Automatic Trip of Reactor Coolant Pumps During Loss-of-Coolant Accident," also identified issues related to 10 CFR Section 50.46. Generic Letter 83-10, "Resolution of TMI Action Item II.K.3.5, Automatic Trip of Reactor Coolant Pumps" requested licensees to justify use of manual action to trip the RCPs for SBLOCA events.

In its reply of June 28, 1985, the licensee concluded that use of a sub-cooled margin of 25°F for manually tripping the RCPs satisfied the generic letter and 10 CFR Section 50.46. By letter dated April 15, 1986, the NRC accepted the licensee's position which was based upon analyses performed with the RELAP5YA code.

The containment surrounding the facility's nuclear reactor is designed to an internal pressure of 55 psig. The containment was tested at 115% (63 psig) of its design pressure for structural acceptance. The original licensing basis analysis to predict the peak containment pressure, following a postulated loss-of-coolant accident, yielded a peak containment pressure of 49.5 psig when an initial containment pressure of 0.8 psig was assumed. Because the containment is designed to 55 psig, approximately 5 psig margin was available at the time of initial licensing. As a result of plant changes (e.g., increase in licensed power, and reactor coolant temperature increase) and calculational assumptions (e.g., containment volume) the calculated peak design-basis accident (DBA) pressure has increased. In the December 18, 1995, meeting, the licensee discussed containment calculations performed. The licensee stated that, when plant changes and calculation assumptions consistent with the as built plant are included and the initial containment pressure is limited to 2.0 psig, the calculated peak DBA pressure is less than 55 psig, the containment design pressure. It is noted that plant Technical Specifications limit the maximum operating pressure in containment to 3.0 psig. Assuming an initial containment pressure is 3.0 psig, the Technical Specification limit, the

calculated peak design pressure would exceed the containment design pressure.

As required by 10 CFR Part 50, Appendix J, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors," the Licensee has tested its containment based upon peak DBA pressure, Pa, of 50 psig as specified in plant Technical Specifications. The last containment leakage test conducted at this pressure was in October 1988. This value of Pa (i.e., 50 psig) is not consistent with plant changes and calculational assumptions reflective of the as built plant as discussed above.

#### IV

As a result of technical concerns discussed above, questions remain as to whether operation of Maine Yankee at a power level of 2700 MWt and 3 psig containment pressure meets NRC requirements for ECCS and containment design. Thus, this Order and Demand for Information address actions necessary to ensure safe operation of the Maine Yankee Nuclear Power Plant pending completion of the NRC staff's evaluation of the allegations, including the allegations of wrongdoing, and information necessary to complete the staff's evaluation.

Based upon a meeting held with the Licensee on December 18, 1995, and the NRC staff's assessment team review, the NRC has determined that computer code RELAP5YA, which was proposed for use by Maine Yankee for Cycle 15 SBLOCA analyses to demonstrate, in part, compliance with the ECCS requirements specified at 10 CFR Section 50.46, has not been applied in a manner conforming to the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Model," nor has it been applied in a manner conforming to the conditions specified in the staff's Safety Evaluation dated January 30, 1989 (SE), as necessary for NRC acceptance of the use of RELAP5YA for SBLOCA analyses for Maine Yankee. Specifically, the Licensee has not demonstrated that the code will reliably calculate the peak cladding temperature for all break sizes in the small-break LOCA spectrum for Maine Yankee, nor has the Licensee submitted the justification for the code options selected, in accordance with Condition 7 of the staff's SE, nor has the Licensee submitted other justifications and sensitivity studies to satisfy Conditions 4, 8, 9, and 12 of the January 30, 1989, SE. Because the Licensee did not satisfy the conditions specified in the NRC's approval, the plant-specific application of RELAP5YA, is not acceptable at Maine Yankee for

SBLOCA. Therefore, the SBLOCA portion of the emergency core cooling analyses performed by Maine Yankee for Cycle 15 does not conform with the requirement of 10 CFR Section 50.46. For the same reasons, the staff also concludes, that TMI Action Plan Items II.K.3.30, II.K.3.31, and II.K.3.5 are likewise not satisfied.

Accordingly, the staff considers operation of Maine Yankee at 2700 MWt unacceptable.

The staff does, however, consider operation of Maine Yankee at 2440 MWt, using core operating limit parameters based upon analyses performed for operation at 2700 MWt acceptable because:

1. The operating limits in Revision 1 to the Core Operating Limits Report (COLR) submitted December 1, 1995, are restricted by non-LOCA transient analyses and large-break LOCA analyses which have been performed using NRC-approved methods and assuming power levels up to 2700 MWt. The power level of 2440 MWt is within this range.

2. The relatively low small-break LOCA peak cladding temperature (PCT), explicitly calculated with NRC-approved SBLOCA methods in previous cycles at power levels greater than 2440 MWt, met the requirements of 10 CFR Section 50.46 with substantial margin (e.g., Cycle 4 calculated PCT of 1348° F is substantially less than the 2200° F required limit at a power level of 2630 MWt). The power reduction to 2440 MWt provides additional margin to account for SBLOCA modeling uncertainties such as those identified in NUREG-0737.

3. Review of the analysis performed for other CE and Westinghouse plants related to NUREG-0737 Item II.K.3.5 have demonstrated that manual tripping of the RCPs meets the requirements of 10 CFR Section 50.46. Based on the similarity of the initial Maine Yankee plant response to a SBLOCA to other CE and Westinghouse plants, the staff concludes that the manual tripping of the RCPs is acceptable for Maine Yankee.

Therefore, since operating limits have been developed for power levels up to 2700 MWt based upon limiting events that have been analyzed using approved methods, and a power reduction margin is being imposed to account for SBLOCA modeling uncertainties, the staff finds that Maine Yankee operation at 2440 MWt does not pose an undue health or safety risk to the public.

The staff has reviewed the results of containment peak accident pressure analysis performed by the Licensee for a licensed thermal power level of 2700 MWt, with initial containment pressure

limited to 2 psig. The calculated pressure is 54.8 psig, and is within the containment design pressure of 55 psig. The 54.8 psig value was generated using sensitivity analysis in conjunction with the original licensing basis results. The sensitivity studies were performed by YAEC using a CE mass and energy analysis and the CONTEMPT computer program. All known, relevant changes to the facility (e.g., spray system changes, power uprates, and containment maximum temperature increase) were considered, in addition to certain effects not encompassed in the original analyses (e.g., reactor coolant system (RCS) thermal expansion, use of lower bound containment volume assumption, and increased containment operating pressure of 2 psig).

The staff further notes that there is substantial margin beyond containment design pressure. Specifically, containment was successfully tested to a pressure of 63 psig upon completion of construction and a finite element analysis performed by Sandia Laboratories for the staff calculated a lower bound on the ultimate strength of the Maine Yankee containment of 96 psig.

The Licensee recently performed calculations of the leakage expected at the maximum containment internal pressure (Pa) for a DBA of 54.8 psig. Extrapolating from previous Appendix J testing to this revised Pa, the Licensee confirmed that the revised leakage was within the required acceptance criteria for Type A tests as specified in 10 CFR Part 50 Appendix J.

The staff concludes that operation with initial containment pressure limited to 2.0 psig and power limited to 2440 MWt does not pose an undue health or safety risk to the public.

#### V

On Monday, December 18, 1995, a transcribed public meeting was held at NRC Headquarters, Rockville, MD, to discuss with the Licensee the findings of the review and evaluation team and to seek any additional information the Licensee or its agent, YAEC, could provide. In concluding the meeting, the NRC advised the Licensee that the NRC had concerns regarding the adequacy of proprietary computer code RELAP5YA, applied by the Licensee for Cycle 15 SBLOCA analysis, and that this analysis is not adequate for demonstrating compliance with 10 CFR Section 50.46, "Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors," and NUREG-0737, "Clarification of TMI Action Plan Requirements," Items II.K.3.30 and II.K.3.31. This determination led the

staff to conclude that operation at 2700 MWt was not supported, and that the Licensee should evaluate operation at the 2440 MWt level established in the original license issued on September 15, 1972. The staff indicated that operation at a lower power level could be found acceptable if operation is based upon methods previously found acceptable by the staff, and not dependent on RELAP5YA for SBLOCA analysis. Further, the NRC advised the Licensee that the NRC would identify terms and conditions under which the Licensee could propose resumption of power operation of its facility.

On Tuesday, December 19, 1995, the Licensee informed the NRC staff that they intended to use RELAP5YA to analyze transients not associated with core operating limits. In a December 20, 1995, telephone call the NRC advised the Licensee that, based on this broader use of RELAP5YA, the NRC would require additional time to determine its further actions. In addition, the Licensee committed to not restart the facility until NRC had completed its review of new information regarding the use of RELAP5YA and containment pressure limits. A letter summarizing events of the week of December 18, 1995, was sent to the Licensee on December 21, 1995.

By letter dated December 22, 1995, the Licensee committed to: (1) limit thermal power output of the plant at or below 2440 MWt until a SBLOCA analysis specific to the Maine Yankee plant has been submitted to the NRC and written approval from the NRC staff for operation at a higher power has been received, (2) develop and document the justification for the use of Cycle 15 operating limits using methods approved for Maine Yankee without reliance on the RELAP5YA computer code prior to achieving initial criticality for Cycle 15 operation, (3) limit the maximum internal containment operating pressure to 2 psig prior to Cycle 15 initial criticality, and (4) conduct a thorough review in order to identify any other applications where RELAP5YA would be relied on for Cycle 15 operation.

#### VI

I find that implementation of the Licensee's commitments to limit power to 2440 MWt and initial containment pressure to 2 psig as set forth in the Licensee's letter of December 22, 1995, is acceptable and necessary, and that with implementation of these commitments, the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that

such commitments be confirmed by this Order and Demand. The Licensee has agreed to this action. Pursuant to 10 CFR 2.202, I have also determined, based on the Licensee's commitment and on the significance of the concerns regarding the adequacy of the Licensee's small-break LOCA and containment analyses supporting operations described above, that the public health and safety require that this Order be immediately effective.

#### VII

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, It is hereby ordered, effective immediately, that:

1. Authority to operate Maine Yankee at 2700 MWt maximum power is suspended and Maine Yankee shall limit power to 2440 MWt, until the NRC has reviewed and approved the SBLOCA analysis described in Section IX, item 5, below.

2. Authority to operate Maine Yankee at maximum internal containment pressure at 3 psig is suspended and Maine Yankee shall limit containment pressure to 2 psig, until the NRC has reviewed and approved the DBA analysis of containment pressure response required by Section IX, item 6, below.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensee of good cause.

#### VIII

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Service Section, Washington, DC 20555. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region I, 475 Allendale Road, King

of Prussia, PA 19406-1415, and to the Licensee. If such a person requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If the hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), any person other than the Licensee adversely affected by this Order, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section VII above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section VII shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

#### IX

Additionally, further information is needed to determine whether the Commission can continue to have reasonable assurance that the Licensee is conducting its activities in accordance with the Commission's requirements.

Accordingly, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR 50.54(f), in order for the Commission to determine whether your license should be modified, suspended or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, you are required to submit to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, the following information, in writing and under oath or affirmation, in the form and according to the schedule indicated below:

1. A description of evaluations that have been completed that provide justification for the use of Cycle 15 operating limits, as established in the Cycle 15 Core Operating Limits Report, using methods approved for Maine Yankee and without reliance on the RELAP5YA computer code for SBLOCA analysis and assuming a reactor thermal rating of 2440 MWt. Details related to analyses performed, significant assumptions, and conclusions drawn shall be provided;

2. A description of all other applications where RELAP5YA is relied on for Cycle 15 operation identifying the details of the application, and conclusions drawn with respect to any facility modifications or procedure changes. For each application, document the determination that operability, as defined in Maine Yankee Technical Specifications, of affected structures, systems and components is maintained. For plant procedures required by Maine Yankee Technical Specifications that rely on RELAP5YA analysis for operator action, document the determination as to why the affected operator action continues to be appropriate or, if necessary, evaluate the affected procedures in accordance with 10 CFR Section 50.59 and provide a summary of that evaluation. If any procedures are changed, confirm that appropriate training has been provided;

3. A description of measures taken to limit reactor operation to a maximum thermal power of 2440 MWt (90.37% of 2700 MWt);

4. A description of measures taken to limit containment internal operating pressure to a maximum of 2 psig;

5. A SBLOCA analysis that is specific to Maine Yankee for operation at power levels up to 2700 MWt. The analysis must meet the requirements of 10 CFR Section 50.46, "Acceptance criteria for emergency core cooling systems for light water nuclear power reactors," and NUREG-0737, "Clarification of TMI Action Plan Requirements," Items II.K.3.30 and 31, "SBLOCA Methods" and "Plant-specific Analysis," respectively, and NUREG-0737, Item II.K.3.5, "Automatic Trip of Reactor Coolant Pumps During LOCA;"

6. An integrated containment analysis, accounting for relevant changes to the facility (e.g., spray system changes, power uprates, and containment maximum temperature and pressure changes), during a DBA that demonstrates the maximum calculated DBA containment pressure meets the design basis pressure for Maine Yankee (55 psig). Assumptions used for these analyses that are different from those specified in NUREG-0800, the NRC

Standard Review Plan, Section 6.2.1.1.A, shall be described.

Information required by items 1, 2, 3, and 4, above, shall be documented and submitted to the NRC prior to criticality. Detailed files and supporting computer analyses shall be available on site or at the corporate office.

A schedule for producing the information required by items 5 and 6 above, shall be provided to the NRC within 30 days of the date of the Demand for Information.

Copies of the response regarding items 1, 2, 3, and 4, and the schedule for producing the information required by items 5 and 6, shall also be sent to the Assistant General Counsel for Hearings and Enforcement at the same address, and to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, PA 19406-1415.

After reviewing your response, the NRC will determine whether further action is necessary to ensure compliance with regulatory requirements.

Dated at Rockville, Maryland, this 3rd day of January 1996.

For the Nuclear Regulatory Commission.  
William T. Russell,  
*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 96-348 Filed 1-9-96; 8:45 am]

BILLING CODE 7590-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Request For Public Comment

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:  
Rule 236, SEC File No. 270-118, OMB Control No. 3235-0095  
Reg. B, SEC File No. 270-102, OMB Control No. 3235-0093

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is publishing the following summaries of collections for public comment.

Rule 236, a rule promulgated pursuant to the Securities Act of 1933 ("Securities Act"), that requires issuers wishing to rely upon an exemption from registration from the Securities Act for the issuance of fractional shares, scrip certificates or order forms, in connection with a stock dividend, stock

split, reverse stock split, conversion, merger or similar transaction, to furnish specified information to the Commission in writing at least ten days prior to the offering. The information is needed to provide notice that an issuer is relying on the exemption. An estimated ten submissions are made pursuant to Rule 236 annually, resulting in an estimated annual total burden of 15 hours.

Regulation B provides exemptions from the Securities Act relating to fractional undivided interests in oil or gas rights. Persons offering securities under this exemption, as conditions to the exemption, are still required to file basic prescribed documents with the Commission containing certain material information and to provide prospective investors with this information with respect to such securities. A report on Form 1-G must be filed with the Commission on or before the 15th day after the expiration of each effective offering sheet pursuant to Regulation B, or the termination of sales, whichever comes first. Not later than three calendar months after the termination of the offering, the offeror must file with the Commission and send to purchasers of interests a report on Form 3-G. An estimated 5 submissions are made pursuant to Regulation B annually, resulting in an estimated total annual reporting burden of 205 hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: January 2, 1996.  
Margaret H. McFarland,  
*Deputy Secretary.*  
[FR Doc. 96-362 Filed 1-9-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36683; File No. S7-3-96]

### EDGAR Request For Information

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Request for comments.

**SUMMARY:** The Securities and Exchange Commission is publishing alternative system architectures for possible use in preparing a Request for Proposals which will be used to recompute the contract for its electronic filing system known as EDGAR. Comments and information received will assist the agency and the Congress in making decisions as to how EDGAR filings will be structured, presented, formatted, filed, processed and disseminated. Information received will also be used to make determinations as to whether certain portions of the EDGAR system can or should be privatized.

**DATES:** Comments should be received on or before January 22, 1996.

**ADDRESSES:** Comments should be submitted to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments should refer to File No. S7-3-96. All comments will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Michael Bartell or David Copenhafer, Office of Information Technology, Securities and Exchange Commission at (202) 942-8800.

**SUPPLEMENTARY INFORMATION:** The Securities and Exchange Commission (SEC) is publishing this second Request for Information (RFI) from companies and individuals with experience, capabilities or interests relating to the SEC's electronic filing system known as EDGAR. The need for this second RFI arises from SEC wishes to supplement the thoughtful and helpful comments received in response to the first request, and as a result of recent SEC discussions held internally, with industry and academic experts, and with the Congress.

This request solicits comment on several potential EDGAR system architectures, the characteristics of which are described below. Comment is solicited not just from a technical point of view, or from the perspective of potential bidders, but also from filers and the many users of SEC disclosure information as well. Comment on the legal and commercial implications of each architecture are also sought.

Respondents should note that their comments will be considered public

information by the SEC, and that the SEC will not be able to honor any requests for comments to be kept confidential.

This notice, as published, cannot accommodate drawings of the architectures being considered. Respondents who wish to make reference to the SEC's diagrams depicting the interrelationships among the various elements of the system can secure copies from the SEC's World Wide Web site (<http://www.sec.gov>) or by requesting them at the address shown at the beginning of this notice.

Brief descriptions of each principal model the SEC has under consideration are provided below. The order of presentation is not intended to convey any preference for one approach over another. All models also assume the SEC will retain its Internet site and continue to offer the current level of EDGAR document dissemination service (one day delay and FTP bulk download capability).

#### I. Evolve the Current Model

A. All filings come to the SEC for receipt and acceptance.

B. Filings are disseminated, as received, through a single, high volume, high speed, high reliability, commercial point of distribution.

C. The Commission requests comment on three possible dissemination pricing structures:

(1) Subscriber pricing based upon the cost and agreed-upon rate of return of a privatized, single point of dissemination similar to the approach used currently.

(2) Alternatively, the SEC could ask for and accept a bid from a vendor offering the lowest cost to subscribers based upon a bid, fixed schedule of prices. Comment is sought on the appropriate duration of such a contract (e.g., 1, 2, or 3 years).

(3) As a third alternative within this Model I, the SEC could bring the first tier disseminator "in house" and have the cost paid by the SEC. The SEC would establish the price of each of the services offered to the second tier and would apply revenues to offset a variety of system costs (assuming the establishment of a suitable mechanism to permit the agency to retain such revenues).

D. Document structure would evolve from the current ASCII-SGML structure. The first addition would be to permit attached, standardized, image files of a specified maximum size. Later changes would move toward a richer text format which would not impose any undue burdens on the filer, the SEC, or the dissemination and public viewing structures. This richer text probably

would be achieved through the addition of certain, allowable HTML commands or possibly through conversion to PDF format. The SEC might limit by rule the type of information that would be permitted to be filed inside an image file. Issuers also would be free to enhance the electronic information they distribute to shareholders and investors.

E. Contracting would be done through separate contracts for: (1) Receipt and Acceptance, and (2) Dissemination.

The fundamental advantages of this Model I and its variants are: (1) It preserves the existing financial investment in SEC systems; (2) it allows for needed (albeit slow, evolutionary) changes for solving the image and document format concerns; and (3) it minimizes "end to end" costs of the system (i.e., for all parties) in the short term, in that it does not require any significant new investment on the part of filers, the SEC, disseminators or document users. Long term cost-benefits of this option are not clear.

The disadvantages of Model I are: (1) Filers are still faced with the cost and difficulty of having to convert their documents to ASCII; (2) ASCII is retained throughout the system, and information users are denied (for the immediate future) a more attractive document; and (3) financing alternative 3 would require the SEC to invest in the design, construction and operation of the first tier dissemination capability.

#### II. Multiple Dissemination Points Model

A. Receipt and Acceptance would remain as described in Model I above.

B. The approach to dissemination would be modified such that the SEC would disseminate EDGAR data to possibly three, high speed, high volume, high reliability, commercial distribution points instead of one. These disseminators would sell Level I and Level II services to large end users and resellers.

C. The disseminators would be selected through a bid process.

D. Each disseminator would have a separate contract, and would pay the SEC either an agreed-upon fixed fee or possibly a percentage of revenues derived from the sale of EDGAR data.

One advantage of Model II beyond those stated for Model I is that the dissemination process may be improved as a result of competition among multiple depositories/disseminators. Its disadvantage is that the SEC might be required to slightly enhance its current dissemination capabilities to handle three recipients instead of one.

### III. Single Depository Filing and Dissemination Point Model

A. Filers would have a choice of filing directly, at no cost other than existing filing fees, with the SEC in ASCII, or through an approved depository which would accept documents in a number of native word processing formats for which a fee could be charged.

B. The depository would convert the documents it receives to ASCII for official transmission to the SEC.

C. The SEC would provide the depository with a copy of every ASCII file received directly from a registered entity.

D. (1) Within one variant of Model III, the SEC would provide an acceptance message to the depository service upon SEC acceptance of a filing in order to let the service know the document was available for dissemination. (2) Within a second variant, the depository would assume the responsibility for official acceptance, in which case, no acceptance message would be necessary.

E. The depository would be responsible for all dissemination outside of the SEC's Internet offering and would recover the cost of its document conversions and dissemination services through dissemination fees and fees to filers.

F. One criterion used to select the single depository would be the duration of the contract. By keeping the contract duration short, the depository would remain under competitive pressure to keep prices low and to remain innovative.

Advantages of Model III are: (1) It offers filers a new, and possibly lower cost, option for having filings converted to ASCII; (2) having an approved, commercial entity involved in document conversion to ASCII might stimulate efforts to improve ASCII conversions generally; (3) it achieves an efficiency in the dissemination structure in that the point of document receipt is also the first point of commercial dissemination for all documents except those received directly from filers by the SEC; (4) adopting a privatized depository structure would enable the SEC to respond more quickly and effectively to changes in technology beneficial to the filers in meeting their document preparation and submission needs; and (5) a final advantage may lie with the fact that the depository could supplement the standard ASCII dissemination stream with native word processing documents.

Disadvantages of this Model III are that: (1) It requires an investment to construct a new (somewhat duplicative) system "front end" to serve as the

receipt point for the thousands of EDGAR filers. (The SEC might experience some cost savings to the extent it could reduce the size of its own front end requirements—although it would still have to receive and accept every filing.) (2) During the contract period, there would be no competition within this structure. This would be mitigated by keeping the contract period as short as possible.

### IV. Multiple Depositories Model

A. All aspects of this model are as described above in Model III, with the exception that there would be multiple depositories which would compete for document conversion and dissemination business.

B. The SEC would provide copies of the ASCII files it receives directly from registrants to each of the depositories for their use in providing dissemination services.

C. The multiple depositories would be directed to create an acceptable dissemination strategy. This could possibly be achieved by having the depositories create a single, physical database for dissemination purposes. Alternatively, they could each disseminate their separate inventories through a single point of interconnection which would serve the wholesale subscriber community, but would not maintain a separate dissemination database. Comment is sought on these and other approaches.

The primary advantages of Model IV, in addition to those stated for Model III, are: (1) It creates competition among the depositories to the extent that depositories, under certain circumstances, would be willing to pay issuers to file with them; and (2) the filing community would have not only a new document conversion alternative, it would also benefit from the competition which will take place among the depositories for possible value-added services unrelated to SEC filing.

The disadvantage is the dissemination structure is complicated by the fact that documents are held by several recipients.

Respondents are asked to examine all aspects of each model and any internal variants and provide the SEC with their views of the perceived "advantages" and "disadvantages" stated for each model. The Commission requests comment on whether it should provide EDGAR filings on a real-time basis or continue its current dissemination activities on a day-delayed basis. Comment should address policy and technical issues. Should the operators of the depositories described in Models III

and IV be required to offer at no charge via the Internet the raw filings they receive for conversion? Issues of liability with respect to document conversions are another area where respondents are asked to focus their comments. Rating each model from 1 through 5, with 5 signifying the highest rating, would also assist the agency in its deliberations. Finally, the SEC again asks for alternatives to ASCII which: (1) Facilitate filer document preparation and submission; (2) assist the SEC with storing and word searching filings; and (3) are easily handled and displayed by the dissemination and document viewing communities.

Comments should be received by the SEC by January 22, 1996. All responses will be reviewed, and the submitter will be added to the bidders' list. Comments will be placed in the SEC's Public Reference Room at the SEC headquarters building located at 450 5th Street, NW, in Washington, DC. No telephone inquiries will be accepted. In addition to the mailing address provided above, the SEC will accept electronic comments directed via Internet e-mail to: [webtech@sec.gov](mailto:webtech@sec.gov).

Dated: January 5, 1996.  
Margaret H. McFarland,  
*Deputy Secretary*.  
[FR Doc. 96-370 Filed 1-9-96; 8:45 am]  
BILLING CODE 8010-01-P

[Release No. 34-36680; International Series No. 913; File No. SR-OPRA-95-6]

### Options Price Reporting Authority; Notice of Filing and Immediate Effectiveness of Amendment to the National Market System Plan of the Options Price Reporting Authority

January 4, 1996.

Pursuant to Rule 11Aa3-2 under the Securities Exchange Act of 1934 ("Exchange Act"), notice is hereby given that on December 12, 1995, the Options Price Reporting Authority ("OPRA")<sup>1</sup> submitted to the Securities and Exchange Commission ("SEC" or "Commission") an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and

<sup>1</sup> OPRA is a National Market System Plan approved by the Commission pursuant to Section 11A of the Exchange Act and Rule 11Aa3-2 thereunder. Securities Exchange Act Release No. 17638 (Mar. 18, 1981).

The Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the five member exchanges. The five exchanges which agreed to the OPRA Plan are the American Stock Exchange ("AMEX"); the Chicago Board Options Exchange ("CBOE"); the New York Stock Exchange ("NYSE"); the Pacific Stock Exchange ("PSE"); and the Philadelphia Stock Exchange ("PHLX").

Quotation Information ("Plan") to permanently approve the pilot program providing for the dissemination of certain implied volatility quotations on selected foreign currency options ("FCOs") by PHLX through selected vendors, rather than through the OPRA system.

OPRA has designated this proposal as concerned solely with the administration of the Plan, permitting it to become effective upon filing pursuant to Rule 11Aa3-2(c)(3)(ii) under the Exchange Act. The Commission is publishing this notice to solicit comments from interested persons on the amendment.

#### I. Description and Purpose of the Amendment

OPRA requests permanent approval of the pilot program that was originally filed on May 15, 1992,<sup>2</sup> providing for the dissemination of certain implied volatility quotations in FCOs directly by PHLX through selected vendors, rather than through the OPRA system.<sup>3</sup> OPRA has given further consideration to the need for, and benefits of, implied volatility information pertaining to foreign currency options, and has concluded that such information should continue to be available to investors. Rather than modify the OPRA system to enable volatility quotations to be transmitted directly, OPRA believes it is more efficient to continue to permit PHLX to disseminate this information, especially in light of the unbundling of FCO information.<sup>4</sup>

The purpose of the pilot program has been to permit PHLX to accommodate those institutional investors in FCOs who desire to receive indications of the current state of the FCO market expressed in implied volatility quotations. These quotations serve only as indicators of the state of the market; actual trading in FCOs continues to be conducted through bids and offers expressed in terms of the prices at which options may be bought or sold, and such bids and offers continue to be disseminated over the OPRA system.

<sup>2</sup> Securities Exchange Act Release No. 30906 (July 9, 1992), 57 FR 21546 (July 16, 1992). The pilot has been extended three times subsequent to its initial filing. See Securities Exchange Act Release Nos. 32152 (April 15, 1993), 58 FR 21481 (April 21, 1993); 32771 (August 19, 1993), 58 FR 44865 (August 25, 1993); 34851 (October 18, 1994), 59 FR 53689 (October 25, 1994).

<sup>3</sup> An "implied volatility quotation" is a measure of the volatility of the security underlying an option derived by solving a standard options valuation formula for the volatility factor at an assumed premium level.

<sup>4</sup> See Securities Exchange Act Release No. 35487 (March 14, 1995), 60 FR 14984 (March 21, 1995).

#### II. Solicitation of Comments

Pursuant to Rule 11Aa3-2(c)(3), the amendment is effective upon filing with the Commission. The Commission may summarily abrogate the amendment within 60 days of its filing and require refiling and approval of the amendment by Commission order pursuant to Rule 11Aa3-2(c)(2), if it appears to the Commission that such action is necessary or appropriate in the public interest; for the protection of investors and the maintenance of fair and orderly markets; to remove impediments to, and perfect the mechanisms of, a National Market System; or otherwise in furtherance of the purposes of the Exchange Act.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, and all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available at the principal offices of OPRA. All submissions should refer to file number SR-OPRA-95-6 and should be submitted by January 26, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>5</sup>

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96-367 Filed 1-9-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36674; File No. SR-GSCC-95-06]

#### Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Fees Charged for Various Services

January 3, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

<sup>5</sup> 17 CFR 200.30-3(a)(29).

("Act"),<sup>1</sup> notice is hereby given that on November 29, 1995, the Government Securities Clearing Corporation ("GSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by GSCC. On December 12, 1995, GSCC amended its filing to clarify certain references in the rule change.<sup>2</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to modify GSCC's fee schedule to enable GSCC to begin charging members for GSCC services related to repurchase agreement ("repo") transactions.<sup>3</sup>

#### II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments that it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.<sup>4</sup>

##### (A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to impose fees for repo services provided on and after December 1, 1995. On May 12, 1995, GSCC implemented its repo comparison service.<sup>5</sup> At that time, GSCC decided not to charge for the comparison of repo transactions until a sufficient number of

<sup>1</sup> 15 U.S.C. § 78s(b)(1) (1988).

<sup>2</sup> Letter from Jeffrey F. Ingber, General Counsel and Secretary, GSCC, to Christine Sibille, Division of Market Regulation, Commission (December 7, 1995).

<sup>3</sup> The fee schedule is attached as Exhibit A to File No. SR-GSCC-95-06 and is available for review in the Public Reference Section of the Commission.

<sup>4</sup> The Commission has modified the text of the summaries prepared by GSCC.

<sup>5</sup> For a complete description of the repo comparison service, refer to Securities Exchange Act Release No. 35557 (March 31, 1995), 60 FR 17598 [File No. SR-GSCC-94-10] (order approving proposed rule change relating to implementing a comparison service for repo transactions involving government securities as the underlying instrument).

GSCC members were participating in the repo comparison process so as to provide an economic benefit to those members. At this time, forty-six members are participating in the repo comparison process. Currently, each day GSCC compares an average of 2,317 repo transactions with a value of approximately \$79.3 billion and has achieved an overall comparison rate of 93.07 percent.

In view of this, GSCC's Board of Directors has determined that it is appropriate to begin to charge for the repo comparison service. GSCC proposes to establish a 50¢ per side transaction fee for the comparison of a repo transaction.<sup>6</sup> The fee is for the comparison of the entire repo transaction (*i.e.*, both the start and close legs). Similarly to buy/sell transactions, GSCC will impose a 25¢ fee to process a request to modify or cancel a comparison input relating to a repo transaction.

On November 17, 1995, GSCC implemented the first phase of its planned repo netting services, which provides netting, settlement, and guarantee of settlement services for the non-same-day settling aspects of overnight and term repos.<sup>7</sup> Therefore, another purpose of this filing is to establish a \$1.00 per side fee for the netting of a start of close leg of a repo transaction by GSCC. This fee is the same as the fee for the netting of a side of a buy/sell transaction.

GSCC will incur administrative and operational expenses in the course of maintaining forward settling repos on its records and in providing risk management services for such repos, including daily mark-to-market. Therefore, this proposed rule change establishes a fee of 2¢ per calendar day for each start leg and close leg that has been compared and netted but has not yet settled.<sup>8</sup>

In order to ensure that coupon payments related to the collateral underlying the repo are collected by the

appropriate party, GSCC will automatically pass the coupon payment from the holder of the securities to the funds borrower when a coupon payment date falls between the settlement date of the start leg and the settlement date of the close leg. To cover the administrative and operational expenses incurred in the course of providing this coupon pass-through service, GSCC is imposing a 25¢ fee per coupon movement on both the securities holder and the funds borrower.<sup>9</sup>

Finally, it should be noted that the Board of Directors of GSCC has determined that because GSCC's repo comparison and netting services are new, they will not at this time be subject to GSCC's discount policy.<sup>10</sup> Therefore, GSCC is amending Section VI of its fee structure to provide that its discount pricing policy is not intended to apply to a newly provided service until GSCC's Board of Directors determines it to be sufficiently established.

Section 17A(b)(3)(D) of the Act<sup>11</sup> requires that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants. GSCC believes that the proposed rule change is consistent with the requirements of Section 17A(b)(3)(D) of the Act because its new fee schedule allocates its fees equitably among its participants.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

GSCC does not believe that the proposed rule change will impose any burden on completion that is not necessary or appropriate in furtherance of the purposes of the Act.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others.*

Comments on the proposed rule change have not yet been solicited. Members will be notified of the rule filing in an important notice and comments will be solicited. GSCC will notify the Commission of any written comments received by GSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)<sup>12</sup> of the Act and Rule 19b-4(e)(2)<sup>13</sup> thereunder because the rule change establishes or changes a due, fee, or other charge. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of GSCC. All submissions should refer to the File No. SR-GSCC-95-06 and should be submitted by January 31, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>14</sup>

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96-365 Filed 1-9-96; 8:45 am]

**BILLING CODE 8010-01-M**

<sup>6</sup> The 50¢ fee is for computer-to-computer input and output. If a member uses input or output other than computer-to-computer (*i.e.*, magnetic tape input or output or paper output) the fee rises to \$1.00 to \$1.50, which is comparable to the fees for buy/sell transactions.

<sup>7</sup> For a complete description of these netting services, refer to Securities Exchange Act Release No. 36491 (November 17, 1995), 60 FR 61577 [File No. SR-GSCC-95-02] (order approving a proposed rule change relating to netting services for the non-same-day-settling aspects of next-day and term repos).

<sup>8</sup> Because GSCC does not currently net start legs until the scheduled settlement date for such leg, this fee currently is not applicable to start legs. The fee also does not apply to close legs that settle one business day after the settlement date for the related start leg.

<sup>9</sup> This fee also will apply to coupon movements made for fail settlement positions.

<sup>10</sup> Under GSCC's discount policy, GSCC may discount its fees during a given month if the revenue received is in excess of the amount GSCC needs to maintain a sufficient capital base and sound financial structure.

<sup>11</sup> 15 U.S.C. § 78q-1(b)(3)(D) (1988).

<sup>12</sup> 15 U.S.C. § 78s(b)(3)(A)(ii) (1988).

<sup>13</sup> 17 CFR 240.19b-4(e)(2) (1994).

<sup>14</sup> 17 CFR 200.30-3(a)(12) (1994).

[Release No. 34-36629A; International Series Release No. 909A; File No. SR-NYSE-95-29]

**Correction; Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendments No. 1 and 2 Relating to the Specifications and Content Outline for the Canadian Module of the General Securities Registered Representative Examination (Series 37 and Series 38)**

December 21, 1995.

In FR Document 95-31508 beginning on page 67385 for Friday, December 29, 1995, make the following correction:

In the third column, under *Description of the Proposal*, in line nineteen, "Series 37" should read "Series 38" and in line twenty-five, "Series 38" should read "Series 37".

Dated: January 4, 1996.

Margaret H. McFarland,  
*Deputy Secretary.*

[FR Doc. 96-366 Filed 1-9-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36677; File No. SR-PTC-95-08]

**Self-Regulatory Organizations; Participants Trust Company; Order Granting Accelerated, Permanent Approval of Proposed Rule Change Modifying the Opening of Processing Activity for Security Transactions**

January 3, 1996.

On December 19, 1995, the Participants Trust Company ("PTC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR-PTC-95-08) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").<sup>1</sup> The proposed rule change modifies the opening of processing activity for security transactions on a permanent basis. The Commission published notice of the proposed rule change in the Federal Register on January 3, 1996.<sup>2</sup> No comment letters were received. For the reasons discussed below, the Commission is granting accelerated, permanent approval of the proposed rule change.

**I. Description**

The proposed rule change modifies and makes permanent a ninety day pilot

program that commenced on October 23, 1995, that established the opening of security processing activity at 8:30 a.m. instead of the previous time of 7:00 a.m.<sup>3</sup> The current end-of-day cut-off times will remain unchanged.

Consistent with the pilot program, PTC's processing system will retain the 7:00 a.m. opening time for purposes of participant log-ons and intraparticipant movements of securities into or out of segregated accounts. In addition, the pilot program will be modified to permit the return of securities collateral to participant positions using PTC's Collateral Loan Facility ("CLF") mechanism beginning at 7:00 a.m.

The proposed rule change conforms the opening of processing activity at PTC to the 8:30 a.m. opening time of the Federal Reserve System's fedwire. This will eliminate the hour and a half window during which time transactions failing PTC's credit checks cannot be processed because participants are unable to move funds to PTC ("prefunding") until the 8:30 fedwire opening. PTC expects that the incidence of transactions that will require prefunding in order to pass credit checks during the 7:00 a.m. to 8:30 a.m. period will increase after the implementation of PTC/SPEED processing Release 5.6. Under SPEED Release 5.6, the abeyance account will be eliminated, and transactions will be immediately posted to the deliverer's and receiver's account (*i.e.*, securities no longer will be posted to a participant's abeyance account while awaiting match by the receiving participant).<sup>4</sup> Based on its experience during the pilot program, PTC anticipates that the later opening of processing activity will have no impact on the settlement process. PTC will continue to monitor any effects of the change.

The pilot program and the proposed permanent opening of security processing activity at 8:30 a.m. was discussed on December 7, 1995, at a meeting of the PTC Operations Committee, which consists of participant representatives. It was the consensus of the Operations Committee members that the 8:30 a.m. opening time for processing should be made permanent, and along with retaining the 7:00 a.m. opening time for

intraparticipant activities under the pilot program, participants also should be able to begin returning collateral using the CLF mechanism at 7:00 a.m.

**II. Discussion**

Section 17A(b)(3)(F) requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions.<sup>5</sup> As discussed below, the Commission believes that PTC's proposal to modify permanently the opening time of processing activity for security transactions is consistent with PTC's obligation under the Act.

The implementation of SPEED Release 5.6 into PTC's processing system will cause simultaneous debiting and crediting of participants' cash and securities accounts. This will require that the cash balance of a receiving participant's account in an account transfer versus payment transaction be debited even though the delivery may not have been approved by the receiving participant. Match functionality no longer will operate to defer the debiting of the cash balance of the receiving participant until the delivery is approved. Because unmatched deliveries of transfers versus payment no longer will generate a credit to the cash balance of the delivering participant without the corresponding debit to the receiving participant, it is anticipated that the implementation of SPEED Release 5.6 may result in increased incidences of failed deliveries due to the receiving participant exceeding its net debit monitoring level and thereby requiring prefunding. The change in the opening time of processing activity at PTC to coincide with the opening of Fedwire should reduce the number of transactions failing credit checks because participants will be able to move funds through the fedwire to PTC at the opening of PTC's processing.

PTC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing. The Commission finds good cause for so approving the proposed rule change. PTC has operated the proposed permanent changes as a pilot program since October 23, 1995. The Commission believes that PTC has satisfactorily monitored the effects of the modifications to the opening of security processing activity during the pilot program and anticipates that conforming the opening of processing activity at PTC to the opening time of

<sup>3</sup> Securities Exchange Act Release No. 36405 (October 20, 1995), 60 FR 55629 [File No. SR-PTC-95-07] (notice of filing and order granting accelerated approval of proposed rule change establishing a ninety day pilot program through January 21, 1996).

<sup>4</sup> For further information on SPEED Release 5.6 and changes to PTC's processing system, refer to Securities Exchange Act Release No. 36377 (October 16, 1995), 60 FR 54741 [File No. SR-PTC-95-06] (notice of filing of proposed rule change).

<sup>5</sup> 15 U.S.C. § 78q-1(b)(3)(F) (1988).

<sup>1</sup> 15 U.S.C. § 78s(b)(1) (1988).

<sup>2</sup> Securities Exchange Act Release No. 36624 (December 21, 1995), 61 FR 208.

the Federal Reserve System's fedwire should have no detrimental impact on the settlement process. In addition, the modifications to the opening of processing activity for security transactions were discussed and agreed to by the Operations Committee, which consists of participant representatives. Participants also have had the opportunity to comment on the proposal during the pilot program and no written comments were received by PTC or the Commission. Finally, the Commission believes that participants should have the opportunity to become familiar with the modification to the pilot program which permits the return of securities collateral to participant positions using PTC's CLF mechanism beginning at 7:00 a.m. (i.e., the prepilot program opening time for return of securities collateral) before the implementation of SPEED Release 5.6 on January 8, 1996. The staff of the Board of Governors of the Federal Reserve System has concurred with the Commission's decision to grant accelerated approval.<sup>6</sup>

### III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the Act, in particular with Section 17A of the Act, and with the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,<sup>7</sup> that the proposed rule change (File No. SR-PTC-95-08) be and hereby is approved on an accelerated, permanent basis.

For the Commission by the Division of Market Regulation, pursuant to delegated authority,<sup>8</sup>

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96-363 Filed 1-9-96; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36681; File No. SR-Philadep-95-08]

### **Self-Regulatory Organizations; Philadelphia Depository Trust Company; Notice of Filing of a Proposed Rule Change Converting the Settlement System for Securities Transactions to a Same-Day Funds Settlement System**

January 4, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

<sup>6</sup> Telephone conversation between John R. Rudolph, Board of Governors of the Federal Reserve System, and Ari Burstein, Division of Market Regulation, Commission (December 27, 1995).

<sup>7</sup> 15 U.S.C. § 78s(b)(2) (1988).

<sup>8</sup> 17 CFR 200.30-3(a)(12).

("Act"),<sup>1</sup> notice is hereby given that on November 3, 1995, the Philadelphia Depository Trust Company ("Philadep") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-Philadep-95-08) as described in Items I, II, and III below, which items have been prepared primarily by Philadep. On December 19, 1995, Philadep filed an amendment to the proposed rule change.<sup>2</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Depository Trust Company ("Philadep") proposes to amend Rules 1, 4, and 9 and adopt Rule 4(A) and certain Philadep Procedures.<sup>3</sup> The proposed rule change reflects a planned industry conversion to an expanded same-day funds settlement ("SDFS") environment.

#### II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Philadep included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Philadep has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

##### *(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

#### 1. Introduction

The proposed rule change sets forth the rules and procedures governing Philadep's SDFS system service. Philadep intends to provide SDFS depository services for all eligible securities. Philadep has made a substantial commitment to designing and building the data processing and computer network that will be the

<sup>1</sup> 15 U.S.C. § 78s(b)(1) (1988).

<sup>2</sup> Letter from Keith Kessel, Compliance Officer, Philadep and SCCP to Peter R. Geraghty, Esq., Division of Market Regulation, Commission (December 14, 1995).

<sup>3</sup> The text of these proposals is attached as Exhibit B to File No. SR-Philadep-95-08. The file is available for review in the Commission's Public Reference Room and at the principal office of Philadep.

foundation for Philadep's SDFS system. Throughout this major industry conversion, Philadep has worked closely with the Stock Clearing Corporation of Philadep ("SCCP"), other registered clearing agencies, the Commission and the Board of Governors of the Federal Reserve System ("Federal Reserve").

In accordance with the SDFS service, Philadep will accept deposits of securities certificates for safekeeping and will provide the full range of SDFS depository services which include, but are not limited to, deposits, book-entry delivery and receive orders, withdrawals, pledges, trade confirmations, affirmations, transfers and dividend/interest payments. New Philadep Rules and Procedures have been created for, among other things, pledging, failure to settle, transaction processing, risk management and money settlement in an expanded SDFS environment. Philadep has made substantial revisions to its current SDFS Procedures Manual and has included some of the salient procedural sections as exhibits to this rule change.<sup>4</sup>

In assessing the impact of an expanded SDFS environment, the operational requirements, risk, liquidity needs, among other matters, were evaluated on a joint SCCP/Philadep basis. Operationally, both wholly-owned subsidiaries of the Philadelphia Stock Exchange, Inc. ("PHLX") are integrally-related. Both registered clearing as well as strategic business objectives.

Many links or tie-ins between SCCP and Philadep exist by by-law, rule and agreement. For example, pursuant to a long-standing joint agency agreement between SCCP and Philadep, SCCP, on behalf of Philadep, effects, among other things, daily money settlements on behalf of Philadep participants for securities received into and delivered out of their accounts; processing of CNS movements from one participant to another; processing of all SCCP/Philadep dividend and reorganization settlements; and the preparation, rendering and collection of bills to Philadep participants for depository services.

In addition to these services, Philadep, on behalf of SCCP, facilitates book-entry movements through a joint SCCP and Philadep allocation system in order to assure continuous net settlements for the accounts of SCCP participants. Philadep also has

<sup>4</sup> The text of the proposed procedures are attached as Exhibits B (3)-(6) to File No. SR-Philadep-95-08. The file is available for review in the Commission's Public Reference Room and at the principal office of Philadep.

contractually agreed to provide SCCP with the means to pledge collateral to banks so that SCCP may obtain secured loans from such respective banks.

## 2. Risk Management Controls

Risk management controls play a major role in the design of Philadep's SDFS system.<sup>5</sup> Philadep's risk management controls are intended to protect Philadep participants against the inability of a participant to pay for its settlement obligations. Philadep employs two primary risk management controls for securities processing; specifically, the collateral monitor and the net debit cap. As a result of the close nexus between Philadep and SCCP, Philadep's collateral monitor and net debit cap analysis incorporates SCCP settlements with Philadep.

Philadep will utilize two features to manage risk. The first involves participant collateralization; the second involves the regulation of net debits. Philadep has designed the collateralization aspect of SDFS to assure that a participant will have sufficient collateral in its account to liquidate in the event that it (i) becomes insolvent and/or (ii) fails to pay for its settlement obligation. In addition to collateralization, the procedures governing operational activity would prevent the completion of transactions if their completion would cause a participant's individual net debit to exceed its net debit cap. In this regard, the net debit cap application helps to assure that Philadep will have sufficient cash liquidity to complete settlement if any single participant fails to settle.

An individual participant's net debit cap is limited by Philadep's established maximum net debit cap. The largest net debit cap is always set lower than Philadep's total available liquidity. Presently, based on a planned SCCP/Philadep total liquidity level of \$60 million, the maximum net debit cap a participant may incur is \$40 million.

### A. Collateralization

Philadep shall operate its SDFS system on a fully collateralized basis. Participants will be required to have sufficient collateral in their accounts to support their net settlement debits. If a participant does not have sufficient collateral in its account, the transaction will not be completed. The respective participant cannot allow its net debit to exceed the total value of its collateral; otherwise, these transactions are held

on a recycle (pend) queue until sufficient collateral is generated to allow their completion.

A participant may have several sources of collateral. The primary sources of collateral are the following:

- (1) Deposits by the participant to the Participants Fund;
- (2) Proprietary or firm positions that the participant designates as collateral;
- (3) Securities received versus payment, for which the participant has not yet paid (includes CNS deliveries); and
- (4) Securities added to a participant's account, but not received versus payment (e.g., deposits, free deliveries, free pledge releases, release of segregated securities) that the participant designates as collateral.

Because collateralization is an integral part in Philadep's SDFS service, Philadep will conservatively assign values to various sources of collateral, which will be subject to haircuts. Securities designated as collateral by participants are valued based on the securities' prior business day's closing market price, less an applicable haircut.

Philadep employs haircuts to protect itself and its participants against price fluctuations in collateral in the event that Philadep must liquidate the collateral of an insolvent participant. Moreover, because Philadep may have to finance a participant's failure overnight and borrow against a participant's collateral, Philadep's haircut structure takes into consideration the haircuts imposed by its lending institutions. Ordinarily, banks will not assign the full market value to securities used to collateralize loans, rather banks will generally consider the relative price volatility of the collateral and impose a haircut accordingly.

Philadep haircuts the value of securities in a manner consistent with industry standards and which will satisfy the dual objectives of (i) adequately protecting Philadep and its participants from loss and (ii) enhancing Philadep's ability to secure sufficient financing in the event of a failure to settle situation. The haircut levels configured by security type are as follows:

*Equities*—10%  
*Corporate and Municipal Debt*—5%  
*Money Market Instruments*—2%, 5% or up to 100%  
 (depending on their term and investment grade rating)

Philadep may revisit its liquidity needs at any time, including intraday. Philadep reserves the right to reprice and modify haircuts intraday if it

determines these changes to be in the best interest of Philadep and its participants.

### B. Net Debit Caps

Net debit caps are central to Philadep's SDFS risk management controls. Net debit caps limit the amount of settlement net debits (amount to be paid by the participant) that a participant may incur at any point during the processing day. Philadep will apply a net debit cap to each participant's account, determined by such participant's net debit history at Philadep and SCCP. Net debit caps are dynamic and, accordingly, will periodically adjust in relation to the participant's ongoing activity.

A participant may not allow its net settlement debit to exceed its net debit cap. If a participant's net settlement debit would exceed its respective net debit cap for transactions that are subject to risk management control,<sup>6</sup> the system will not allow the participant to complete the transaction. The transaction will be placed in a pending queue until the account generates sufficient offsetting credits from subsequent account activity. Most credits come from securities deliveries versus payment; securities pledges for value; principal, dividend or interest allocations; or from received funds (Settlement Progress Payments or "SPP") wired to Philadep's account at Philadep's designated settling bank(s).

Philadep will calculate net debit caps on daily net settlement activities and may adjust these figures monthly. A participant's net debit cap will be specifically determined by the following steps:

(1) Philadep calculates a participant's average of the three highest end-of-day net debit settlements over a rolling three-month period to establish a "base figure." For purpose of calculating a participant's net debit settlement, Philadep includes the net CNS settlement.

(2) A participant's base figure is then multiplied by a factor to determine the participant's individual net debit cap, which cannot exceed Philadep's currently established maximum net debit cap of \$40 million. Factors are

<sup>6</sup> CNS and reclamation activity will be exempt from risk management controls at the inception of SDFS. In other words, SCCP/Philadep will still process these activities. However, when a participant exceeds the net debit cap as a result of these activities, SCCP/Philadep may request settlement prepayments to reduce the daily debit. If SCCP/Philadep does not receive such prepayments, Philadep may reverse unsettled book-entry receives previously accepted to attain a positive collateral position, reducing the net debit to an amount under the net debit cap.

<sup>5</sup> The text of the new SDFS risk management controls is attached as Exhibit B(4) to File No. SR-Philadep-95-08. The file is available for review in the Commission's Public Reference Room and at the principal office of Philadep.

based on a sliding scale, ranging from 1 to 2, where lower base figures are multiplied by larger factors and higher base figures are multiplied by smaller factors.

(3) Notwithstanding the specific net debit cap calculated for any particular participant in subparagraph (2) above, all participants are subject to a minimum net debit cap to be computed based on 50% of the combined SCCP and Philadep Participants Funds. The minimum net debit cap<sup>7</sup> will be recalculated and adjusted semiannually.

Despite the participant's base figure, Philadep reserves the right to make adjustments to a participant's net debit cap. Philadep may effect such change for a length of time deemed necessary and appropriate by Philadep's management.

#### C. Proposed Rule 4(A)

Philadep proposes to adopt Rule 4(A) in order to clarify that Philadep is authorized to pledge, repledge, hypothecate, transfer, create a security interest, and/or assign (any of the foregoing shall heretofore be termed a "pledge") any or all property received by Philadep from its participants and earmarked for Philadep to use as collateral for participant's unsatisfied obligations.<sup>8</sup>

Philadep defines the following as eligible collateral to secure unsatisfied obligations: (i) deposits in the Participants Fund; (ii) the securities or repurchase agreements in which the Participants Fund is invested overnight; (iii) certain qualifying securities which secure the open account indebtedness of the participant; (iv) securities which have been pledged to Philadep as a voluntary deposit to the Participants Fund; and (v) any or all securities designated as collateral (collectively "allowable assets").

Philadep may pledge allowable assets to a lender. For instance, Rule 4(A) specifies that Philadep shall have the right to pledge securities to lenders in the event a participant fails to settle.

If Philadep pledges these allowable assets, Philadep will make the appropriate account entries, reflecting the creation and transfer of the respective security interest from the participant to Philadep and from Philadep to the lender. Likewise, if a participant designates securities as net additions, Philadep will record the security interest on its books for such

net additions, reflecting the decrease in the account of the pledging participant and an increase in Philadep's account corresponding to such net additions. Philadep will reverse these journal entries upon the release and return of any pledged assets, reflecting a decrease in the account of any pledgee and an increase in the account of the pledgor as appropriate.

#### D. Use of the Collateral Monitor to Measure Participants' Available Collateral

Philadep will monitor the collateral in each of the participant's accounts. The mechanism to be used to regulate the collateral is referred to as the "collective monitor." The collateral monitor cannot become negative.

At the start of each business day, Philadep credits each participant's collateral monitor with its respective participants Fund deposit. The collateral monitor reflects at all times the amount by which the collateral in a participant's account secures the net debit in its settlement account. Thus, the collateral monitor equals the arithmetic summation of the difference of the value of the participant's collateral (less an applicable haircut) and its net settlement obligation.<sup>9</sup> In other words, a participant's collateral (less an applicable haircut) must equal or exceed a given participant's net settlement obligation.

Philadep continually verifies the collateral value to assure that the deliverer and receiver's collateral monitor would not become negative as a result of Philadep processing an incipient transaction. If the transaction would cause either participant to be under-collateralized, Philadep prevents the transaction until the deficient participant has infused sufficient collateral into its account for the transaction to complete.<sup>10</sup>

#### E. Methods of Controlling Collateral

Philadep's SDFS system will provide an on-line, real-time mechanism to monitor and infuse intraday collateral.

Controls comprise: (i) classifying collateral, (ii) updating collateral

valuations and (iii) furnishing new collateral.<sup>11</sup>

With regard to collateral classification, participants may designate free (unpledged) securities positions in participants' accounts as either collateral or non-collateral.

In addition to the opening free positions, intraday positions have collateral value. However, Philadep will not provide the same latitude to participants as described for free positions to classify certain other types of transactions. Specifically, Philadep's SDFS system will automatically designate securities received versus payment as collateral because they represent incomplete transactions (receiver-participants have not yet paid for these securities).

With regard to updating the collateral valuation, Philadep's SDFS system will credit a participant's collateral monitor with the collateral value; that is, its market value, less the applicable haircut.

With regard to both the classification and infusion of additional collateral, participants have several methods of managing collateral in their accounts, outlined as follows:

##### *General Classification of Opening (Start-of-Day) Securities Positions as Collateral*

Participants may give Philadep instructions to designate all securities in the participant's account as collateral at the opening of each business day. Philadep would then designate all start-of-day positions as collateral, and the respective participant's collateral monitor would be credited with its collateral value.

##### *Automatic Classification of Free Securities Additions*

Participants may give Philadep instructions to designate all free securities transactions to its collateral monitor (e.g., deposits, free delivery orders ("DOs") received).

##### *Intraday Reclassification of Securities*

Participants may submit instructions to Philadep, to reclassify a specific quantity of an issue as collateral, previously classified as non-collateral, resulting in a collateral monitor credit equal to the collateral value of the securities reclassified. Conversely, participants may request that Philadep reclassify as non-collateral those securities that have previously been classified as collateral. However, Philadep would not fulfill such instruction if such removal of collateral from the participant's account would cause its collateral monitor to become negative.

<sup>11</sup> A discussion of the collateral controls is attached as Exhibit B(4) to File No. SR-Philadep-95-08. The file is available for review in the Commission's Public Reference Room and at the principal office of Philadep.

<sup>7</sup> Presently estimated at \$3,500,000.

<sup>8</sup> The text of proposed Rule 4(A) is attached as Exhibit B(2) to File No. SR-Philadep-95-08. The file is available for review in the Commission's Public Reference Room and at the principal office of Philadep.

<sup>9</sup> For example, if a participant had collateral securities with a market value of \$10,000, subject to a 10% haircut, the value of the participant's collateral would be equal to \$9,000. If the participant also incurred a debit of \$8,000, its collateral monitor would equal \$1,000  $\{(\$10,000 - [10\% \times \$10,000]) + (-\$8,000)\}$ .

<sup>10</sup> The text of the new SDFS recycling procedure is attached as Exhibit B(5) to File No. SR-Philadep-95-08. The file is available for review in the Commission's Public Reference Room and at the principal office of Philadep.

### Settlement Progress Payments ("SPPs")

Participants could increase their collateral monitor by wiring SPPs to Philadep's account at its designated settling bank(s). The participant's collateral monitor, as well as its settlement account, would be credited for the amount of the SPP; thus, a participant's actual net debit would be reduced.

In summary, Philadep is building a computerized system that will continuously track the value of each participant's collateral on a real-time, on-line basis, to ensure that the collateral's value is equal to or exceeds the participant's current net settlement debit. If a participant does not have sufficient collateral to cover the resulting net settlement debit from a proposed transaction, the participant may pledge more collateral or cash to enable Philadep to act on the transaction instructions; otherwise, such transaction will not be completed and pend in the system until Philadep receives sufficient collateral on the participant's behalf. Participants may wire funds to Philadep intraday to satisfy their collateral requirements.

### 3. Pending Transactions—Recycle Algorithm

If an incoming delivery order would cause a participant to exceed its net debit cap and/or create insufficient collateral, Philadep will place such transactions in a recycle (pending) queue and prioritize it accordingly.<sup>12</sup> Transactions that continue to pend at the close of the processing day will be purged from the system and must be subsequently re-entered by the participant that initially entered it.

### 4. Settlement and Failure to Settle Procedures

At the end of the processing day, Philadep will provide each participant with a net settlement amount, which will be the aggregate of the end-of-the-day net debits and credits in the participant's SCCP and/or Philadep accounts. Money settlements will occur daily with immediately available funds in the form of fed wire transfers into and out of Philadep's account at its designated settling bank(s).

In the event a participant or its representative bank/depository institution fails to settle, Philadep will utilize its liquidity resources to finance such participant's unsettled net debit. Philadep will prioritize the order in which it will use the resources. Philadep will first use cash from the

Participants Fund and other immediately available internal sources prior to drawing upon its external bank credit facilities. In the event that Philadep must use external lines of credit to secure an extension of credit in connection with the defaulting participant, Philadep shall secure the participant's assets as collateral as described earlier in subsections 2 (D) and (E).

When and if the participant settles by 10:00 A.M., Eastern Time, the next morning, Philadep will use the settlement payment received to repay the principal and finance charges of the lending bank. Philadep will then return the pledged collateral to the participant. For example, if the defaulting participant is solvent and pays its net debit balance and interest charge in same-day funds on the day after the default, Philadep would generally reverse the procedures followed on the day of the default. Philadep would repay lenders and restore pledged securities.

If, on the other hand, the defaulting participant remains in default the next business day, Philadep may take the following steps in successive order: (1) apply the defaulting participant's Clearing Fund deposit to satisfy the participant's obligation; (2) apply collateral of the defaulting participant which are the subject of incomplete transactions; (3) apply any other collateral of the defaulting participant, including collateral which are not subject to incomplete transactions; (4) if the participant's collateral is exhausted, apply pro rata net credit reductions to all participants who delivered securities to the defaulting participant on the day of the default, such reductions being limited to the amount of the net credit balance of each participant resulting from transactions with the defaulting participant; (5) in the alternative to such net credit reductions, resell to the delivering participant securities that were sold to the defaulting participant on the day of the default; and (6) make pro rata net credit reductions to all participants with net credit balances, including those participants that did not make deliveries to the defaulting participant on that day.

### 5. Paying Agent Charge-Back Procedures

With respect to principal, dividend, interest and corporate reorganization payment obligations ("P&I payments") under the proposed rule change, Philadep will pay such amounts when paid. Specifically, Philadep will pay participants in same-day funds upon receipt of payment by paying agents of such distributions in same-day funds in

accordance with Philadep's operating procedures. Philadep worked diligently to affect paying agents' timely disbursement of P&I payments to Philadep by payable dates. Philadep has witnessed dramatic improvement over the past year in paying agents' timely disbursement of P&I payments in same-day funds to Philadep. Philadep remains steadfastly committed to working closely with the industry, the Commission and the Federal Reserve, among others, in educating paying agents and assuring their maximum adherence to the higher standards of payment performance required under the SDFS environment.

In order to induce the delivery of P&I payments in same-day funds from paying agents that would not otherwise receive such payments from issuers in same-day funds on payable date, Philadep may agree to provide rebates to such paying agents. Philadep will act as the conduit, passing along such rebate costs to those participants benefiting from receiving same-day P&I payments that would have otherwise received payment in next-day funds.

Philadep will be authorized to immediately charge-back participants that were previously credited with payments. In order to charge-back participants, the paying agent must furnish Philadep a written request within ten (10) business days of the payable date and may do so for several reasons: (1) an error by the paying agent; (2) a failure by the issuer to provide the paying agent with sufficient funds to cover the payments; (3) the bankruptcy of the issuer on or prior to the payable date; or (4) other paying agent default.

Additionally, Philadep may also charge-back participants for any errors made by Philadep, including errors as a result of erroneous announcements or payment calculations credited to participants in anticipation of payments which Philadep has not received. For either charge-back method, Philadep reserves the right to impute and recover interest from the respective participant.

With regard to charge-backs initiated by the paying agent, Philadep shall notify the participant one (1) business day prior to the date Philadep enters the charge-back in the participant's daily settlement account. Although Philadep usually verifies the facts stated in the notice from the paying agent, Philadep does not have any obligation to do so. If the paying agent notifies Philadep more than ten (10) business days after payment date, Philadep is not required to charge-back the participant's account, but will cooperate with the paying agent and the participant to resolve the matter. For Philadep initiated charge-

<sup>12</sup> An overview of the recycle process is attached as Exhibit B(5) to File No. SR-Philadep-95-08. The file is available for review in the Commission's Public Reference Room and at the principal office of Philadep.

backs, Philadep generally will give participants one (1) day notice of the charge-back.

#### 6. Revised Participants Fund

To compensate for the risks in a SDFS environment and to respond to Philadep's increased liquidity needs, Philadep will modify its Participants Fund in its form and size. Philadep will maintain an all cash Participants Fund.

The all cash requirement applies to both the minimum and any additional, voluntary deposits. If participants decide to make voluntary, additional deposits, they will accomplish two objectives: first, it allows them to increase the level of settlement activities that may occur without potential disruption and, second, they will receive interest rebates from SCCP/Philadep for deposits in excess of \$50,000 in accordance with SCCP/Philadep's procedures.

Each Philadep participant must deposit a minimum amount of \$10,000.<sup>13</sup> Whereas some inactive participants will only maintain a required deposit of \$10,000, many participants will have to deposit additional amounts based upon the type and extent of their clearing and depository activities. In order to effect the transition of Philadep and its participants to the SDFS environment, Philadep will implement these changes on or before February 1996.

Philadep will calculate the required cash deposit according to a participant's activity<sup>14</sup> in accordance with the following formulae [formulae (a), (b) and (c) below are not additive; a participant shall be only responsible for making the highest deposit amount required by any single formula below]:

- (a) Inactive Accounts: \$10,000.00<sup>15</sup> (less than \$100 of average monthly billings)
- (b) Specialized Services:

(maximum \$50,000 required with \$100 or greater in average monthly billings for either Deposit or Transfer activity)

—Deposit Activity: \$25,000.00 plus

—Transfer Activity: \$25,000.00

- (c) Participants not doing Specialized Service activity with service fees of \$100 or greater in average monthly billings The greater of either:
  - (1) \$25,000, or;
  - (2) 1% of the average of the three highest net debits over the past three months, if higher than the SCCP required deposit (rounded to the next \$5,000 increment).

Philadep will recalculate the Participants Fund deposit requirements at the end of each month based on the previous three months prior to the most recent month. Philadep will notify its participants of any required deposit increases and the amount of such additional deposit within ten (10) business days of the end of the month. Participants whose deposit requirements have decreased will be notified at least quarterly, although they may inquire and withdraw excess deposits monthly. In this way, participants may leave excess cash deposits in the participants fund and reduce the level of monthly administration that would otherwise be necessary. As previously stated, Philadep will also accept voluntary excess fund deposits to reduce administrative burdens.

Philadep estimates that at the time of implementing the foregoing modifications to the risk management controls, SCCP and Philadep will have combined liquidity resources of over \$60 million, comprising \$7 million in combined cash deposits to the Participants Fund (under the revised formulae), \$4.7 million in unrestricted capital and \$50 million in lines of credit,<sup>16</sup> altogether designed to support the new SDFS system. SCCP/Philadep will routinely monitor these amounts and assess the need to increase them over time based on SCCP and Philadep activity levels. Considering SCCP/Philadep's risk and liquidity structure, Philadep's net debit cap levels are conservative, having been set in accordance with such combined liquidity resources and with due regard to SCCP's long-standing margin account financing program.

Philadep believes that the proposed rule change is consistent with Section 17A of the Act because it promotes the

prompt and accurate clearance and settlement of securities transactions in securities and funds in Philadep's custody and under its control. Philadep believes that with the development of the new SDFS system and its attendant risk management controls, Philadep and its participants are protected from the risk of a material loss. Philadep's Rules and Procedures are designed to promote efficiencies and protect Philadep and its participants in an expanded SDFS environment.

#### (B) Self-Regulatory Organization's Statement on Burden on Competition

Philadep does not believe that the proposed rule change will impact or impose a burden on competition.

#### (C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments have been solicited or received. Philadep will notify the Commission of any written comments received by Philadep.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which Philadep consents, the Commission will:

- (a) By order approve such proposed rule change or
- (b) Institute proceedings to determine whether the proposed rule change should be disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference

<sup>13</sup> See Exhibits B(1) and B(3) attached to File No. SR-Philadep-95-08. The file is available for review in the Commission's Public Reference Room and at the principal office of Philadep.

<sup>14</sup> For Philadep participants that utilize the RIO interface for settlement, half of the SCCP Clearing Fund deposit requirement shall be allocated to Philadep's Participants Fund to protect against potential settlement defaults for securities not eligible for the RIO interface. Similarly, those Philadep participants that clear and settle through CNS accounts at SCCP shall have their respective Philadep and SCCP Participants Fund deposits combined and then divided equally and allocated between Philadep and SCCP to satisfy the Fund deposit requirement at each clearing corporation.

<sup>15</sup> For Philadep Inactive Participants that are also SCCP Inactive Participants, the Philadep Participants Fund deposit shall be \$5,000. For Philadep Inactive Participants that are also SCCP Active Participants, no additional Philadep Participants Fund deposit will be required.

<sup>16</sup> As of the date of this filing, SCCP/Philadep has secured \$30 million in such credit lines and projects to secure \$20 to \$40 million in additional lines.

Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of Philadep. All submissions should refer to the file number SR-Philadep-95-08 and should be submitted by January 31, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>17</sup>

Margaret H. McFarland,  
*Deputy Secretary.*

[FR Doc. 95-364 Filed 1-9-96; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-21651; File No. 812-9674]

### M Fund, Inc., et al.

January 3, 1996.

**AGENCY:** U.S. Securities and Exchange Commission ("SEC").

**ACTION:** Notice of Application for Exemption under the Investment Company Act of 1940 (the "1940 Act").

**APPLICANTS:** M. Fund, Inc. ("Company") and M Financial Investment Advisers, Inc. ("Adviser").

**RELEVANT ACT SECTIONS:** Order requested under Section 6(c) for exemptions from the provisions of Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act and Rules 6e-2(b)(15) and 6e-3(T)(b)(15) thereunder.

**SUMMARY OF APPLICATION:** Applicants seek an order granting exemptions to the extent necessary to permit shares of any current or future series of the Company and shares of any other investment company that is offered as a funding medium for insurance products, and for which the Adviser or any of its affiliates may in the future serve as manager, investment adviser, administrator, principal underwriter or sponsor (the Company and such other investment companies are hereinafter referred to collectively as the "Funds"), to be sold and held by: (i) variable annuity and variable life insurance company separate accounts of both affiliated and unaffiliated life insurance companies ("Participating Insurance Companies"); and (ii) certain qualified pension and retirement plans outside the separate account context ("Plans").

**FILING DATE:** The Application was filed on July 18, 1995, and amended on October 19, 1995. Applicants will amend during the notice period to make certain representations herein.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the Application will be

issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the Secretary of the SEC and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 29, 1996, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the SEC.

**ADDRESSES:** SEC, Secretary, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, M Fund Inc., c/o David F. Byrne, President, River Park Center, 205 S.E. Spokane Street, Portland, Oregon 97202.

**FOR FURTHER INFORMATION CONTACT:** Edward P. Macdonald, Staff Attorney, or Patrice M. Pitts, Special Counsel, Office of Insurance Products, Division of Investment Management, at (202) 942-0670.

**SUPPLEMENTARY INFORMATION:** The following is a summary of the Application. The complete Application may be obtained for a fee from the Public Reference Branch of the SEC.

#### Applicants' Representations

1. The Company is a Maryland corporation registered under the 1940 Act as an open-end diversified management investment company. The Company currently is composed of four separate portfolios; additional portfolios may be added in the future.

2. The Adviser for each of the Company's portfolios is a Colorado corporation registered with the SEC under the Investment Advisers Act of 1940. The Adviser is wholly-owned by the Management Partnership, an Oregon general partnership. The Adviser has engaged other registered investment advisers ("Sub-Advisers") to conduct the investment programs of each portfolio and has entered into investment sub-advisory agreements with each Sub-adviser. The Sub-advisers are not affiliated with the Adviser or the Company.

3. The Company intends to offer its shares to variable annuity and variable life separate accounts ("Separate Accounts") of both affiliated and unaffiliated insurance companies in support of variable annuity and variable life insurance contracts ("Contracts"). Insurance companies whose separate accounts will own shares of one or more portfolios of the Funds are referred to

herein as "Participating Insurance Companies." Each Participating Insurance Company will have the legal obligation of satisfying all requirements applicable to it under the federal securities laws in connection with any variable contract which it issues.

4. The Company also intends to offer one or more portfolios of its shares directly to Plans. The Funds' shares sold to Plans which are subject to the Employee Retirement Income Security Act of 1984, as amended, may be held by the trustee(s) of the Plan.

5. The Adviser has no plans to offer investment advisory services to Plans or Plan participants, and will not act as investment adviser to any of the Plans that will purchase shares of the Company.

#### Applicants' Legal Analysis

1. In connection with the funding of scheduled premium variable life insurance contracts issued through a separate account registered under the 1940 Act as a unit investment trust ("UIT"), Rule 6e-2(b)(15) provides partial exemptions from Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act. The relief provided by Rule 6e-2 is available to a separate account's investment adviser, principal underwriter, and sponsor or depositor. The exemptions granted by Rule 6e-2(b)(15) are available only where the management investment company underlying the UIT offers its shares "exclusively to variable life insurance separate accounts of the life insurer, or of any affiliated life insurance company." The use of a common management investment company as the underlying investment medium ("Underlying Fund") for both variable annuity and variable life insurance separate accounts of a single insurance company (or of two or more affiliated insurance companies) is referred to as "mixed funding." The use of a common management investment company as the underlying investment medium for variable annuity and variable life insurance separate accounts of unaffiliated insurance companies is referred to as "shared funding." "Mixed and shared funding" denotes that use of a common management investment company to fund the variable annuity and variable life insurance separate accounts of affiliated and unaffiliated insurance companies. The relief granted by Rule 6e-2(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an underlying fund that offers its shares to a variable annuity separate account of the same company or of any other affiliated or unaffiliated

<sup>17</sup> 17 CFR 200.30-3(a)(12) (1994).

life insurance company. Therefore, Rule 6e-2(b)(15) precludes mixed funding as well as shared funding.

2. Applicants state that because the relief under Rule 6e-2(b)(15) is available only where shares are offered exclusively to separate accounts of insurance companies, additional exemptive relief is necessary if shares of the Funds also are to be sold to Plans.

3. In connection with flexible premium variable life insurance contracts issued through a Separate Account registered under the 1940 Act as a UIT, Rule 6e-3(T)(b)(15) provides partial exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act. The exemptions granted to a separate account by Rule 6e-3(T)(b)(15) are available only where all of the assets of the separate account consist of the shares of one or more registered management investment companies which offer their shares "exclusively to separate accounts of the life insurer, or of any affiliated life insurance company, offering either scheduled or flexible contracts, or both; or which also offer their shares to variable annuity separate accounts of the life insurer or of an affiliated life insurance company." Thus, Rule 6e-3(T) permits mixed funding, but does not permit shared funding.

4. Applicants state that because the relief under Rule 6e-3(T) is available only where shares are offered exclusively to separate accounts, additional relief is necessary if shares of the Funds also are to be sold to Plans.

5. Furthermore, Applicants also state that Section 817(h) of the Internal Revenue Code of 1986, as amended (the "Code"), imposes certain diversification requirements on the underlying assets of the Contracts held in the Fund. The Code provides that such Contracts shall not be treated as a Contract for any period in which the underlying assets are not, in accordance with regulations prescribed by the Treasury Department, adequately diversified. The Treasury Department issued regulations (Treas. Reg. 1.817-5) on March 2, 1989 which establish diversification requirements for the investment portfolios underlying Contracts. In order to meet the diversification requirements, all of the beneficial interests in the investment company must be held by the segregated asset accounts of one or more insurance companies. The regulations do, however, contain certain exceptions to this requirement, one of which allows shares in an investment company to be held by the trustee of a qualified pension or retirement plan without adversely affecting the ability of shares in the same investment company also to

be held by the separate accounts of insurance companies in connection with their Contracts. (Treas. Reg. § 1.817-5(f)(3)(iii)).

6. Applicants state that the promulgation of Rules 6e-2 and 6e-3(T) under the 1940 Act preceded the issuance of these Treasury regulations and assert that, given the then current tax law, the sale of shares of the same investment company to both separate accounts and Plans could not have been envisioned at the time of the adoption of the Rules.

7. Applicants therefore request relief from Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act, and Rules 6e-2(b)(15) and 6e-3(T)(b)(15) thereunder, to the extent necessary to permit shares of the Funds to be offered and sold in connection with both mixed and shared funding.

8. Section 9(a) of the 1940 Act provides that it is unlawful for any company to serve as an investment adviser to, or principal underwriter for, any registered open-end investment company if an affiliated person of that company is subject to a disqualification enumerated in Section 9(a)(1) or (2) of the 1940 Act. Rules 6e-2(b)(15)(i) and (ii), and 6e-3(T)(b)(15)(i) and (ii), provide exemptions from Section 9(a) under certain circumstances, subject to the limitations on mixed and shared funding. The relief provided by Rules 6e-2(b)(15)(i) and 6e-3(T)(b)(15)(i) permits a person disqualified under Section 9(a) to serve as an officer, director, or employee of the life insurance company, or any of its affiliates, so long as that person does not participate directly in the management or administration of the Underlying Fund. The relief provided by Rules 6e-2(b)(15)(ii) and 6e-3(T)(b)(15)(ii) permits the life insurer to serve as the Underlying Fund's investment adviser or principal underwriter, provided that none of the insurer's personnel who are ineligible pursuant to Section 9(a) participate in the management or administration of the Underlying Fund.

9. Applicants state that the partial relief from Section 9(a) found in Rules 6e-2(b)(15) and 6e-3(T)(b)(15), in effect, limits the amount of monitoring necessary to ensure compliance with Section 9 of the 1940 Act to that which is appropriate in light of the policy and purposes of that Section. Applicants state that those Rules recognize that it is not necessary for the protection of investors or the purposes fairly intended by the policy and provisions of the 1940 Act to apply the provisions of Section 9(a) to the many individuals employed by the Participating Insurance Companies, most of whom will have no

involvement in matters pertaining to investment companies within that organization. Applicants note that the Participating Insurance Companies are not expected to play any role in the management or administration of the Funds. Therefore, Applicants assert, applying the restrictions of Section 9(a) serves no regulatory purpose. Applicants further assert that there is no regulatory purpose in extending the monitoring requirements because of investment by Plans.

10. Rules 6e-2(b)(15)(iii) and 6e-3(T)(b)(15)(iii) under the 1940 Act assume the existence of a pass-through voting requirement with respect to management investment company shares held by a separate account. The application states that Participating Insurance Companies will provide pass-through voting privileges to all Contract owners so long as the SEC interprets the 1940 Act to require such privileges.

11. Rules 6e-2(b)(15)(iii) and 6e-3(T)(b)(15)(iii) under the 1940 Act provide exemptions from the pass-through voting requirement with respect to several significant matters, assuming observance of the limitations on mixed and shared funding imposed by the 1940 Act and the rules thereunder. Rules 6e-2(b)(15)(iii)(A) and 6e-3(T)(b)(15)(iii)(A)(1) provide that the insurance company may disregard the voting instructions of its Contract owners with respect to the investments of an Underlying Fund, or any contract between a fund and its investment adviser, when required to do so by an insurance regulatory authority. Rules 6e-2(b)(15)(iii)(B) and 6e-3(T)(b)(15)(iii)(A)(2) provide that an insurance company may disregard voting instructions of its Contract owners if the Contract owners initiate any change in the investment company's investment policies, principal underwriter, or any investment adviser, provided that disregarding such voting instructions is reasonable and subject to the other provisions of paragraphs (b)(15)(ii) and (b)(7)(ii)(B) and (C) of each rule.

12. The offer and sale of the Funds' shares to Plans will not have any impact on the relief requested in this regard. Applicants state that shares of the Funds sold to Plans will be held by the trustees of such Plans, as required by Section 403(a) of ERISA. Section 403(a) also provides that the trustees must have exclusive authority and discretion to manage and control the Plan with certain exceptions not relevant herein. Accordingly, Plan trustees have exclusive authority and responsibility for voting proxies on behalf of a Plan.

13. Applicants state that no increased conflicts of interest would be present by the granting of the requested relief. Applicants assert that shared funding does not present any issues that do not already exist where a single insurance company is licensed to do business in several states. Applicants note that where different Participating Insurance Companies are domiciled in different states, it is possible that the state insurance regulatory body in a state in which one Participating Insurance Company is domiciled could require action that is inconsistent with the requirements of insurance regulators in one or more other states in which other Participating Insurance Companies are domiciled. Applicants submit that this possibility is no different or greater than exists where a single insurer and its affiliates offer their insurance products in several states.

14. Applicants further submit that affiliation does not reduce the potential for differences in state regulatory requirements. In any event, the conditions (adapted from the conditions included in Rule 6e-3(T)(b)(15) discussed below) are designed to safeguard against any adverse effects that these differences may produce. If a particular state insurance regulator's decision conflicts with the majority of other state regulators, the affected insurer may be required to withdraw its separate account's investment in the relevant Funds.

15. Applicants also argue that affiliation does not eliminate the potential, if any exists, for divergent judgments as to when a Participating Insurance Company could disregard Contract owner voting instructions. Potential disagreement is limited by the requirement that the Participating Insurance Company's disregard of voting instructions be both reasonable and based on specified good faith determinations. However, if a Participating Insurance Company's decision to disregard Contract owner instructions represents a minority position or would preclude a majority vote approving a particular change, such Participating Insurance Company may be required, at the election of the relevant Fund, to withdraw its separate account's investment in that Fund. No charge or penalty will be imposed as a result of such a withdrawal.

16. Applicants submit that there is no reason why the investment policies of a Fund with mixed funding would, or should, be materially different from what those policies would, or should, be if such investment company or series thereof funded only variable annuity or variable life insurance contracts.

Applicants therefore argue that there is no reason to believe that conflicts of interest would result from mixed funding. Moreover, Applicants represent that the Funds will not be managed to favor or disfavor any particular insurance company or type of Contract.

17. Furthermore, Applicants have concluded that since the Code imposes certain diversification requirements on Underlying Fund assets and Treasury Regulation 1.817-5(f)(3)(iii) specifically permits "qualified pension or retirement plans" and separate accounts to share the same underlying management investment company, no inherent conflicts of interest are present if Plans and Separate Accounts all invest in the same management investment company.

18. Applicants note that while there are differences in the manner in which distributions are taxed for variable annuity contract, variable life insurance contracts and Plans, these tax consequences do not raise any conflicts of interest. When distributions are to be made, and the Separate Account or the Plan is unable to net purchase payments to make the distributions, the Separate Account or the Plan will redeem shares of the Funds at their respective net asset value. The Plan will then make distributions in accordance with the terms of the Plan. The life insurance company will make distributions in accordance with the terms of the Contract.

19. In connection with any meeting of shareholders, the Funds will inform each shareholder, including each Separate Account and Plan, of information necessary for the meeting. A Participating Insurance Company will then solicit voting instructions consistent with the "pass-through" voting requirement. Separate Accounts and Plans will each have the opportunity to exercise voting rights with respect to their shares in the Funds, although the Separate Accounts are required to follow the pass-through voting procedure.

20. Applicants state that there are no conflicts of interest between Contract owners and participants under the Plans with respect to state insurance commissioners' veto powers over investment objectives. State insurance commissioners have been given the veto power to prevent insurance companies indiscriminately redeeming their separate accounts out of one fund and investing those monies in another fund. Generally, to accomplish such redemptions and transfers, complex and time-consuming transactions must be undertaken. Conversely, trustees of Plans or the participants in participant-

directed Plans can make the decision quickly and implement redemption of shares from a Fund and reinvest the monies in another funding vehicle without the same regulatory impediments or, as is the case with most Plans, even hold cash pending a suitable investment. Based on the foregoing, Applicants represent that even where the interests of Contract owners and the interests of Plans and Plan participants conflict, the issues can be almost immediately resolved in that trustees of the Plans can, independently, redeem shares out of the Funds.

21. Applicants submit that there is no greater potential for material irreconcilable conflicts arising between the interests of participants under Plans and Contract owners of Separate Accounts from possible future changes in the federal tax laws than that which already exists between variable annuity contract owners and variable life insurance contract owners.

22. Finally, Applicants argue that the ability of the Funds to sell their respective shares directly to Plans does not create a "senior security," as such term is defined under Section 18(g) of the 1940 Act, with respect to any Contract owner as opposed to a participant under a Plan. Regardless of the rights and benefits of participants and Contract owners under the respective Plans and Contracts, the Plans and the separate accounts have rights only with respect to their shares of the Funds. Such shares may be redeemed only at net asset value. No shareholder of any of the Funds has any preference over any other shareholder with respect to distributions of assets or payment of dividends.

23. Applicants state that various factors have kept certain insurance companies from offering variable annuity and variable life insurance contracts. According to Applicants, these factors include: the cost of organizing and operating an investment funding medium; the lack of expertise with respect to investment managers (principally with respect to stock and money market investments); and the lack of public name recognition as investment experts. Specifically, Applicants state that smaller life insurance companies may not find it economically feasible, or within their investment or administrative expertise, to enter the Contract business on their own. Applicants argue the use of the Funds as common investment media for the Contracts would ease these concerns. Participating Insurance Companies would benefit not only from the investment and administrative expertise of the Adviser, but also from

the cost efficiencies and investment flexibility afforded by a large pool of funds.

24. Applicants state that making the Funds available for mixed and shared funding may encourage more insurance companies to offer variable contracts such as the Contracts which may then increase competition with respect to both the design and the pricing of variable contracts. Applicants submit that this can be expected to result in greater product variation and lower charges.

25. Applicants argue that Contract owners would benefit because mixed and shared funding will eliminate a significant portion of the costs of establishing and administering separate funds. Moreover, Applicants assert that sales of shares of the Funds to Plans should increase the amount of assets available for investment by such Funds. This should, in turn, promote economies of scale, permit increased safety of investments through greater diversification, and make the addition of new portfolios more feasible.

26. Applicants believe that there is no significant legal impediment to permitting mixed and shared funding. Additionally, Applicants note the previous insurance of orders permitting mixed and shared funding where shares of a fund were sold directly to qualified plans such as the Plans.

#### Applicants' Conditions

Applicants have consented to the following conditions if the order requested in the application is granted:

1. A majority of the Board of Directors of each Fund (each a "Board") will consist of persons who are not "interested persons" thereof, as defined by Section 2(a)(19) of the 1940 Act and the rules thereunder and as modified by any applicable orders of the Commission ("disinterested directors"), except that if this condition is not met by reason of death, disqualification, or bona fide resignation of any director or directors, then the operation of this condition shall be suspended: (a) for a period of 45 days if the vacancy or vacancies may be filled by the Board; (b) for a period of 60 days if a vote of shareholders is required to fill the vacancy or vacancies; or (c) for such longer period as the Commission may prescribe by order upon application.

2. The Boards will monitor their respective Funds for the existence of any material irreconcilable conflict between the interests of Contract owners of all Separate Accounts and participants under Plans investing in the respective Funds. An irreconcilable material conflict may arise for a variety

of reasons, including: (a) an action by any state insurance regulatory authority; (b) a change in applicable federal or state insurance, tax, or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretative letter, or any similar action by insurance, tax, or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of any portfolio of Funds are being managed; (e) a difference in voting instructions given by Contract owners; (f) a decision by a Participating Insurance Company to disregard the voting instructions of Contract owners; and (g) if applicable, a decision by a Participating Plan (as defined below) to disregard the voting instructions of Plan participants.

3. The Adviser (or any other investment adviser of a Fund), any Participating Insurance Company, and any Plan that executes a Fund participation agreement upon becoming an owner of 10% or more of the assets of the Fund (referred to hereafter as a "Participating Plan"), will report any potential or existing conflicts to the Board. The Adviser, Participating Insurance Companies and Participating Plans will be responsible for assisting the Board in carrying out its responsibilities under these conditions by providing the Board with all information reasonably necessary for the Board to consider any issues raised. This includes, but is not limited to, an obligation by each Participating Insurance Company to inform the Board whenever Contract owner voting instructions are disregarded and an obligation by each Participating Plan to inform the Board whenever Plan participant voting instructions disregard Plan participant voting instructions. The responsibility to report such information and conflicts and to assist the Board will be a contractual obligation of all Participating Insurance Companies and Participating Plans investing in the Funds under their agreements governing participation in each Fund, and such agreements will provide that these responsibilities will be carried out with a view only to the interests of Contract owners and Plan participants, as applicable.

4. If it is determined by a majority of the Board of a Fund, or a majority of its disinterested directors, that a material irreconcilable conflict exists with respect to a portfolio of a Fund, a Participating Insurance Company or Participating Plan will, at its expense and to the extent reasonably practical (as determined by a majority of the disinterested directors of that Fund),

take whatever steps are necessary to remedy or eliminate the irreconcilable material conflict, up to and including: (a) withdrawing the assets allocable to some or all of the Separate Accounts from the Fund or any portfolio thereof and reinvesting such assets in a different investment medium, which may include another portfolio of that Fund or another Fund; (b) submitting the question of whether such segregation should be implemented to a vote of all affected Contract owners and, as appropriate, segregating the assets of any appropriate group (*i.e.*, Contract owners of one or more Participating Insurance Companies) that votes in favor of such segregation, or offering to the affected Contract owners the option of making such a change; and (c) establishing a new registered management investment company. If a material irreconcilable conflict arises because of a Participating Insurance Company's decision to disregard Contract owner voting instructions and that decision represents a minority position or would preclude a majority vote, the Participating Insurance Company may be required, at the election of the Fund, to withdraw its separate account's investment in that Fund (or any portfolio thereof), and no charge or penalty will be imposed as a result of such withdrawal. If a material irreconcilable conflict arises because of a Participating Plan's decision to disregard a minority position or would preclude a majority vote, the Participating Plan may be required, at the election of the Fund, to withdraw its investment in that Fund (or any portfolio thereof), and no charge or penalty will be imposed as a result of such withdrawal. To the extent permitted by applicable law, the responsibility of taking remedial action in the event of a Board determination of an irreconcilable material conflict and bearing the cost of such remedial action will be a contractual obligation of all Participating Insurance Companies and Participating Plans under their agreements governing participation in the Funds, and these responsibilities will be carried out with a view only to the interest of Contract owners and Plan participants, as applicable.

5. For purposes of Condition Four, a majority of the disinterested directors of the applicable Board will determine whether any proposed action adequately remedies any irreconcilable material conflict, but in no event will the Fund or the Adviser (or any other investment adviser of a Fund) be required to establish a new funding medium for any Contract. No Participating Insurance

Company will be required by Condition Four to establish a new funding medium for any Contract if a majority of Contract owners materially and adversely affected by the irreconcilable material conflict vote to decline such offer. No Participating Plan will be required by Condition Four to establish a new funding medium for such Plan if (a) a majority of Plan participants materially and adversely affected by the material irreconcilable material conflict vote to decline such offer, or (b) pursuant to governing Plan documents and applicable law, the Participating Plan makes such decision without a Plan participant vote.

6. The Adviser, all Participating Insurance Companies, and Participating Plans will be promptly informed, in writing, of the Board's determination that an irreconcilable material conflict exists, and its implications.

7. Participating Insurance Companies will provide pass-through voting privileges of Fund shares to all Contract owners so long as the SEC interprets the 1940 Act to require pass-through voting privileges for Contract owners. Accordingly, Participating Insurance Companies will vote shares of the Funds held in their separate accounts in a manner consistent with timely voting instructions received from Contract owners. Each Participating Insurance Company will vote Fund shares held in its Separate Accounts for which it has not received timely voting instructions from Contract owners, as well as Fund shares held in its general account or otherwise attributable to it, in the same proportion as it votes Fund shares for which it has received instructions. Participating Insurance Companies will be responsible for assuring that each of their separate accounts investing in each Fund calculates voting privileges in a manner consistent with the separate accounts of other Participating Insurance Companies investing in that Fund. The obligation to calculate voting privileges in a manner consistent with all other Separate Accounts investing in each Fund will be a contractual obligation of all Participating Insurance Companies under their agreements governing participation in that Fund.

8. All reports of potential or existing conflicts of interest received by a Board, and all Board action with regard to determining the existence of a conflict, notifying the Adviser, Participating Insurance Companies and Participating Plans of a conflict, and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the appropriate Board or other appropriate records, and such minutes or other

records shall be made available to the SEC upon request.

9. Each Fund will comply with all the provisions of the 1940 Act requiring voting by shareholders (which, for these purposes, will be the persons having a voting interest in the shares of the Funds), and, in particular, each Fund will either provide for annual meetings (except insofar as the SEC may interpret Section 16 of the 1940 Act not to require such meetings), or comply with Section 16(c) of the 1940 Act (although the Fund is not one of the trusts described in Section 16(c) of the 1940 Act) as well as Section 16(a) of the 1940 Act and, if applicable, Section 16(b) of the 1940 Act. Further, each Fund will act in accordance with the SEC's interpretation of the requirements of Section 16(a) with respect to periodic elections of directors and with whatever rules the SEC may promulgate with respect thereto.

10. Each Fund will disclose in its prospectus that: (a) the Fund is intended to be the funding vehicle for Contracts offered by various Participating Insurance Companies and to Plans; (b) material irreconcilable conflicts may arise among various Contract owners and Plan participants; and (c) the Board will monitor events in order to identify the existence of any material irreconcilable conflict and determine what action, if any, should be taken in response to such conflict. Each Fund will notify all Participating Insurance Companies that separate account prospectus disclosure regarding potential risks of mixed and shared funding may be appropriate.

11. If and to the extent that Rules 6e-2 and 6e-3(T) under the 1940 Act are amended (or if Rule 6e-3 under the 1940 Act is adopted) to provide exemptive relief from any provisions of the 1940 Act or the rules thereunder with respect to mixed and shared funding on terms and conditions materially different from any exemptions granted in the order requested by the Applicants, then the Funds and the Participating Insurance Companies, as appropriate, will take such steps as may be necessary to comply with Rules 6e-2 and 6e-3(T), as amended, and Rule 6e-3, as adopted, to the extent applicable.

12. No less than annually, the Adviser (and/or its affiliates), the Participating Insurance Companies and Participating Plans, will submit to the Board such reports, materials, or data as the Board may reasonably request so that the Board may carry out fully the obligations imposed upon it by the conditions contained in the application. Such reports, materials and data will be

submitted more frequently if deemed appropriate by the Board. The obligations of the Participating Insurance Companies and Participating Plans to provide these reports, materials and data to the Board will be a contractual obligation of the Participating Insurance Companies and Participating Plans under their agreements governing their participation in the Funds.

13. If a Plan or Plan participant should become an owner of 10% or more of the assets of a Fund, such Plan or Plan participant will execute a participation agreement with that Fund including the conditions set forth herein to the extent applicable. A Plan or Plan participant will execute an application containing an acknowledgement of this condition at the time of its initial purchase of shares of the Funds.

#### Conclusion

For the reasons set forth above, Applicants represent that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,  
*Deputy Secretary.*

[FR Doc. 96-368 Filed 1-9-96; 8:45 am]

BILLING CODE 8010-01-M

[Investment Company Act Release No. 21652; 811-3366]

#### Renaissance Assets Trust; Notice of Application for Deregistration

January 4, 1996.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

**APPLICANT:** Renaissance Assets Trust.

**RELEVANT ACT SECTION:** Order requested under section 8(f).

**SUMMARY OF APPLICATION:** Applicant requests an order declaring it has ceased to be an investment company.

**FILING DATE:** The application was filed on November 6, 1995.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be

received by the SEC by 5:30 p.m. on January 29, 1996, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 100 Renaissance Center, 26th Floor, Detroit Michigan 48243.

**FOR FURTHER INFORMATION CONTACT:** Marianne H. Khawly, Staff Attorney, at (202) 942-0562, or Robert A. Robertson, Branch Chief, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

#### Applicant's Representations

1. Applicant, a registered open-end investment company, organized as a Massachusetts business trust, was sponsored by its distributor, First of Michigan Corporation ("FoM"), to serve as a money market investment vehicle for its brokerage customers. On December 29, 1981, applicant filed a Notification of Registration on Form N-8A and a registration statement on Form N-1 pursuant to section 8(b) of the Act and the Securities Act of 1933. The registration statement was declared effective on May 28, 1982 and applicant commenced its initial public offering shortly thereafter. Applicant consists of two portfolios: Renaissance Money Market Fund and Renaissance Government Fund.

2. On or about January 27, 1996, FoM sent a letter to each of its customers which held shares in applicant (such customers constituted all of applicant's shareholder) advising them that FoM had decided to replace applicant with a newly formed money market fund known as "Cranbrook Funds," consisting of two portfolios with investment objectives similar to applicant's portfolios. The letter contained a prospectus of Cranbrook Funds and informed each shareholder that, unless such shareholder specifically requested otherwise, all of such shareholder's balances invested in applicant would be transferred to Cranbrook Funds, effective February 28, 1995 (the "Closing Date"). One of applicant's shareholders made such a request and

FoM arranged for that shareholder's shares to be redeemed in cash on or prior to the Closing Date.

3. On February 16, 1995, applicant's board of directors adopted resolutions effecting the merger between Cranbrook Funds and applicant. No proxy material was distributed in connection with the merger. Pursuant to the resolutions, on the Closing Date, applicant transferred all of its assets to Cranbrook Funds, Cranbrook Funds assumed all of applicant's liabilities, and Cranbrook Funds issued to applicant shares of beneficial interest in Cranbrook Funds having an aggregate net asset value equal to the net asset value of the assets transferred from applicant. Thereafter, on the Closing Date, applicant redeemed all of its outstanding shares by distributing all of its assets (consisting solely of shares in Cranbrook Funds) in kind to applicant's shareholders.

4. Applicant's portfolio securities were valued using the amortized cost method. No brokerage commissions were paid. As of the Closing Date, Renaissance Money Market Fund had 346,675,648.07 shares of beneficial interest outstanding with an aggregate and per share net asset value of \$346,675,648.07 and \$1.00, respectively. Renaissance Government Fund had 47,161,519 shares of beneficial interest outstanding with an aggregate and per share net asset value of \$47,161,519 and \$1.00, respectively.

5. Applicant incurred certain expenses, consisting primarily of legal fees and accounting fees in connection with the merger. Such expenses were paid by Cranbrook Funds' investment adviser, Cranbrook Capital Management, Inc. As of the date of the application, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding-up of its affairs.

6. Applicant terminated its existence as a Massachusetts business trust on June 19, 1995.

For the SEC, by the Division of Investment Management, under delegated authority.  
Margaret H. McFarland,  
*Deputy Secretary.*

[FR Doc. 96-361 Filed 1-9-96; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-21650; File No. 812-9764]

#### The One Group Investment Trust

January 3, 1996.

**AGENCY:** U.S. Securities and Exchange Commission ("SEC" or "Commission").

**ACTION:** Notice of Application for Exemption under the Investment Company Act of 1940 (the "1940 Act").

**APPLICANT:** The One Group Investment Trust ("Trust").

**RELEVANT ACT SECTIONS:** Order requested under Section 6(c) for exemptions from Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act and Rules 6e-2(b)(15) and 6e-3(T)(b)(15) thereunder.

**SUMMARY OF APPLICATION:** Applicant seeks an order granting exemptions to the extent necessary to permit shares of the Trust and all future open-end investment companies for which Banc One Investment Advisors Corporation ("Advisor"), or any affiliate thereof, serves as manager, principal underwriter, or sponsor and whose shares are sold to separate accounts of insurance companies and qualified pension and retirement plans (the "Future Funds") (the Trust and the Future Funds collectively are referred to as the "Fund(s)") to be sold to and held by (i) variable annuity and variable life insurance company separate accounts of both affiliated and unaffiliated life insurance companies ("Participating Insurance Companies") and (ii) qualified pension and retirement plans ("Plans") outside the separate account context.

**FILING DATE:** The application was filed on September 14, 1995 and will be amended during the notice period.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the Secretary of the SEC and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 29, 1996, and should be accompanied by proof of service on Applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the SEC.

**ADDRESSES:** SEC, Secretary, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, Michael V. Wible, Esq., Banc One Corporation, 100 E. Broad Street, Columbus, OH 43271-0158.

**FOR FURTHER INFORMATION CONTACT:**

Edward P. Macdonald, Staff Attorney, or Wendy Friedlander, Deputy Chief (Office of Insurance Products), Division of Investment Management, at (202) 942-0670.

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee from the Public Reference Branch of the SEC.

**Applicant's Representations**

1. The Trust, a Massachusetts business trust organized on June 7, 1993, is registered under the 1940 Act as an open-end diversified management investment company. The Trust currently consists of four Portfolios. The Board of Trustees may establish additional Portfolios at any time, each with its own investment objective and policies ("Future Investment Portfolios").

2. Advisor, a registered investment adviser under the Investment Advisors Act of 1940, serves as investment adviser to the Trust and will serve as investment adviser to the Funds. Advisor is an indirect, wholly-owned subsidiary of BANC ONE CORPORATION, an interstate bank holding company incorporated in the State of Ohio. Nationwide Financial Services, Inc. a wholly-owned subsidiary of Nationwide Life Insurance Company, will serve as administrator of each Fund.

3. Shares of the Trust currently are offered only to Nationwide VA Separate Account-C, a separate account of Nationwide Life and Annuity Insurance Company ("Nationwide"), to fund the benefits of the One<sub>R</sub> Investors Annuity<sup>SM</sup>, a variable annuity contract issued by Nationwide. It is intended, however, that shares of the Funds will be offered to separate accounts of other insurance companies, including insurance companies that are not affiliated with Nationwide.

4. Applicant states that, upon the granting of the order requested in the application, the Funds intend to offer shares of their existing Portfolios and Future Investment Portfolios to separate accounts of Participating Insurance Companies ("Separate Accounts") to serve as the investment vehicle for various types of insurance products, which may include variable annuity contracts, single premium variable life insurance contracts, scheduled premium variable life insurance contracts, and flexible premium variable life insurance contracts. The funds also may be used as investment vehicles for Plans.

**Applicant's Legal Analysis**

1. In connection with the funding of scheduled premium variable life insurance contracts issued through a separate account registered under the 1940 Act as a unit investment trust ("UIT"), Rule 6e-2(b)(15) provides partial exemptions from Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act. The relief provided by Rule 6e-2 is available to a separate account's investment adviser, principal underwriter, and sponsor or depositor. The exemptions granted by Rule 6e-2(b)(15) are available only where the management investment company underlying the UIT ("Underlying Fund") offers its shares "exclusively to variable life insurance separate accounts of the life insurer, or of any affiliated life insurance company." Therefore, the relief granted by Rule 6e-2(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an underlying fund that offers its shares to a variable annuity separate account of the same company or of any other affiliated or unaffiliated life insurance company. The use of a common management investment company as the underlying investment medium for both variable annuity and variable life insurance separate accounts of a single insurance company (or of two or more affiliated insurance companies) is referred to as "mixed funding."

2. In addition, the relief granted by Rule 6e-2(b)(15) is not available with respect to a scheduled premium life insurance separate account that owns shares of an Underlying Fund that also offers its shares to separate accounts funding variable contracts to one or more unaffiliated life insurance companies. The use of a common management investment company as the underlying investment medium for variable annuity and variable life insurance separate accounts of unaffiliated insurance companies is referred to as "shared funding."

3. Applicant notes that the relief under Rule 6e-2(b)(15) is available only where shares are offered exclusively to separate accounts, and that additional exemptive relief is necessary if shares of the Funds also are to be sold to Plans.

4. In connection with the funding of flexible premium variable life insurance contracts issued through a UIT, Rule 6e-3(T)(b)(15) provides partial exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act. The relief provided by Rule 6e-3(T)(b)(15) also is available to a separate account's investment adviser, principal underwriter, and sponsor or depositor.

The exemptions granted by Rule 6e-3(T) are available only where the Separate Account's Underlying Fund offers its shares "exclusively to separate accounts of the life insurer, or of any affiliated life insurance company, offering either scheduled or flexible contracts, or both; or which also offer their shares to variable annuity separate accounts of the life insurer or of an affiliated life insurance company. \* \* \*" Therefore, Rule 6e-3(T) permits mixed funding with respect to a flexible premium variable life insurance separate account, subject to certain conditions. However, Rule 6e-3(T) does not permit shared funding because the relief granted by Rule 6e-3(T)(b)(15) is not available with respect to a flexible premium variable life insurance separate account that owns shares of a management company that also offers its shares to separate accounts (including variable annuity and flexible premium and scheduled premium variable life insurance separate accounts) of unaffiliated life insurance companies.

5. Applicant notes that the relief under Rule 6e-3(T) is available only where shares of an Underlying Fund are offered exclusively to separate accounts, and that additional relief is necessary if shares of the Funds also are to be sold to Plans.

6. Applicant states that changes in the tax law have created the opportunity for each Fund to increase its asset base through the sale of shares of the Fund to Plans. Applicant states that Section 817(h) of the Internal Revenue Code of 1986, as amended (the "Code"), imposes certain diversification standards on the underlying assets of the contracts held in the Funds. The Code provides that such contracts shall not be treated as annuity contracts or life insurance contracts for any period in which the investments are not, in accordance with regulations prescribed by the Treasury Department, adequately diversified. On March 2, 1989, the Department of the Treasury issued regulations (Treas. Reg. 1.817-5 (1989)) which established diversification requirements for the investment portfolios underlying variable contracts. The regulations provide that, to meet the diversification requirements, all of the beneficial interests in the investment company must be held by the segregated asset accounts of one or more insurance companies. The regulations do, however, contain certain exceptions to this requirement, one of which allows shares in an investment company to be held by the trustee of a qualified pension or retirement plan without adversely affecting the ability of shares in the same investment company to also

be held by the separate accounts of insurance companies in connection with their variable contracts. (Treas. Reg. § 1.817-5(f)(3)(iii)).

7. Applicant states that the promulgation of Rule 6e-2 and 6e-3(T) under the 1940 Act preceded the issuance of these Treasury regulations and assert that, given the then current tax law, the sale of shares of the same investment company to both separate accounts and Plans could not have been envisioned at the time of the adoption of Rules 6e-2(b)(15) and 6e-3(T)(b)(15).

8. Applicant therefore requests relief from Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act, and Rules 6e-2(b)(15) and 6e-3(T)(b)(15) thereunder, to the extent necessary to permit shares of the Funds to be offered and sold in connection with both mixed and shared funding.

9. Section 9(a) of the 1940 Act provides that it is unlawful for any company to serve as an investment adviser to, or principal underwriter for, any registered open-end investment company if an affiliated person of that company is subject to a disqualification specified in Section 9(a) (1) or (2) of the 1940 Act. Rules 6e-2(b)(15) (i) and (ii), and 6e-3(T)(b)(15) (i) and (ii), provide exemptions from Section 9(a) under certain circumstances, subject to the limitations on mixed and shared funding. The relief provided by Rules 6e-2(b)(15)(i) and 6e-3(T)(b)(15)(i) permits a person disqualified under Section 9(a) to serve as an officer, director, or employee of the life insurer, or any of its affiliates, so long as that person does not participate directly in the management or administration of the Underlying Fund. The relief provided by Rules 6e-2(b)(15)(ii) and 6e-3(T)(b)(15)(ii) permits the life insurer to serve as the Underlying Fund's investment adviser or principal underwriter, provided that none of the insurer's personnel who are ineligible pursuant to Section 9(a) participate in the management or administration of the Underlying Fund.

10. Applicant states that the partial relief from Section 9(a) found in Rules 6e-2(b)(15) and 6e-3(T)(b)(15), in effect, limits the amount of monitoring necessary to ensure compliance with Section 9 to that which is appropriate in light of the policy and purposes of Section 9. Applicant states that those rules recognize that it is not necessary for the protection of investors or the purposes fairly intended by the policy and provisions of the 1940 Act to apply the provisions of Section 9(a) to the many individuals employed by the Participating Insurance Companies, most of whom will have no involvement

in matters pertaining to investment companies within that organization. Applicant submits that there is no regulatory reason to apply the provision of Section 9(a) to the many individuals in the Participating Insurance Companies that may utilize the Funds as the funding medium for variable contracts. The application states that the relief requested will not be affected by the proposed sale of shares of the Funds to Plans. The insulation of the Funds from individuals disqualified under the 1940 Act remains in place. Applicant asserts that since the Plans are not investment companies no additional relief is necessary.

11. Rules 6e-2(b)(15)(iii) and 6e-3(T)(b)(15)(iii) under the 1940 Act assume the existence of a pass-through voting requirement with respect to management investment company shares held by a separate account. The application states that Participating Insurance Companies will provide pass-through voting privileges to all Contract owners so long as the SEC interprets the 1940 Act to require such privileges.

12. Rules 6e-2(b)(15)(iii) and 6e-3(T)(b)(15)(iii) provide partial exemptions from Sections 13(a), 15(a), and 15(b) of the 1940 Act to the extent that those sections have been deemed by the Commission to require pass-through voting with respect to management investment company shares held by a separate account, to permit the insurance company to disregard the voting instructions of its contract owners in certain limited circumstances.

Rules 6e-2(b)(15)(iii)(A) and 6e-3(T)(b)(15)(iii)(A) provide that the insurance company may disregard the voting instructions of its contract owners in connection with the voting of an Underlying Fund if such instructions would require such shares to be voted to cause such companies to make, or refrain from making, certain investments which would result in changes in the subclassification or investment objectives of such companies, or to approve or disapprove any contract between a Fund and its investment adviser, when required to do so by an insurance regulatory authority, subject to the provisions of paragraphs (b)(5)(i) and (b)(7)(ii)(A) of each Rule.

Rules 6e-2(b)(15)(iii)(B) and 6e-3(T)(b)(15)(iii)(B)(2) provide that the insurance company may disregard contract owners' voting instructions if the contract owners initiate any change in such company's investment policies or any principal underwriter or investment adviser, providing that disregarding such voting instructions is reasonable and subject to the other

provisions of paragraphs (b)(5)(ii) and (b)(7)(ii) (B) and (C) of each Rule.

13. Applicant further represents that the sale of shares by a Fund to the Plans does not impact the relief requested in this regard. Shares of the Funds sold to Plans would be held by the trustees of such Plans as required by Section 403(a) of ERISA. Section 403(a) also provides that the trustees must have exclusive authority and discretion to manage and control the Plan with certain exceptions not relevant herein. Accordingly, Plan trustees have exclusive authority and responsibility for voting proxies on behalf of a Plan.

14. Applicant states that no increased conflicts of interest would be present by the granting of the requested relief. Applicant asserts that shared funding does not present any issues that do not already exist where a single insurance company is licensed to do business in several states. Applicant notes that where different Participating Insurance Companies are domiciled in different states, it is possible that the state insurance regulatory body in a state in which one Participating Insurance Company is domiciled could require action that is inconsistent with the requirements of insurance regulators in one or more other states in which other Participating Insurance Companies are domiciled. Applicant states that this possibility is no different or greater than exists where a single insurer and its affiliates offer their insurance products in several states.

15. Applicant argues that affiliation does not reduce the potential for differences in state regulatory requirements. In any event, the conditions (adapted from the conditions included in Rule 6e-3(T)(b)(15)) are designed to safeguard against any adverse effects that these differences may produce. If a particular state insurance regulator's decision conflicts with the majority of other state regulators, the affected insurer may be required to withdraw its separate account's investment in the relevant Funds.

16. Applicant also argues that affiliation does not eliminate the potential, if any exists, for divergent judgments as to when a Participating Insurance Company could disregard contract owner voting instructions. Potential disagreement is limited by the requirement that the Participating Insurance Company's disregard of voting instructions be both reasonable and based on specified good faith determinations. However, if a Participating Insurance Company's decision to disregard contract owner instructions represents a minority

position or would preclude a majority vote approving a particular change, such Participating Insurance Company may be required, at the election of the relevant Fund, to withdraw its separate account's investment in that Fund. No charge or penalty will be imposed as a result of such a withdrawal.

17. Applicant states that there is no reason why the investment policies of a Fund with mixed funding would, or should, be materially different from what those policies would, or should, be if such investment company or series thereof funded only variable annuity or variable life insurance contracts.

Applicant therefore argues that there is no reason to believe that conflicts of interest would result from mixed funding. Moreover, Applicant represents that the Funds will not be managed to favor or disfavor any particular insurance company or type of Contract.

18. Applicant notes that no single investment strategy can be identified as appropriate to a particular insurance product. Each pool of variable annuity and variable life insurance contract owners is composed of individuals of diverse financial status, age, insurance and investment goals. An investment company supporting even one type of insurance product must accommodate those diverse factors in order to attract and retain purchasers.

19. Applicant further notes that Section 817(h) of the Code is the only section in the Code where separate accounts are discussed. Section 817(h) imposes certain diversification standards on Underlying Fund assets and Treasury Regulation 1.817-5(f)(3)(iii) specifically permits "qualified pension or retirement plans" and separate accounts to share the same underlying management investment company. Therefore, neither the Code, the Treasury regulations nor the revenue rulings thereunder present any inherent conflicts of interest if all invest in the same management investment company.

20. While there are differences in the manner in which distributions are taxed for variable annuity contracts, variable life insurance contracts and Plans, Applicant states that these tax consequences do not raise any conflicts of interest. When distributions are to be made, and the separate account or the Plan is unable to net purchase payments to make the distributions, the separate account or the Plan will redeem shares of the Funds at their respective net asset value. The Plan will then make distributions in accordance with the terms of the Plan. The life insurance company will surrender values from the separate account into the general

account to make distributions in accordance with the terms of the variable contract.

21. With respect to voting rights, Applicant states that it is possible to provide an equitable means of giving such voting rights to contract owners and to Plans. Applicant represents that the transfer agent for each Fund will inform each Participating Insurance Company of its share ownership in each Separate Account, as well as inform the trustees of the Plans of their holdings. Each Participating Insurance Company will then solicit voting instructions in accordance with Rules 6e-2 and 6e-3(T).

22. Applicant argues that the ability of the Funds to sell their shares directly to Plans does not create a "senior security," as such term is defined under Section 18(g) of the 1940 Act, with respect to any contract owner as opposed to a participant under a Plan. Regardless of the rights and benefits of participants and contract owners under the respective Plans and Contracts, the Plans and the separate accounts have rights only with respect to their respective shares of the Funds. Such shares may be redeemed only at net asset value. No shareholder of any of the Funds has any preference over any other shareholder with respect to distributions of assets or payment of dividends.

23. Finally, Applicant asserts that there are no conflicts between contract owners and participants under the Plans with respect to the state insurance commissioners' veto powers over investment objectives. State insurance commissioners have been given the veto power in recognition of the fact that insurance companies cannot simply indiscriminately redeem their separate accounts out of one fund and invest those monies in another fund.

Generally, to accomplish such redemptions and transfers, complex and time consuming transactions must be undertaken. Conversely, trustees of Plans can make the decision quickly and implement redemption of shares from a Fund and reinvest the monies in another funding vehicle without the same regulatory impediments or, as is the case with most Plans, even hold cash pending a suitable investment. Based on the foregoing, Applicant represents that even should there arise issues where the interests of contract owners and the interests of Plan conflict, the issue can be almost immediately resolved in that trustees of the Plans can, independently, redeem shares out of the Funds.

24. Applicant states that various factors have kept certain insurance

companies from offering variable annuity and variable life insurance contracts. According to Applicant, these factors include: the cost of organizing and operating an investment funding medium; the lack of expertise with respect to investment managers; and the lack of public name recognition of certain insurers as investment professionals. Applicant argues the use of the Funds as common investment media for the Contracts would ease these concerns. Applicant submits that mixed and shared funding should benefit variable contract owners by: (a) eliminating a significant portion of the costs of establishing and administering separate funds; (b) allowing for a greater amount of assets available for investment by the Funds, thereby promoting economies of scale, permitting greater safety through greater diversification, and/or making the addition of new portfolios more feasible; and (c) encouraging more insurance companies to offer their variable contract, resulting in increased competition with respect to both the design and the pricing, which can be expected to result in more product variation and lower charges. Each Fund will be managed to attempt to achieve its investment objectives and not to favor or disfavor any particular Participating Insurance Company or type of insurance product.

25. Applicant asserts that there is no significant legal impediment to permitting mixed and shared funding. Applicant states that separate accounts organized as UITs have historically been employed to accumulate shares of mutual funds which have not been affiliated with the depositor or sponsor of the separate account. Applicant also asserts that mixed and shared funding will have no adverse federal income tax consequences.

#### Applicants' Conditions

Applicant has consented to the following conditions:

1. A majority of the Board of Directors or Trustees of each Fund (each a "Board") will consist of persons who are not "interested persons" thereof, as defined by Section 2(a)(19) of the 1940 Act and the Rules thereunder and as modified by any applicable orders of the Commission ("disinterested directors"), excepted that if this condition is not met by reason of death, disqualification, or bona fide resignation of any director(s) or trustee(s), then the operation of this condition shall be suspended: (a) for a period of 45 days if the vacancy or vacancies may be filled by the Board; (b) for a period of 60 days if a vote of shareholders is required to fill the

vacancy or vacancies; or (c) for such longer period as the Commission may prescribe by order upon application.

2. The Board of each Fund will monitor the Fund for the existence of any material irreconcilable conflict between the interests of contract owners of all Separate Accounts investing in the Fund. A material irreconcilable conflict may arise for a variety of reasons, including: (a) an action by any state insurance regulatory authority; (b) a change in applicable Federal or state insurance, tax, or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretative letter, or any similar action by insurance, tax, or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of any series are being managed; (e) a difference in voting instructions given by variable annuity and variable life insurance contract owners; and (f) a decision by a Participating Insurance Company to disregard the voting instructions of contract owners.

3. In the event that a Plan should become an owner of 10% or more of the assets of a Fund, such Plan will execute a participation agreement with the Fund including the conditions set forth herein to the extent applicable. A Plan will execute an application with each of the Funds, including Future Funds, that contains acknowledgement of this condition at the time of its initial purchase of shares of the Fund.

4. Participating Insurance Companies, the Advisor, and any Plan that executes a fund participation agreement upon becoming an owner of 10% or more of the assets of a Fund (collectively, the "Participants") will report any potential or existing conflicts to the respective responsible Board(s). Participants will be responsible for assisting the Board(s) in carrying out its responsibilities under these conditions by providing the Board(s) with all information reasonably necessary for the Board(s) to consider any issues raised. This includes, but is not limited to, an obligation by the Advisor and each Participating Insurance Company to inform the respective responsible Board(s) whenever contract owner voting instructions are disregarded. The responsibility to report such information and conflicts and to assist the Board(s) will be a contractual obligation of all Participants investing in the Funds under their agreements governing participation in each Fund, and such agreements will provide that these responsibilities will be carried out

with a view only to the interests of contract owners.

5. If it is determined by a majority of the Board, or a majority of its disinterested directors or trustees, that a material irreconcilable conflict exists, the relevant Participating Insurance Companies and Plans will, at their expense and to the extent reasonably practical (as determined by a majority of the disinterested directors or trustees) take whatever steps are necessary to remedy or eliminate the irreconcilable material conflict, up to and including: (a) withdrawing the assets allocable to some or all of the Separate Accounts from the affected Fund or any portfolio thereof and reinvesting such assets in a different investment medium, which may include another portfolio of that Fund or another Fund; (b) submitting the question of whether such segregation should be implemented to a vote of all affected contract owners and, as appropriate, segregating the assets of any appropriate group (i.e., variable annuity and variable life insurance contract owners of one or more Participating Insurance Companies) that votes in favor of such segregation, or offering to the affected contract owners the option of making such a change; and (c) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of a decision by a Participating Insurance Company to disregard contract owner voting instructions and that decision represents a minority position or would preclude a majority vote, the Participating Insurance Company may be required, at the election of the Fund, to withdraw its Separate Account's investment in that Fund, and no charge or penalty will be imposed as a result of such withdrawal. The responsibility of taking remedial action in the event of a Board determination of an irreconcilable material conflict and bearing the cost of such remedial action will be a contractual obligation of all Participants under their agreements governing participation in the Funds, and these responsibilities will be carried out with a view only to the interests of contract owners and Plan participants, as applicable.

For purposes of this Condition Five, a majority of the disinterested directors or trustees of the Board shall determine whether or not any proposed action adequately remedies any irreconcilable material conflict, but in no event will the Fund be required to establish a new funding medium for any variable contract. No Participating Insurance Company shall be required by this Condition Five to establish a new

funding medium for any variable contract if any offer to do so has been declined by vote of a majority of the contract owners materially adversely affected by the material irreconcilable conflict.

6. A Board's determination of the existence of a material irreconcilable conflict and its implications shall be made known in writing promptly to all Participants.

7. Participating Insurance Companies will provide pass-through voting privileges of Fund shares to all variable contract owners so long as the SEC interprets the 1940 Act to require pass-through voting privileges for contract owners. Accordingly, Participating Insurance Companies will vote shares of the Funds held in their Separate Accounts in a manner consistent with timely voting instructions received from contract owners. Each Participating Insurance Company will vote shares of the Funds held in their Separate Accounts for which it has not received timely voting instructions from contract owners, as well as shares of a Fund which the participating Insurance Company itself owns, in the same proportion as those shares of the Fund for which voting instructions from contract owners are timely received. Participating Insurance Companies will be responsible for assuring that each of their Separate Accounts participating in the Funds calculates voting privileges in a manner consistent with other Participants. The obligation to calculate voting privileges in a manner consistent with all other Separate Accounts investing in the Funds shall be a contractual obligation of all Participating Insurance Companies under their agreement governing participation in the Funds.

8. Each Fund will comply with all the provisions of the 1940 Act requiring voting by shareholders and in particular each Fund will either provide for annual meetings (except insofar as the SEC may interpret Section 16 of the 1940 Act not to require such meetings), or comply with Section 16(c) of the 1940 Act (although the Fund is not one of the trusts described in Section 16(c) of the 1940 Act), as well as Section 16(a) of the 1940 Act and, if applicable, Section 16(b) of the 1940 Act. Further, each Fund will act in accordance with the SEC's interpretation of the requirements of Section 16(a) with respect to periodic elections of directors and with whatever rules the SEC may promulgate with respect thereto.

9. Each Fund will disclose in its prospectus that: (a) The Fund is intended to be the funding vehicle for all types of variable annuity and

variable life insurance contracts offered by various insurance companies and Plans; (b) material irreconcilable conflicts may possibly arise; and (c) the Fund's Board will monitor events in order to identify the existence of any material irreconcilable conflicts and determine what action, if any, should be taken in response to such conflict. Each Fund will notify all Participating Insurance Companies that Separate Account prospectus disclosure regarding potential risks of mixed and shared funding may be appropriate.

10. If and to the extent that Rules 6e-2 and 6e-3(T) under the 1940 Act are amended (or if Rule 6e-3 under the 1940 Act is adopted) to provide exemptive relief from any provisions of the 1940 Act or the Rules thereunder with respect to mixed and shared funding on terms and conditions materially different from any exemptions granted in the order requested by Applicant, then the Funds and/or the Participating Insurance Companies, as appropriate, shall take such steps as may be necessary to comply with Rules 6e-2 and 6e-3(T), as amended, and Rule 6e-3, as adopted, to the extent applicable.

11. The Participants, at least annually, shall submit to each Fund's Board such reports, materials, or data as the Board may reasonably request so that the Board may carry out fully the obligations imposed upon it by the conditions contained in the Application. Such reports, materials and data will be submitted more frequently if deemed appropriate by the Board. The obligations of the Participants to provide these reports, materials and data to the Board shall be a contractual obligation of the Participants under their agreements governing their participation in the Funds.

12. All reports of potential or existing conflicts of interest received by a Board, and all Board action with regard to determining the existence of a conflict, notifying the Participants of a conflict, and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the appropriate Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

#### Conclusion

For the reasons set forth above, Applicant represents that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96-369 Filed 1-9-96; 8:45 am]

BILLING CODE 8010-01-M

#### [Investment Company Act Release No. 21658; 811-7960]

#### Van Kampen Merritt California Municipal Opportunity Trust; Notice of Application

January 4, 1996.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

**APPLICANT:** Van Kampen Merritt California Municipal Opportunity Trust.

**RELEVANT ACT SECTION:** Section 8(f).

**SUMMARY OF APPLICATION:** Applicant requests an order declaring that it has ceased to be an investment company.

**FILING DATE:** The application was filed on December 27, 1995.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 29, 1996, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, One Parkview Plaza, Oakbrook Terrace, Illinois 60181.

**FOR FURTHER INFORMATION CONTACT:** Diana L. Titus, Paralegal Specialist, at (202) 942-0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee from SEC's Public Reference Branch.

#### Applicant's Representations

1. Applicant is a closed-end, diversified management investment company organized as a Massachusetts business trust. On or about August 10, 1993, applicant registered under the Act and filed a registration statement under the Securities Act of 1933 (the "1933 Act"). Applicant's registration statement was not declared effective, and applicant has made no public offering of its shares.

2. On August 2, 1994, applicant requested that its registration statement under the 1933 Act be withdrawn. The registration statement was declared withdrawn on August 4, 1994.

3. Applicant has never issued or sold shares of which it is the issuer. Applicant has no shareholders, liabilities, or assets. Applicant is not a party to any litigation or administrative proceeding.

4. Applicant is not engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96-356 Filed 1-9-96; 8:45 am]

BILLING CODE 8010-01-M

#### [Investment Company Act Release No. 21657; 811-6365]

#### Van Kampen Merritt Michigan Quality Municipal Trust; Notice of Application

January 4, 1996.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

**APPLICANT:** Van Kampen Merritt Michigan Quality Municipal Trust.

**RELEVANT ACT SECTION:** Section 8(f).

**SUMMARY OF APPLICATION:** Applicant requests an order declaring that it has ceased to be an investment company.

**FILING DATE:** The application was filed on December 27, 1995.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 29, 1996, and should be accompanied by proof of service on the applicant, in the form of an affidavit or,

for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, One Parkview Plaza, Oakbrook Terrace, Illinois 60181.

**FOR FURTHER INFORMATION CONTACT:** Diane L. Titus, Paralegal Specialist, at (202) 942-0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

#### Applicant's Representation

1. Applicant is a closed-end, non-diversified management investment company organized as a Massachusetts business trust. On or about July 24, 1991, applicant registered under the Act and filed a registration statement under the Securities Act of 1933 (the "1933 Act"). Applicant's registration statement was not declared effective, and applicant has made no public offering of its shares.

2. Pursuant to applicant's request, on August 13, 1992, the registration statement was declared withdrawn.

3. Applicant has never issued or sold shares of which it is the issuer. Applicant has no shareholders, liabilities, or assets. Applicant is not a party to any litigation or administrative proceeding.

4. Applicant is not engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96-357 Filed 1-9-96; 8:45 am]

**BILLING CODE 8010-01-M**

**[Investment Company Act Release No. 21654; 811-7958]**

#### Van Kampen Merritt New York Municipal Opportunity Trust; Notice of Application

January 4, 1996.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application of deregistration under the Investment Company Act of 1940 (the "Act").

**APPLICANT:** Van Kampen Merritt New York Municipal Opportunity Trust.

**RELEVANT ACT SECTION:** Section 8(f).

**SUMMARY OF APPLICATION:** Applicant requests an order declaring that it has ceased to be an investment company.

**FILING DATE:** The application was filed on December 27, 1995.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 29, 1996, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, One Parkview Plaza, Oakbrook Terrace, Illinois 60181.

**FOR FURTHER INFORMATION CONTACT:** Diane L. Titus, Paralegal Specialist, at (202) 942-0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

#### Applicant's Representations

1. Applicant is a closed-end, non-diversified management investment company organized as a Massachusetts business trust. On or about August 10, 1993, applicant registered under the Act and filed a registration statement under the Securities Act of 1933 (the "1933 Act"). Applicant's registration statement was not declared effective, and applicant has made no public offering of its shares.

2. On August 2, 1994, applicant requested that its registration statement under the 1933 Act be withdrawn. The registration statement was declared withdrawn on August 4, 1994.

3. Applicant has never issued or sold shares of which it is the issuer. Applicant has no shareholders,

liabilities, or assets. Applicant is not a party to any litigation or administrative proceeding.

4. Applicant is not engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96-359 Filed 1-9-96; 8:45 am]

**BILLING CODE 8010-01-M**

**[Investment Company Act Release No. 21653; 811-7962]**

#### Van Kampen Merritt Pennsylvania Municipal Opportunity Trust; Notice of Application

January 4, 1996.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

**APPLICANT:** Van Kampen Merritt Pennsylvania Municipal Opportunity Trust.

**RELEVANT ACT SECTION:** Section 8(f).

**SUMMARY OF APPLICATION:** Applicant requests an order declaring that it has ceased to be an investment company.

**FILING DATE:** The application was filed on December 27, 1995.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 29, 1996, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, One Parkview Plaza, Oakbrook Terrace, Illinois 60181.

**FOR FURTHER INFORMATION CONTACT:** Diane L. Titus, Paralegal Specialist, at (202) 942-0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

#### Applicant's Representations

1. Applicant is a closed-end, non-diversified management investment company organized as a Massachusetts business trust. On or about August 10, 1993, applicant registered under the Act and filed a registration statement under the Securities Act of 1933 (the "1933 Act"). Applicant's registration statement was not declared effective, and applicant has made no public offering of its shares.

2. On August 2, 1994, applicant requested that its registration statement under the 1933 Act be withdrawn. The registration statement was declared withdrawn on August 4, 1994.

3. Application has never issued or sold shares of which it is the issuer. Applicant has no shareholders, liabilities, or assets. Applicant is not a party to any litigation or administrative proceeding.

4. Applicant is not engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.  
Margaret H. McFarland,  
*Deputy Secretary.*

[FR Doc. 96-360 Filed 1-9-96; 8:45 am]

BILLING CODE 8010-01-M

[Investment Company Act Release No. 21655; 811-7728]

#### Van Kampen Merritt Texas Municipal Opportunity Trust; Notice of Application

January 4, 1996.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

**APPLICANT:** Van Kampen Merritt Texas Municipal Opportunity Trust.

**RELEVANT ACT SECTION:** Section 8(f).

**SUMMARY OF APPLICATION:** Applicant requests an order declaring that it has ceased to be an investment company.

**FILING DATE:** The application was filed on December 27, 1995.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's

Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 29, 1996, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, N.W. Washington, D.C. 20549. Applicant, One Parkview Plaza, Oakbrook Terrace, Illinois 60181.

**FOR FURTHER INFORMATION CONTACT:** Diane L. Titus, Paralegal Specialist, at (202) 942-0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

#### Applicant's Representations

1. Applicant is a closed-end, non-diversified management investment company organized as a Massachusetts business trust. On or about May 18, 1993, applicant registered under the Act and filed a registration statement under the Securities Act of 1933 (the "1933 Act"). Applicant's registration statement was not declared effective, and applicant has made no public offering of its shares.

2. On April 18, 1994, applicant requested that its registration statement under the 1933 Act be withdrawn. Applicant's registration statement was declared withdrawn on May 16, 1994.

3. Applicant has never issued or sold shares of which it is the issuer. Applicant has no shareholders, liabilities, or assets. Applicant is not a party to any litigation or administrative proceeding.

4. Applicant is not engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.  
Margaret H. McFarland,  
*Deputy Secretary.*

[FR Doc. 96-358 Filed 1-9-96; 8:45 am]

BILLING CODE 8010-01-M

[Investment Company Act Release No. 21656; 811-7022]

#### Van Kampen Merritt Trust for Insured Municipals II; Notice of Application

January 4, 1996.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

**APPLICANT:** Van Kampen Merritt Trust for Insured Municipals II.

**RELEVANT ACT SECTION:** Section 8(f).

**SUMMARY OF APPLICATION:** Applicant requests an order declaring that it has ceased to be an investment company.

**FILING DATE:** The application was filed on December 27, 1995.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 29, 1996, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, One Parkview Plaza, Oakbrook Terrace, Illinois 60181.

**FOR FURTHER INFORMATION CONTACT:** Diane L. Titus, Paralegal Specialist, at (202) 942-0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

#### Applicant's Representations

1. Applicant is a closed-end, diversified management investment company organized as a Massachusetts business trust. On or about July 16, 1992, applicant registered under the Act and filed a registration statement under the Securities Act of 1933 (the "1933 Act"). Applicant's registration statement was not declared effective, and applicant has made no public offering of its shares.

2. On July 7, 1993, applicant requested that its registration statement under the 1933 Act be withdrawn. The registration was declared withdrawn on July 12, 1993.

3. Applicant has never issued or sold shares of which it is the issuer. Applicant has no shareholders, liabilities, or assets. Applicant is not a party to any litigation or administrative proceeding.

4. Applicant is not engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96-355 Filed 1-9-96; 8:45 am]

BILLING CODE 801-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### RTCA, Inc., Special Committee 165; Minimum Operational Performance Standards for Aeronautical Mobile Satellite Services

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (P.L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 165 meeting to be held January 25-26, 1996, starting at 9:30 a.m. The meeting will be held at the RTCA, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, DC 20036.

The agenda will be as follows:

- (1) Welcome and Introductions;
- (2) Approval of the Summary of the Previous Meeting;
- (3) Chairman's Remarks;
- (4) Overview of New Developments Relevant to SC-165 (Presentations on Required Communications Performance (RCP) Are Being Planned): a. RTCA Technical Management Committee Actions; b. EUROCAE; c. Industry, Users, Government;
- (5) Review of Working Group Activities: a. WG1 (AMSS Avionics Equipment MOPS); b. WG3 (System/Service Performance Criteria); c. WG5 (AMS(R)S Satcom Voice); d. WG6 (HF Data Link);
- (6) Other Business;
- (7) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833-9339 (phone) or (202)

833-9434 (fax). Members of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on January 5, 1996.

Janice L. Peters,

*Designated Official.*

[FR Doc. 96-383 Filed 1-9-96; 8:45 am]

BILLING CODE 4910-13-M

### Office of the Associate Administrator for Commercial Space Transportation

#### Programmatic Environmental Impact Statement; Commercial Expendable Launch Vehicle Operations

**AGENCY:** Office of the Associate Administrator for Commercial Space Transportation (AST-1), Department of Transportation (DOT).

**ACTION:** Extension of comment period.

**SUMMARY:** On November 27, 1995, the former Office of Commercial Space Transportation, now the Office of the Associate Administrator for Commercial Space Transportation (OCST), published a Notice of Intent in the Federal Register [60 FR 58430] announcing its intent to prepare a Programmatic Environmental Impact Statement (EIS) which will address the environmental impact of commercial expendable launch vehicle operations. OCST invited comments from interested individuals or organizations concerning the process and scope of the EIS. The Notice of Intent previously established December 27th, 1995, as the deadline for comments. The comment period is now extended from December 27th, 1995, until February 9, 1996, to provide additional opportunity for comment.

**ADDRESSES:** Written comments should be sent to Docket Clerk, Docket No. OST-95-852, Department of Transportation, 400 Seventh Street SW., Room PL-401, Washington D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:** Mr. Nikos Himaras, The Office of the Associate Administrator for Commercial Space Transportation, Licensing and Safety Division, 400 Seventh Street, SW., Washington, D.C. 20590. (202) 366-2929.

Issued in Washington, DC on January 4, 1996.

Frank C. Weaver,

*Associate Administrator for Commercial Space Transportation.*

[FR Doc. 96-336 Filed 1-9-96; 8:45 am]

BILLING CODE 4910-62-P

## DEPARTMENT OF THE TREASURY

### Fiscal Service

#### Renegotiation Board Interest Rate; Prompt Payment Interest Rate; Contracts Disputes Act

Although the Renegotiation Board is no longer in existence, other Federal Agencies are required to use interest rates computed under the criteria established by the Renegotiation Act of 1971 (Pub. L. 92-41). For example, the Contracts Disputes Act of 1978 (Pub. L. 95-563) and the Prompt Payment Act (Pub. L. 97-177) provide for the calculation of interest due on claims at a rate established by the Secretary of the Treasury pursuant to Public Law 92-41 (85 Stat. 97) for the Renegotiation Board (31 U.S.C. 3902).

Therefore, notice is hereby given that, pursuant to the above mentioned sections, the Secretary of the Treasury has determined that the rate of interest applicable for the purpose of said sections, for the period beginning January 1, 1996 and ending on June 30, 1996, is 5 $\frac{7}{8}$ % per centum per annum.

Dated: January 3, 1996.

John Kilcoyne,

*Acting Deputy, Fiscal Assistant Secretary.*

[FR Doc. 96-344 Filed 1-9-96; 8:45 am]

BILLING CODE 4810-35-M

### Internal Revenue Service

[Delegation Order No. 239 (Rev. 1)]

#### Delegation of Authority

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Delegation of authority.

**SUMMARY:** The Commissioner, Internal Revenue Service, amends Delegation Order 239 to clarify that the Taxpayer Ombudsman is delegated the authority to issue Taxpayer Assistance Orders ("TAO") to intervene on behalf of taxpayers and take positive action with respect to taxpayer cases.

The Commissioner further amends Delegation Order 239 to direct the Ombudsman to prepare an annual report of the most serious problems taxpayers face when conducting business with the IRS and to suggest administrative and legislative solutions to these problems, if applicable.

Finally, Delegation Order 239 is further amended to give the Ombudsman the authority to establish a system to track the response of IRS officials to the administrative problems identified in the Ombudsman's annual report.

**EFFECTIVE DATE:** January 5, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Doug Peterson, C:PRP, Room 1027, 1111 Constitution Avenue, NW., Washington, DC 20224, 202-622-4315 (not a toll-free call).

**Amendment of Delegation Order 239**

The Commissioner in Delegation Order 239 delegated to the Taxpayer Ombudsman the authority to issue TAOs in addition to the situations specified in section 7811 of the Internal Revenue Code. The Commissioner wishes to amend Delegation Order 239 to clarify that such authority gives the Taxpayer Ombudsman the ability to intervene on behalf of taxpayers to take positive action with respect to taxpayers' cases. Thus, for example, the Ombudsman may issue a TAO to speed a refund to a taxpayer to relieve severe financial hardship on the part of the taxpayer. Likewise, the Ombudsman may issue a TAO to stay an enforcement action to ensure review of whether such action is appropriate.

The Commissioner also amends Delegation Order 239 to direct the Ombudsman to prepare an annual report of the most serious problems taxpayers face when conducting business with the Service and to suggest administrative and legislative solutions to these problems, if applicable. The purpose of the annual report is to provide an independent mechanism to identify and resolve the problems

taxpayers may encounter with the Service.

The Commissioner also hereby delegates to the Ombudsman the authority to establish a system to track the Service's response to administrative changes suggested in the Ombudsman's report. The tracking system should identify which IRS official ideally should respond to the suggestion and how that official responded. Additionally, the Ombudsman's annual report should include a section detailing this information concerning the Service's response to any administrative changes suggested in the prior year's report.

Dated: January 5, 1996.  
Margaret M. Richardson,  
*Commissioner.*  
[FR Doc. 96-388 Filed 1-9-96; 8:45 am]  
**BILLING CODE 4830-01-U**

**[Delegation Order No. 232 (Rev. 2)]**

**Delegation of Authority**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Delegation of authority to rescind TAOs.

**SUMMARY:** The Commissioner, Internal Revenue Service is issuing this Delegation Order to limit the modification or rescission of Taxpayer Assistance Orders ("TAO") to the Commissioner, Deputy Commissioner or Taxpayer Ombudsman. The

Ombudsman's Delegation Order 232 (Rev. 1) providing more expansive rescission authority is hereby superseded.

**EFFECTIVE DATE:** January 5, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Doug Peterson, C:PRP, Room 1027, 1111 Constitution Avenue, NW., Washington, DC 20224, 202-622-4315 (not a toll-free call).

**Authority to Modify or Rescind Taxpayer Assistance Orders (TAO)**

Section 7811 of the Code states that TAOs "may be modified or rescinded only by the Ombudsman, a district director, a service center director, a compliance center director, a regional director of appeals, or any superior of any such person." The Commissioner wishes to reassure taxpayers that TAOs will be accorded the greatest respect and consideration by the IRS. This delegation order accordingly limits the discretionary modification or rescission authority under § 7811 to only the Commissioner, Deputy Commissioner or Taxpayer Ombudsman.

This delegation order supersedes Ombudsman's Del. Order 232 (Rev. 1) which provided more expansive authority to local IRS officials.

Dated: January 5, 1996.  
Margaret M. Richardson,  
*Commissioner.*  
[FR Doc. 96-389 Filed 1-9-96; 8:45 am]  
**BILLING CODE 4830-01-U**

**Federal Register**

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Wednesday  
January 10, 1996

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**Part II**

**Department of  
Transportation**

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**Coast Guard**

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**46 CFR Part 170, et al.  
Small Passenger Vessel Inspection and  
Certification; Interim Final Rule**

**DEPARTMENT OF TRANSPORTATION****Coast Guard****46 CFR Parts 170, 171 and 173 and Chapter I, Subchapter K and T**

[CGD 85-080]

RIN 2115-AC 22

**Small Passenger Vessel Inspection and Certification****AGENCY:** Coast Guard, DOT.**ACTION:** Interim final rule with request for comments; notice of public meeting.

**SUMMARY:** This Interim Final Rule (IFR) completely revises the regulations affecting small passenger vessels. It reflects numerous comments received on both a Notice of Proposed Rulemaking (NPRM), and the Supplemental Notice of Proposed Rulemaking (SNPRM). The Coast Guard believes that an IFR is necessary to address both the need to publish an enforceable rule, and allow the public an opportunity to comment on sections that have been substantially revised from the SNPRM. The changes in this IFR include: The creation of a separate subchapter K for small passenger vessels carrying more than 150 passengers or with overnight accommodations for more than 49 passengers; additional alternatives to certain required lifesaving equipment; greater recognition of existing industry standards; and the establishment of new upper limit breakpoints above which a vessel must comply with the construction and outfitting requirements applicable to a passenger vessel of more than 100 gross tons. These revisions update the existing regulations in Parts 175 through 187 to accommodate the advanced technology, larger size, and increased passenger carrying capacity of the small passenger vessels built today.

**DATES:** This IFR is effective on March 11, 1996. The Incorporation by Reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 11, 1996. Comments on this IFR must be received on or before June 10, 1996. The Coast Guard has determined that the opportunity for oral presentations will aid in this rulemaking, and will hold at least one public hearing during the comment period. The Coast Guard solicits recommendations on dates and locations for a public meeting, and will provide more information about public hearings by a later notice in the Federal Register.

**ADDRESSES:** Comments may be mailed to the Executive Secretary, Marine Safety

Council (G-LRA/3600) (CGD 85-080), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC, 20593-0001, or delivered to room 3406 at the same address between 8 a.m. and 4 p.m., Monday through Friday, except holidays. The telephone number is (202) 267-1477.

Comments on collection of information requirements may be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, D.C. 20503, ATTN: Desk Officer, U.S. Coast Guard.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Eric P. Christensen, Project Manager, Office of Marine Safety, Security and Environmental Protection, (G-MOS-2), phone (202) 267-1181, telefax (202) 267-4570.

**SUPPLEMENTARY INFORMATION:****Drafting Information**

The principal persons involved in the drafting of this proposal are Lieutenant Eric P. Christensen, Project Manager; Lieutenant Commander Marc C. Cruder, Project Manager Emeritus, Office of Marine Safety, Security and Environmental Protection; and Mr. Nicholas Grasselli, Project Attorney, Office of Chief Counsel.

**Requests For Comments**

Interested persons are invited and encouraged to participate in this rulemaking by submitting written views, data, or arguments on the contents of this IFR. Persons submitting comments should include their name and address, reference this IFR (CGD 85-080), give the specific section of the regulations to which each comment applies, and include supporting documents or sufficient detail to indicate the reason for each comment. Persons desiring an acknowledgment that their comments were received should include a stamped, self-addressed envelope or postcard. This IFR may be changed in light of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this rulemaking.

**Regulatory History**

A NPRM, published in the Federal Register (54 FR 4412) of January 30, 1989, contained a proposed revision of subchapter T in 46 CFR. The NPRM contained a description of the small passenger vessel fleet and detailed reasons for the proposed revision of subchapter T. The NPRM also proposed revisions to portions of 46 CFR subchapter S. Subdivision and Stability,

that affect small passenger vessels. The NPRM comment period was originally scheduled to expire on May 31, 1989, but was extended to July 31, 1989. The Coast Guard also held six public hearings on the proposed rulemaking in the cities of: Washington, DC; St. Louis, MO; New Orleans, LA; San Francisco, CA; Chicago, IL; and Boston, MA. Over 225 persons attended and 116 members of the public presented their views on the NPRM at the hearings.

The Coast Guard received over 300 comment letters on the NPRM providing both support and criticism of the various proposed changes.

Based on the comments received, the Coast Guard published a SNPRM (59 FR 1994) on January 13, 1994. The SNPRM contained a complete revision of the proposed regulations affecting small passenger vessels. The significant changes proposed in the SNPRM included: (1) The creation of a separate subchapter K for small passenger vessels carrying more than 150 passengers or with overnight accommodations for more than 49 passengers; (2) alternatives to certain required lifesaving equipment; (3) greater recognition of industry standards; and (4) the establishment of new upper limit breakpoints above which a vessel would have to comply with the construction and outfitting requirements applicable to a passenger vessel of more than 100 gross tons. During the 150 day comment period, the Coast Guard received over 160 letters raising over 900 separate issues. Seven public hearings were held on the SNPRM in the cities of: New London, CT; Seattle, WA; Chicago, IL; Annapolis, MD; Tampa, FL; Cincinnati, OH; and Long Beach, CA. Over 225 persons attended and 80 members of the public presented their views on the SNPRM at the hearings.

**Background and Purpose**

Subchapter T contains the regulations for the inspection and certification of small passenger vessels including construction, outfitting of lifesaving and fire protection equipment, machinery and electrical installations, and operational requirements. These regulations were initially promulgated in the Federal Register of 5 October 1957 (22 FR 7949). Subchapter T originally regulated vessels of 19.8 meters (65 feet) or less in length, measuring more than 15 but less than 100 gross tons, and carrying more than 6 passengers. The major revision to subchapter T was made in 1963 when the scope of the regulations was broadened to include vessels of more than 19.8 meters (65 feet) in length, measuring less than 100 gross tons, and

carrying one or more passengers (28 FR 9733). Only minor revisions have been made to subchapter T since 1963. Significant changes have occurred over the past 30 years affecting the small passenger vessel fleet including: (1) Statutory changes; (2) increases in vessel size and passenger carrying capacity; (3) increases in the services offered by the owners and operators of small passenger vessels; (4) expansion of vessel routes; and (5) technological advances. Consequently, subchapter T requires updating to reflect these changes.

#### *Discussion of Comments and Changes*

This IFR completely revises the regulations affecting small passenger vessels. It reflects numerous comments received on both the NPRM and the SNPRM. Comments that are generally applicable to more than one part of the proposed regulations are discussed under "General Comments to the SNPRM." Specific comments on each regulation in subchapter T, subchapter K and Parts 170, 171, and 173 of subchapter S are discussed under "Comments on Particular Provisions of the SNPRM," in numerical order by the section number proposed in the SNPRM. Numerous comments were editorial in nature, and were considered in developing this IFR. However, non-substantial and editorial changes are not discussed in this preamble.

Comments on the Supplemental Notice of January 13, 1994

#### *(a) General Comments to the SNPRM*

While the comments generally recognized the regulations proposed in the SNPRM were a substantial improvement over the regulations proposed in the NPRM published in 1989, there was concern that several areas were not sufficiently addressed. These included:

##### 1. Executive Order 12866

The Comments received questioned whether the SNPRM complied with Executive Order 12866, Regulatory Planning and Review. The comments quoted from four areas of the Executive Order, and claimed that the SNPRM:

(1) did not "consider incentives for innovation, consistency, predictability, the cost of enforcement and compliance (to the government, regulated entities, and the public), flexibility distributive impacts, and equity";

(2) was not based on the best reasonably obtainable information concerning the need for, and consequences of the intended regulations;

(3) did not specify performance specifications in lieu of behavior or manner of compliance; and

(4) was not tailored to impose the least burden to society by taking into account the cumulative cost of regulations on the regulated entities.

The Coast Guard generally agrees and as a result:

(1) The IFR includes more alternatives and equivalences than were proposed in the SNPRM.

(2) The Coast Guard reexamined its casualty statistics, and concluded that the casualty statistics included in the document A Study of Lifesaving Systems for Small Passenger Vessels and those referred to in the draft Regulatory Evaluation do not, on their own, appear to show sufficient need for some of the proposed changes. However, the genesis of this rulemaking results from more than casualty statistics. Therefore, the IFR was revised and the regulations eased to more closely reflect the focus of the small passenger vessel casualty history, and reduce the emphasis on the perceived risk of casualties yet to come.

(3) The IFR has also been revised to reduce the prescriptive language intended to regulate behavior, and to incorporate performance based specifications. This is particularly true in the areas of Structural Fire Protection for vessels carrying more than 150 passengers, and in the operations sections in parts 122 and 185.

(4) The Coast Guard did not fully examine the cumulative cost of regulation prior to publication of the SNPRM. The SNPRM had been drafted before Executive Order 12866 was issued. However, the Coast Guard is sensitive to the small passenger vessel industry's concerns about being overregulated, or regulated out of business due to these cumulative costs. As a result, the revisions to the IFR were designed to reduce the cumulative impact of regulations. These revisions are estimated to substantially reduce the cost of this rulemaking when compared to the regulations proposed in the SNPRM, and thereby contribute to reducing the cumulative cost of regulation.

##### 2. Americans with Disabilities Act (ADA)

The ADA, enacted on July 26, 1990, has not been fully applied to vessels in the marine transportation environment. Regulations for ferries, excursion boats, and other vessels were reserved and not addressed in the final rule published by the Department of Transportation on September 6, 1991 (56 FR 45530). Comments pointed to the extreme

liability that vessel operators may be subject to by not complying with this act because compliance is at times in direct conflict with existing Coast Guard regulations.

Although the Coast Guard agrees with many of the comments received on this issue, specific regulations addressing the ADA are not included in this rulemaking. There are no Department of Transportation regulations or Access Board guidelines specifically covering access to vessels at this time. The Coast Guard understands the industry's concerns in this area. Since the Department of Transportation anticipates a future rulemaking on this issue, the Coast Guard is currently working with the Department to study the feasibility of how to apply the requirements of the ADA to passenger vessels.

##### 3. High Speed Craft (HSC) Code

The definition of Dynamically Supported Craft (DSC) used in the SNPRM was based primarily on the International Maritime Organization (IMO) "Code of Safety for Dynamically Supported Craft" (DSC Code). Recognizing the unique design and operational characteristics of DSC, the DSC Code was developed by IMO to provide a level of safety for DSC on international voyages equivalent to that provided by load line requirements and the International Convention for Safety of Life at Sea, 1974, as amended by the articles of Protocol of 1978 and the amendments of 1981, and 1983 (SOLAS). Recently, the DSC Code was revised to address the growth in both size and type of advanced marine craft that has occurred since adoption of the DSC Code in 1977. The revised code is titled "International Code of Safety for High Speed Craft" (HSC Code). New criteria based on speed and volumetric Froude number are used to delineate those craft to which the code applies from other more conventional craft. This IFR incorporates defining criteria for High Speed Craft (HSC) that are consistent with the new IMO HSC Code.

The HSC Code was developed to address the design and operation of a wide range of advanced marine vehicle types. HSC designs include air cushion vessels, hydrofoil vessels, side wall vessels, and other types of craft essentially within the spectrum existing between ships and aircraft. Many existing regulations were not practicable or sufficient for design or safety reasons. Due to their high speeds, maneuverability, normal dynamic support, airplane like operations, necessary light weight, and unique machinery, HSC may need alternative

requirements. Other vessels, such as certain catamarans, may also have operating characteristics different enough from conventional displacement vessels to necessitate alternative measures to ensure safe and proper operation. These characteristics include high speed, the need for lightweight structure, and a planning mode of operation.

In order to establish a level of safety equivalent to displacement vessels, the HSC Code contains specific provisions in many areas including advanced methods of design and analysis; weather conditions that might restrict operations; areas of operation; radio communications; evacuation of passengers; rescue services; and vessel maintenance. To prevent piecemeal application of the HSC Code, which might result in a system imbalance that is hazardous to passengers, the HSC Code states that full compliance with all applicable provisions of the code is required if the HSC Code is to be used as an equivalency to the international conventions.

The Coast Guard position is that, in general, the provisions of the HSC Code are only suitable for vessels that are of lightweight construction with a need to operate at the high speeds typical of an HSC. Vessels that meet the definition of an HSC are not required to comply with the HSC Code; however, this Code may be proposed as an equivalent standard for vessel design, construction, and operational requirements under new §§ 114.540(b) and 175.540(b). The HSC Code is not considered equivalent to SOLAS or the U.S. regulations for vessels which do not meet the definition of an HSC. The Coast Guard is no longer proposing to incorporate the provisions of the HSC Code by reference by listing it in §§ 114.600 and 175.600.

One comment noted that the regulations should specifically indicate in which sections the HSC Code would be an acceptable equivalent. The comment also noted that the HSC Code should only be applied in its entirety to avoid creating potential "imbalances." The Coast Guard agrees. This IFR provides, in those areas where the HSC Code does not contain specific provisions or items are left to the satisfaction of the Administration, the requirements of subchapters T and K apply. It also provides that the HSC Code can only be used in its entirety as an equivalency since it is based on a "systems engineering" approach to design. In general terms, the use of the HSC Code as an equivalency will supplant the sections of the CFR that it addresses. The HSC Code is intended to be an option for equivalency to the

requirements of subchapter T and K, and a vessel designer may determine if it is advantageous to apply the Code in place of the corresponding subchapter T and K sections.

Another comment pointed out that the required speed of the craft should meet the IMO HSC Code criteria rather than the speed/length formula from the DSC Code. The Coast Guard agrees that the definitions of HSC used in these regulations should be consistent with the international criteria. The use of term DSC is discontinued and the term HSC is adopted to maintain consistency with the IMO HSC Code.

One comment expressed concern that the proposed definition of DSC included an overly large population of moderate speed planing vessels as a result of the speed formula in the SNPRM. The Coast Guard notes that these crafts have been approved in the past using these rules and have had an acceptable safety record. The comment went on to state that proposed § 182.130(a), excluded the use of American Boat and Yacht Council (ABYC) rules for DSC's. The Coast Guard disagrees. Section 182.130(a) applies to propulsion and machinery. The ABYC rules are referenced in the regulatory text, and have been satisfactorily applied to DSC in the past.

Vessels meeting the HSC definition in the IFR that will be certified for international voyages must comply with the provisions of the HSC Code, or otherwise, all applicable provisions of SOLAS. This is in keeping with the intent of the HSC Code. Vessels meeting the HSC definition in this IFR that will not be certified for international voyages, would be required to comply with the applicable U.S. regulations, but may request substitution of the HSC Code for applicable U.S. regulations. Vessels that meet the HSC definition in this IFR, which will not be certificated for international voyages, and which the owners choose to design in compliance with the applicable U.S. regulations in lieu of the HSC Code, may be subject to additional requirements determined by the cognizant Officer in Charge, Marine Inspection (OCMI). The cognizant OCMI may require operational controls, or additional safety equipment under new §§ 115.110, 116.700(a), 16.800(f), 121.100(b), 176.110, 177.700(a), 177.800(f), and 184.100(b). For example, seat belts, which are specified in the HSC Code but are not specifically required on all small passenger vessels by subchapters T or K, may be required by the cognizant OCMI on a case-by-case basis. The above sections are further discussed in the comments for each specific section.

The Coast Guard is retaining proposed §§ 114.540(b) and 175.540(b) to state that the Commandant may accept the provisions of the HSC Code as an equivalent to the applicable requirements in subchapter T or K. Requests to use the HSC Code as an equivalent to the regulations will be handled on a case-by-case basis by the Marine Safety Center, and will be carefully evaluated to ensure that system safety, as envisioned in the HSC Code is maintained. Where the HSC Code does not contain provisions equivalent to the specific requirements proposed in subchapters T and K, or where the Code leaves determinations up to the Administration, such as the specific wiring requirements in §§ 120.340 and 183.340, a vessel would be expected to comply with the requirements in the applicable U.S. regulations.

The SNPRM proposed restrictions on routes for DSC. The proposed sections, §§ 115.110(b) and 176.110(b), have been removed. The OCMI may restrict routes for vessels built and operated under the HSC Code, and may impose additional requirements if necessary to ensure safety.

In addition to the above comments received concerning the HSC Code, the Coast Guard received one comment concerning the proposed requirements for the location of passenger and crew accommodation spaces in subchapters T and K (§§ 177.700, 177.800 and 116.700, 116.800 respectively). The comment noted that the relationship between the deck and deepest load line is acceptable, but no further "regulation like" policy should be applied without opportunity for comment. This IFR adopts the regulations proposed in the SNPRM concerning the location of accommodation spaces without change. For subchapter T and K vessels, the requirement for crew and passenger accommodation space location follow the breakpoints for application in Table 114.100(f), with the exception that vessels more than 19.8 meters (65 feet) in length with overnight accommodations for more than 49 passengers must comply with subchapter H requirements. Subchapter K' vessels (vessels carrying more than 600 passengers, or with overnight accommodations for more than 150 passengers, or 200 feet or greater in length) must also comply with subchapter H requirements for crew and passenger accommodation space location.

(b) *Comments on Particular Provisions of the SNPRM*

Parts 114 and 175 General Provisions

*Sections 114.110 and 175.110 General applicability.* Three comments stated that the passenger breakpoint between subchapter K and K' should be raised from 600 to 1000 passengers because the adoption of subchapter H standards for construction, lifesaving, and fire fighting is overly burdensome. One comment stated, "Provisions of subchapter H are written to govern large passenger ships carrying overnight passengers and are not reasonable for vessels that do not carry overnight passengers." The Coast Guard disagrees. The 600 passenger breakpoint was based on comments on the NPRM and existing subdivision breakpoints. The Coast Guard believes that the application of subchapter H for construction, lifesaving, and fire fighting standards is appropriate for the risks associated with high capacity passenger vessels, including vessels of less than 100 gross tons. Additionally, the guidelines contained in Navigation and Vessel Inspection Circular (NVIC) No. 8-93 "Equivalent Alternatives to 46 CFR subchapter H Requirements Related to Means of Escape, Safe Refuge Areas, and Main Vertical Zone Length" provides guidance on compliance with certain structural fire protection provisions of subchapter H in order to reduce the burden to industry.

Several comments stated that the use of gross tonnage as a criteria for regulations should be eliminated. As gross tonnage thresholds are established by statute, changes based on these comments are beyond the scope of this rulemaking.

*Sections 114.400 and 175.400 Definitions of terms used in this subchapter.* Many definitions in these sections have been revised based on comments received on other sections.

In response to a comment which recommended that the space designations in Tables 116.415 (b) and (c) should be consistent with those in subchapter H, many definitions relating to the application of the structural fire protection tables in § 116.415 have been amended. The discussion of the changes to § 116.415 provides additional information, including the rationale behind amendment of the structural fire protection tables.

Accommodation spaces have been divided into two categories, low risk and high risk. Low risk accommodation spaces are defined as accommodation spaces that contain a fire load of not more than 15 kilograms per square meter (3 pounds per square foot). High

risk accommodation spaces are defined as those with a fire load greater than 15 kilograms per square meter (3 pounds per square foot). Furnishings in low risk accommodation spaces are limited by the definition in § 114.400 to fire resistant furnishings, while furnishings in high risk accommodation spaces are not limited to those with fire resistant construction; see the discussion of § 116.427 for additional information.

Additionally, washrooms and toilet spaces have been removed from the definition of accommodation space in subchapter K, and grouped into the category of low risk service space (type 8). Washrooms and toilet spaces typically have a very low fire load, and it is appropriate to include them in a space category that would require a lesser degree of structural fire protection. Toilets and washrooms are considered type 8 spaces in subchapter H.

One comment on § 116.415 stated that food and drink service bars could be considered a "low risk service space" and that they should be included in the definition of "accommodation areas," and not be subject to the structural fire protection restrictions for a "galley." The Coast Guard concurs, and a provision is included in the definition of an accommodation space to indicate that a microwave or other similar "low heat" cooking appliance is permitted in an accommodation space. This is consistent with interpretations of SOLAS.

A definition is added for the term "area of refuge." This definition recognizes that an area of refuge is intended to serve as a safe area where passengers can wait, in the event of an emergency, until they can disembark. This definition explicitly states that the standards for protection of areas of refuge are performance oriented, in that the areas of refuge need only provide a safe haven for as long as they may reasonably be expected to be occupied. The maximum time limit of one hour for an area of refuge is consistent with structural fire protection requirements that do not require any boundaries with fire endurance of over one hour. It is not the Coast Guard's intent that this definition add any additional requirements to those proposed in the SNPRM for an area of refuge.

The definition of "atrium" is amended to clarify that atriums are only permitted in accommodation spaces.

In response to a comment that indicated that the structural fire protection requirements for an "auxiliary machinery space" as defined in subchapter H are less stringent than those proposed in the SNPRM, a

definition is added that is consistent with subchapter H. For application of the structural fire protection tables, these areas would be included in the category of "voids, fuel tanks, and water tanks," instead of the category "machinery space," if the space contains a fire load of less than 2.5 kilograms per square meter (0.5 pounds per square foot).

The definition of a "balcony" is amended because of changes in § 116.439. See the discussion on § 116.439 for additional information.

The definition of a "cargo space" is amended to specifically state that a vehicle space is included in this category for purposes of application of the structural fire protection tables.

The definition of a "fire control boundary" is amended by adding "C-class" to the definition. See the discussion on § 116.415 for additional information.

The definition of "fire load" is amended to delete reference to "wood equivalent weight" to make the definition consistent with Coast Guard policy contained the revision to NVIC No. 6-80.

The definition of "hazardous condition" is added to §§ 114.400 and 175.400 as a result of the revision to the casualty reporting requirements contained in §§ 122.202 and 185.202, respectively. See the discussion on §§ 122.202 and 185.202 for additional information.

Definitions of "high risk service space" and "low risk service space" are amended to make these spaces consistent with type (8) and (9) spaces in subchapter H, respectively. The definition of "High risk service spaces" includes the same spaces as "galleys, main pantries, storerooms, and workshops" as found in subchapter H; and the definition of "low risk service spaces" includes the same spaces as "washrooms, toilet spaces, and isolated pantries" in subchapter H. Small or large pantries and storerooms may be included in either category depending on fire load.

One comment suggested that the temperature cutoff for a galley should be increased from 121° C (250° F) to 232° C (450° F). The Coast Guard does not agree. Many cooking oils have a flash point below 232° C (450° F), and therefore require the level of fire protection associated with a galley.

Several comments stated that the definition of "major conversion" should be changed because it was too restrictive and not consistent with the definition used in 46 CFR 28.50 for commercial fishing vessels. In addition, the comments believed that paragraph (1) of

the definition would be subject to inconsistent interpretation by the Coast Guard, and result in the upgrading of an existing vessel to more stringent standards even for slight changes to the vessel's structure. Two comments suggested that a percentage (5–10%) be assigned to the changes in length, breadth, and height for determining when a change is a major conversion. One comment stated that the changing of gross tonnage should not be used as a measure of determining a major conversion because of the way it can be manipulated in the tonnage rules. The Coast Guard partially agrees. The definition of "major conversion" for commercial fishing vessels was derived from the definition contained in 46 United States Code (U.S.C.) 2101, and modified to reflect the unique nature of commercial fishing vessels. In order to reduce the confusion associated with creating new definitions the Coast Guard decided to adopt the more flexible definition contained in 46 USC 2101 as written. This revision allows for minor changes to the structure and carrying capacity of a vessel. The Coast Guard believes that since every vessel is different, the determination of what is a major conversion should be made on a case-by-case basis, by the Commandant, taking changes to the dimensions and effects on stability into consideration rather than assigning an arbitrary percentage.

The definition of "means of escape" is amended by replacing the term "passageways" with "corridors" to make it consistent with subchapter H.

The definition of "passenger" is updated to reflect the changes made in the Passenger Vessel Safety Act of 1993, and the definition of "passenger for hire" was added.

The definition of a "stairtower" is amended to clarify that all stairways in a stairtower must be contained in a common enclosure.

A definition of "safety areas" is added that is consistent with subchapter H.

*Sections 114.560 and 175.560 Appeals.* Several comments stated that these sections should be revised to require the Coast Guard to respond to appeals within 30 days of receipt. The comments believed that since the Coast Guard imposes a 30 day response time on industry, it is only reasonable that the Coast Guard respond in kind. The Coast Guard disagrees. These sections reference 46 CFR 1.03, and that part is not under revision at this time.

However, the Coast Guard will consider actions to correct the perceived lack of timely response.

*Sections 114.600 and 175.600 Incorporation by reference.* One

comment was received from the National Fire Protection Association indicating that the standards proposed for adoption by reference were not the most recent edition, and suggested that the most recent edition of each standard be adopted. The Coast Guard concurs, as the most recent standards typically allow greater flexibility by recognizing new design technology. Sections 114.600 and 175.600 have been amended to adopt the most recent editions of standards where appropriate. Additionally, several new standards have been added to these sections due to amendments to other sections. See the discussion on other sections as appropriate for the rationale behind these additions.

#### 1. Parts 115 and 176—Inspection and Certification

Half of the over 90 comments received on these parts applied to subchapter T vessels, and focused on the drydock interval requirements in Part 176 Subpart F. Within Subpart F, comments specifically addressed the reduced interval of one year for hulls of wood construction over 20 years old.

Some comments believed the 20 year age requirement was arbitrary and not supported by fact or casualty statistics. Others believed that age had nothing to do with the condition of a well maintained vessel, regardless of the hull material. Still others claimed that if Coast Guard inspectors knew what they were looking at, ill-maintained vessels would be found, and all wood vessels would not have to be targeted.

The reduced drydock interval for wood vessels over 20 years old is a reflection of the casualty history cited in the Coast Guard study *A Study of Lifesaving Systems for Small Passenger Vessels*. As noted in this study, wood vessels accounted for over 90% of all casualties resulting in the loss of the vessel or a loss of life. Of the wood vessels included in the study, the average age was approximately 26 years old. Those specifically reported as flooding, foundering, or hull failure casualties average 38 years old.

These statistics notwithstanding, the Coast Guard agrees with the comments that a reduced drydocking interval should not be required for all wooden vessels, as the degree and extent of vessel maintenance certainly figures into the structural condition of any wood vessel. Since the *EL TORO II* casualty in December, 1993, the Coast Guard has revised Navigational and Vessel Inspection Circular (NVIC) No. 1-63 "Notes on Inspection and Repair of Wooden Hulls" to provide more detailed and current guidance on the

inspection of wooden hulls. This should enable Coast Guard OCMI's to better target the marginally maintained wooden vessels within their zones, and allow them to reduce the drydock inspection interval on select vessels when there is sufficient cause or evidence of lack of maintenance.

As a result of the Coast Guard's NVIC revision, the industry's comments, and the changes in the lifesaving equipment requirements in Table 180.200(c), the Coast Guard deleted proposed § 176.600(d), which would have required that wood vessels over 20 years old undergo an annual drydock exam. In addition, proposed §§ 115.600(d), and 176.600(e) [now (d)], have been revised to emphasize the OCMI's existing discretion to decrease vessel drydock intervals as necessary to monitor a vessel's structural condition.

Forty-seven comments received focused on the wording of §§ 115.840 and 176.840. The comments believed that the OCMI was being given too much authority to require additional tests and inspections without reasonable cause. A few comments stated that adding the word "reasonable" to the language of this section would satisfy their concerns.

The Coast Guard does not agree that OCMI's would abuse their authority, and require additional tests and inspections without reasonable cause. However, the word "reasonable" has been added to the language of §§ 115.840, and 176.840.

Several other comments focused on the requirement of the owner or operator to notify the OCMI whenever a vessel is drydocked or hauled out above and beyond the required drydock interval. The comments stated that the requirement to contact the OCMI whenever the vessel is drydocked, for whatever reasons, contradicted a subsequent section with a more reasonable notification requirement.

The Coast Guard agrees with comments that proposed §§ 115.600(e) and 176.600(f) contradict §§ 115.612 and 176.612, respectively, which contain specific requirements for the owner or operator to contact the OCMI whenever a vessel is drydocked or hauled out for repairs affecting the safety of the vessel. Therefore the Coast Guard deleted proposed §§ 115.600(e) and 176.600(f).

In addition to changes made as a result of comments, the Coast Guard has modified the requirements for vessels operating as other than inspected small passenger vessels. Under the Passenger Vessel Safety Act of 1993, a vessel of less than 100 gross tons may be chartered without crew as a recreational vessel and carry twelve passengers. The

Coast Guard has clarified the conditions under which an inspected passenger vessel may operate as an uninspected vessel by revising §§ 115.114 and 176.114 to be consistent with the Passenger Vessel Safety Act of 1993.

## 2. Parts 116 and 177—Construction and Arrangement

These parts generated the most public comment. Comments on both parts focused on the proposed plan submittal requirements. The majority of the comments addressed the structural fire protection requirements in Part 116, Subpart D, which apply to vessels carrying over 150 passengers, and vessels with accommodations for more than 49 overnight passengers. Within Subpart D, comments fell into four areas: Use of polyurethane foam; fire control boundaries; ceiling and interior finishes; and stairway, stairtower and ladder arrangements.

*Sections 116.202 and 177.202 Plans and information required.* Over 70 comments objected to the requirement to submit a complete set of plans to the cognizant Officer in Charge, Marine Inspection (OCMI) prior to the start of construction. The comments considered this to be an unreasonable interference with the private sector, and cited contractual, financial or other reasons to start construction early. The majority of the comments suggested that the provisions in proposed paragraph (c) would adequately cover the owner's or builders's risks of starting construction early and that the working regarding plan submittal should be the same as that in existing 46 CFR 177.05-1. The Coast Guard revised these sections to require only Outboard Profile, Inboard Profile and Arrangement plans to be submitted prior to the start of construction. The remainder of the plans must be submitted for approval before the vessel receives a Certificate of Inspection. In addition, references in subchapter K to OCMI approval of plans were removed, and replaced with Commanding Officer, Marine Safety Center approval. The Marine Safety Center has been responsible for the plan review of vessels: 65 feet in length and greater; carrying over 150 passengers; or a unusual design for several years. The deletion of OCMI approval clarifies the Marine Safety Center's role as the plan review center for vessels constructed in accordance with subchapter K.

The remaining comments focus on the increased number of plans required to be submitted. The comments believed that the increased number of plans required, from (9) to (25), would delay the Coast Guard review process, and add expense to the construction of a

vessel. The intent of the rewording in the SNPRM was to better explain the details already required on plans submitted for review. The intent was not to require three times the number of plans to be submitted for review. In response to the comments, the Coast Guard revised these sections, and has grouped required plan details under general headings similar to those in existing § 177.05-1.

*Section 116.300 Structural design.* Several comments expressed concern that this section did not allow the use of fiberglass reinforce plastic (FRP) or composite construction. Other comments suggested that this section should identify a recognized design standard for FRP or composite construction. The Coast Guard does not wish to prohibit the use of these materials; however, there is currently no recognized design standard that provides an equivalent level of safety to vessels constructed in accordance with this part. Consequently, vessels constructed of FRP or composite materials and subject to the provisions of subchapter K are considered to be constructed of "special materials." These vessels will be considered and reviewed in accordance with the provisions in § 116.340 for alternate design considerations. No changes have been made from the proposed regulations.

*Section 116.400 Application.* Several comments pointed out that paragraph (a)(2) should read "Vessels with overnight accommodations for more than 49 passengers but not more than 150 passengers" and that paragraph (b) should read "Vessels with overnight accommodations for more than 150 passengers must comply with § 72.05 of this chapter." The Coast Guard agrees and has revised this section accordingly.

*Section 116.405 General arrangement and outfitting.* One comment discussed the testing of mattresses and proposed the use of California Technical Bulletin 129 (CAL TB 129), "Flammability Test Procedure for Mattresses for Use in Public Buildings." The Coast Guard agrees that materials should not be limited prescriptively, but the use of a standard based on a single State's regulation is generally not acceptable in a national and international industry. However, the Coast Guard will pursue development of similar standards through a recognized national forum. It is expected that Underwriters Laboratories (UL) or American Society for Testing and Materials (ASTM) will develop similar acceptable standards. For example UL 1056, "Fire Test of

Upholstered Furniture," is similar to Cal TB 133, "Flammability Test Procedure for Seating Furniture Used in Public Occupancies." However, the International Maritime Organization (IMO) Resolution A.688(17), "Fire Test Procedures for Ignitability of Bedding Components," is an international maritime standard that sufficiently test the ignitability of mattresses and the associated blankets using a cigarette and an open flame. The IMO standard does not prohibit the use of polyurethane foam. In an attempt to harmonize industry standards worldwide, the IMO standard has been incorporated for the testing of mattresses on U.S. vessels. The regulatory text is amended to add the alternative of compliance with IMO Resolution A.688(17). Compliance with the U.S. Department of Commerce (FF 4-72.16) "Standard for Mattress Flammability" is still acceptable provided the mattress does not contain polyurethane foam. The proposed complete prohibition on the use of polyurethane foam is removed.

*Section 116.415 Fire control boundaries.* Several comments recommended that an automatic 10 percent extension of the 40 meter (131 foot limit) on main vertical zone (MVZ) length be incorporated into the regulations because subchapter K vessels do not operate in the same environment as SOLAS vessels and Coast Guard policy has permitted extensions of MVZ length. The Coast Guard agrees, in part, and has added a provision to the IFR which allows the Commanding Officer, Marine Safety Center to extend the MVZ length to 44 meters (144 feet). The maximum allowable MVZ horizontal step size has also been changed to be consistent with current policy. The provisions to allow extension of MVZ length, although not automatic, will help provide vessel owners with the necessary design flexibility. The decision to grant an extension of MVZ length is not automatic and should only be made after considering the effect on the overall level of safety. Recent amendments to SOLAS allow the length and width of MVZ's to be further extended to a maximum of 48 meters (157 feet) provided that the total area of the main vertical zone is not greater than 1,600 square meters (17,200 square feet) on any deck; however, SOLAS also requires full sprinkler systems for passenger spaces. The Coast Guard has also published guidance applicable to passenger vessels on protected routes that explicitly details requirements necessary for vessels to be designed with "long MVZs." This guidance is

published in Navigation and Vessel Inspection Circular (NVIC) NO. 8-93 "Equivalent Alternatives to 46 CFR subchapter H Requirements Related to Means of Escape, Safe Refuge Areas, and Main Vertical Zone Length." Subchapter K vessels may, through the equivalency provisions in 46 CFR 114.540, build to the structural fire protection provisions in subchapter H, part 72.05 and, if on a protected route, the long MVZ alternative in NVIC 8-93, in lieu of the provisions in 46 CFR Part 116. The Coast Guard has and will continue to consider proposals for the extension of MVZ length, beyond regulatory limits, if a proposal provides an equivalent overall level of safety. Extensions of MVZ length up to 44 meters (144 feet) will generally be made to allow the ends of MVZs to coincide with watertight subdivision bulkheads or in order to accommodate a large public space extending for the whole length of the main vertical zone. For extensions of MVZ length beyond 44 meters, additional features such as a heat detection system, a smoke detection system, a sprinkler system and/or additional emergency escape routes, may provided the necessary compensating provisions for subchapter K vessels. The type and number of compensating provisions will be determined on a case-by-case basis if the vessel does not comply with the published guidance.

Several comments recommended that this section be revised to incorporate the existing Coast Guard guidance published in NVIC 8-93 and Marine Technical and Hazardous Materials Division Policy File Memorandum (MTH PFM) No. 3-89 regarding the omission of draft stops in certain situations. The Coast Guard agrees and has adopted the guidance into this IFR.

Seven comments disagreed with the proposal in the SNPRM to eliminate the two categories of accommodation spaces proposed in the NPRM and replace them with one accommodation space category. One comment requested that space designations be modified to be consistent with subchapter H, and one comment requested that Tables 116.415 (b) and (c) be clearly labeled "bulkheads" and "decks" respectively. In response to the comments received, § 116.415 is amended to include a low fire load option in line with a type 5 space as defined in subchapter H. Tables 116.415 (b) and (c) are also amended so that space designations are more consistent between subchapters H and K. Additionally, the terms "bulkheads" and "decks" have been added to the tables as appropriate.

Since the publication of the SNPRM, a new low fire load policy was developed with extensive industry input and published in MTH PFM No. 1-94 on November 15, 1994. A copy of this policy may be obtained by calling Commandant (G-MMS-4) at (202) 267-1076. MTH PFM 1-94 provides the marine industry with an alternative that supplements the regulations and provides the minimum structural insulation and bulkhead classifications for certain vessels containing low risk passenger accommodation spaces with very low fire loads of not more than 5 kilograms per square meter (1 pound per square foot) fire loading. This policy primarily benefits builders of aluminum vessels because of the need to insulate bare aluminum structure for it to be considered equivalent to steel. MTH PFM 1-94 provides guidelines for the design and construction of passenger vessels with extremely low fire loading, fire resistant furnishings and greatly reduced quantities of structural insulation. This low fire load alternative applies to subchapter K vessels and the Coast Guard plans to adopt it into the final rule following an evaluation period currently underway.

The two categories of accommodation and public spaces proposed in the 1989 NPRM were low risk (fire load of 15 kilograms per square meter (3 pounds per square foot) or less) and high risk (fire load of 30 kilograms per square meter (6 pounds per square foot) or less). In an attempt to simplify design and construction requirements, and to maintain a uniform measure of structural fire protection on small passenger vessels, these two NPRM categories were revised in the SNPRM to one designation with a maximum fire load of 37.5 kilograms per square meter (7.5 pounds per square foot). As discussed above, a number of comments objected to this proposal and citing the need for both additional alternatives in the selection of furnishings and for reductions in structural insulation.

Subchapter H includes three categories of accommodation and public spaces: those with incombustible veneers and trim and fire resistant furnishings (type 5), those under 46 square meters (500 square feet) with combustible furnishings (type 6), and those over 46 square meters (500 square feet) with combustible furnishings (type 7). As stated in NVIC 6-80 "Guide to Structural Fire Protection Aboard Merchant Vessels," rooms containing combustible furnishings are considered to have a fire load of 50 kilograms per square meter (10 pounds per square foot): 37.5 kilograms per square meter (7.5 pounds per square foot) of

furnishings, and 12.5 kilograms per square meter (2.5 pounds per square foot) of passengers' effects.

In this IFR, to simplify the structural fire protection tables from subchapter H, type 6 spaces [staterooms and public spaces of 46 square meters (500 square feet) or less with combustible furnishings, and isolated storerooms] are not included. In § 116.415, for structural fire protection purposes, accommodation spaces will be differentiated only on the basis of fire load and type of furnishings. Type 6 spaces, as defined in subchapter H, would be included in the category of type 7 spaces in subchapter K. The insulation requirements for type 5 and type 7 spaces were taken from the tables in subchapter H.

Nine comments concerned the requirement for "A-0" bulkheads and decks on aluminum vessels in areas separating low fire load spaces [spaces with a fire load less than 2.5 kilograms per square meter (0.5 pounds per square foot)]. Under the guidance contained in NVIC 6-80, bulkheads and decks separating water tanks, void spaces containing less than 2.5 kilograms per square meter (0.5 pounds per square foot), and ballast tanks from open deck spaces may be constructed of uninsulated aluminum. The IMO High Speed Craft Code contains a similar provision. As indicated in the SNPRM, it is the Coast Guard's intent to permit uninsulated aluminum construction in similar areas on subchapter K vessels. Therefore, § 116.415 (b) & (c) have been amended to indicate that C'-Class construction is permitted in boundaries separating open decks, voids containing less than 2.5 kilograms per square meter (0.5 pounds per square foot) fire load, water tanks, and embarkation stations. C'-Class construction must be a noncombustible structural division that also resists the passage of smoke between adjacent spaces. The establishment of a C'-Class barrier rating is not intended to preclude the use of vents for ballast tanks or voids.

One comment noted the proposed requirement that all MVZ bulkheads meet A-30 construction exceeds the requirements of subchapter H in some cases, and this requirement should be modified so that it is not more severe than the one in subchapter H. The Coast Guard agrees in part. Accordingly, 0116.415(d) is amended to permit A-0 MVZ construction where a Type 8, 12, or 13 space is on one side of the division. This approach is also consistent with the MVZ philosophy contained in the 1992 amendments to SOLAS 74.

Two comments requested that higher fire and smoke rated loads or a reduction in structural fire protection requirements be permitted if a vessel is fully sprinklered. The Coast Guard does not concur. Active fire protection systems are generally less reliable than passive fire protection measures. However, there are instances where an active fire protection system is considered equivalent to passive measures provided the expected reliability of the active system does not significantly affect the overall level of safety. An example where it is acceptable to substitute active systems for passive measures is the balcony and atrium requirements contained in 0116.439 and 0116.440. However, fire casualty experience has demonstrated that sprinklers are not in all cases an acceptable substitute for limits on fire and smoke rated loading or basic fire integrity of bulkheads and decks. No changes were made to the proposed fire load or interior finish requirements when a vessel is fully sprinklered.

Three comments asked that the proposed requirement in § 116.415(a)(1) that the hull, structural bulkheads, columns and stanchions, superstructures, and deckhouses must be composed of steel or equivalent material be changed to steel or aluminum. As stated above, boundaries of several low fire risk spaces are now permitted to be C'-Class construction, which could be met by the use of uninsulated aluminum. However, as stated in the SNPRM, since aluminum has a much lower fire endurance than steel, aluminum will require insulation in areas where there is a substantial fire risk. The requirement for steel or equivalent is modified to reflect that where specifically permitted by Tables 116.415 (b) and (c), steel or equivalent is not required, and noncombustible material may be used.

*Section 116.422 Ceilings, linings, trim, interior finish and decorations.* There were numerous comments questioning the necessity for the proposed requirement that ceiling panels be retained by continuous flanges of steel or equivalent material on the exposed side of the panel. This requirement would essentially rule out the use of typical "snap-in" type construction. The Coast Guard has reconsidered the need for this requirement and has deleted it from the regulations.

One comment addressed the use of gypsum wallboard for interior linings. All construction and interior linings are required to be noncombustible. Gypsum wallboard is required to be approved in accordance with § 164.009 in 46 CFR subchapter Q, and listed in

Commandant Instruction M16714.3E (Coast Guard Equipment List). Any finishings added to the surface must meet the requirements for finish materials in § 164.012 of subchapter Q. Any reference to a specific building material, such as "paper-faced gypsum" wallboard, is not necessary and has been removed from the regulations.

One comment expressed concern over the potential loss of strength of paper-faced wallboard during or after a fire. The Coast Guard believes that if the wallboard is part of the fire rated wall construction, this concern is already addressed since the barrier is required to meet the furnace test requirements in American Society for Testing and Materials (ASTM) Standard E-119 "Standard Test Methods for Fire Tests of Building Construction and Materials." If a lining is not part of the wall for the purpose of fire rating then its fire integrity is not a concern under the current regulations. Therefore, the requirements in § 116.422 have been amended to be consistent with the existing requirements in subchapter H for noncombustible construction and interior finish.

Several comments suggested changing the flame spread/smoke generated performance requirements for approved interior finishes in the ASTM E-84 "Test for Surface Burning Characteristics of Building Materials" tunnel test from 20/10 to 20/25. The Coast Guard disagrees and believes that the 20/10 standard maintains an appropriate level of safety. However, the Coast Guard will consider industry research that provides data indicating an alternative requirement will not degrade the current level of safety.

Several comments addressed using other test methods for testing the flammability of wall lining materials. The Coast Guard notes that research is being conducted into the feasibility of other test methods, including International Organization for Standardization (ISO) 9705 "Fire Tests—Full-Scale Room Test for Surface Products." However, the International Maritime Organization (IMO) has not yet set the performance requirements for this test. The test prescribed in subchapter K will not be changed; however, any similar test procedure, as outlined by SOLAS, will be considered as an acceptable substitute.

One comment suggested allowing wool carpet to be used as a wall lining material because of claims that it is self extinguishing in the vertical direction. Wool could theoretically be used if it met the requirements for bulkhead linings or veneers including the thickness limitation and the flame

spread and smoke generation rating. These performance requirements limit the material's contribution to fire growth and fire severity after flashover. This interpretation is consistent with the intentions of the performance standards and does not specifically address any single material.

*Section 116.423 Furniture and furnishings.* There were numerous comments regarding the use of California Technical Bulletin 133 (CAL TB 133) and other flammability tests for upholstered furniture. The Coast Guard is currently researching the acceptability of a number of flammability tests for upholstered furniture. Research thus far indicates that UL 1056 is an acceptable alternative wherever fire resistant furnishings are required. UL 1056 is essentially option B of CAL TB 133, and it is envisioned that furniture tested to UL 1056 will be accepted by the state of California and vice versa, thus reducing the burden on industry. Therefore, § 116.423 is amended to allow the acceptance of furniture meeting UL 1056 in all accommodation spaces. Furniture meeting UL 1056 is also acceptable where fire resistant furnishings or furnishings constructed of approved fire resistant materials are required.

Several comments objected to the prohibition of polyurethane foam in furniture and furnishings. The Coast Guard agrees that this restriction is not necessary and has deleted this requirement from § 116.405(k). It is noted that furniture meeting the performance criteria in UL 1056 may contain polyurethane foam. Other uses of foams will be limited by existing regulations. The requirements in § 116.423 for furniture and furnishings have been amended to make them consistent with subchapter H requirements.

Several comments addressed the issue of accepting either small scale or large scale test procedures for National Fire Protection Association (NFPA) 701 "Methods of Fire Tests For Flame-Resistant Textiles and RM Films." Either method is acceptable in light of work done by the respective committee to make both methods consistent. Section 116.423 is amended to reflect that either the small or large scale tests will be acceptable.

*Section 116.425 Deck coverings.* One comment asked that the Coast Guard reconsider the acceptance of carpets constructed of wool blends with synthetics. Subchapter H prohibits the use of carpets that are not wool or equivalent in spaces where fire resistant furnishings are required. As previously discussed, subchapter K is revised to

allow the construction of either high risk or low risk accommodation spaces corresponding to type 7 and type 5 accommodation spaces in subchapter H. Wool or equivalent carpet is still required in low risk (type 5) accommodation spaces, and in corridors and stairways. Other types of carpeting, including wool blends, may be used in high risk (type 7) accommodation spaces.

Also, to be consistent with the format of subchapter H and guidance in NVIC 6-80, the section on rugs and carpets is moved to § 116.423.

*Section 116.427 Fire load of accommodation spaces.* Two comments asked how to account for interior finish in fire load calculations. One comment suggested a new method of calculating fire load that would allow the use of wall and surface finishes that are considerably thicker than allowed in subchapter H. The Coast Guard has great concern about the contribution of combustible wall lining and surface finishing materials to a fire in a particular space, and has not relaxed the requirement in subchapter K for surface finishes to be approved in accordance with § 164.012. Research continues in this area and new methods will be introduced when properly researched and validated as to the level of safety obtained by the method. As proposed in the SNPRM, all combustibles in a space must be included in the fire load calculations, including interior finishes.

Nine comments asked for an option to allow the design of a space for a low fire load with an appropriate reduction in structural fire protection. The Coast Guard agrees and has amended § 116.427 to indicate wherever an accommodation space is a low risk accommodation space (see § 114.400 for definition), fire load calculations must be submitted to the Marine Safety Center. This section is also amended to indicate that where a space is designated as a low risk service space, the OCMi may require the submission of fire load calculations to the Marine Safety Center. The reason for this change is that amendments to the definition of a low risk service space permit certain pantries to be considered as low risk service space if the fire load is less than 15 kilograms per square meter (3 pounds per square foot). When an OCMi is concerned that the fire load in a pantry categorized as a low risk service space is higher than 15 kilograms per square meter (3 pounds per square foot), the OCMi may require the submission of fire load calculations. See discussion on § 116.415 for additional information regarding the low fire load option.

One comment suggested that fire load should be calculated on the basis of gross deck area without excluding aisles and equipment. Since the method of calculation required by this section computes fire load by dividing the total weight of combustibles by the total deck area, no modifications are required.

*Section 116.433 Window and airports in fire control boundaries.* One comment concurred with the requirements proposed in this section.

Two comments questioned the proposed minimum height of 900 millimeters (3 feet) for the bottom of a window when adjacent to a passageway since dinner tables are often installed adjacent to windows fitted in the sideshell of the vessel. As noted in the preamble of the SNPRM, the intent of this requirement is to prevent people from tripping over the frame or lower support structure of a window or falling through the glass. Similar land based criteria, found in the NFPA Life Safety Code, requires placement of guards at least 1100 millimeters (42 inches) high in new construction, and 900 millimeters (36 inches) high in existing construction. Furthermore, the proposed requirement only applies to windows that are installed adjacent to a passageway, and the minimum height requirement does not apply if a storm rail is installed adjacent to the glass. The proposed requirement was not changed.

Four comments concerned the protection of windows adjacent to an embarkation station, escape route, or survival craft storage area. Of the four comments, three said that this requirement is not practicable, and one said that the requirement should be a minimum. SOLAS requires that "special attention" be given to windows fitted in similar areas, recognizing that the failure of these windows could impede the launching or embarkation of life saving appliances. The proposed requirement was not changed.

One comment said that since glazing material in windows accessible to passengers and crew should not produce a hazard to passengers and crew, the tempered glass required by § 116.433 should be a minimum, and that laminated glass should also be accepted. The Coast Guard agrees, and § 116.433(a) indicates that either tempered or laminated glass is acceptable.

*Section 116.435 Doors.* One comment questioned the need for loading doors that lead over the side to be fire rated. The Coast Guard's position is that a door must maintain the integrity of the barrier. The rating of the barrier is determined by the fire hazards within

the space and the resultant barrier rating determines the rating of the opening. The U.S. still continues to specify, prescriptively, requirements for doors in each type of division such as is done in this section and in § 72.05-25 of subchapter H. The Coast Guard does not intend to change these requirements at this time. Research continues on determining the hazards associated with exterior doors and openings that could allow smoke and flame spread up the outside of the vessel.

One comment suggested accepting UL rated doors as an alternative to the current Coast Guard requirements. The Coast Guard is currently researching the acceptance of UL rated doors as an alternative for the current requirements. If found satisfactory, the Coast Guard will incorporate UL 10B "Fire Tests of Door Assemblies" by reference in the final rule.

*Section 116.438 Stairways, stairways, ladders, and elevators.* Many comments were received about the proposed requirement in paragraph (a) that stairways, stairtowers, ladders, elevators, and landings be composed of steel, thus prohibiting the use of aluminum. The Coast Guard agrees that requiring all stairways to be composed of steel may be too strict and exceeds the requirements of subchapter H. Subchapter H requires that all stairways, ladders, and elevators within main machinery spaces and cargo holds be made of steel; stringers, treads, platforms, and landings of all stairways, except exterior stairways, be of solid steel construction; and risers be of approved noncombustible material. The Coast Guard requires steel because it exhibits good fire endurance, especially when compared to non-insulated aluminum. Although aluminum decks and bulkheads can be insulated to provide adequate fire performance, it is impractical to similarly insulate stairways treads and support structures. The Coast Guard strongly believes that the need to ensure vessel designs provide an adequate means of vertical egress is paramount. The integrity of these egress facilities is required for both personnel egress and fire fighter access. The Coast Guard has revised § 116.438(a) to provide additional guidance and to clarify the requirements for stairtower and stairway material requirements and to allow the use of noncombustible materials in certain stairway designs.

One comment suggested rewording § 116.438(e) so it would read as a positive statement. Paragraph (e) is revised to indicate that curved and spiral stairs require specific approval of the Commandant.

One comment objected to the zero tolerance allowed for the tread and the height of riser measurements in an individual flight of stairs. The Coast Guard agrees. Section 116.438(f) is revised to allow a 4.8 millimeter (3/16 inch) variation in the depth of adjacent treads or in the height of adjacent risers as allowed in the NFPA Life Safety Code.

One comment requested that the requirement in proposed § 116.438(i) be changed to allow the inclination of stairways to exceed 40 degrees for smaller boats. The Coast Guard believes stairways with very high inclinations are an undesirable design for escapes because they may be unusable to many passengers, including the elderly, disabled, those unfamiliar with vessel construction, or those disoriented by fire, smoke, or other emergency. However, this paragraph was revised to give the Commanding Officer, Marine Safety Center discretion to increase the allowable stairway inclination for circumstances that have severe space constraints.

A few comments suggested that the proposed requirement in § 116.438(l) that each main vertical zone have at least one stairtower for all persons served in the zone, was too arduous for smaller passenger vessels. The Coast Guard strongly believes that the need for vertical egress is paramount. However, the Coast Guard understands that the formal stairtower requirement may be difficult to satisfy when designing smaller passenger vessels. The Coast Guard has revised § 116.438(l) to provide alternate stairtower arrangements for smaller passenger vessels, similar to existing Coast Guard policy in NVIC 8-93, while still maintaining appropriate means of escape.

Paragraph 116.438(m)(3) is revised to include egress routes to area of refuge and make the minimum tread width requirement more practical by taking into account the use of excess landing areas and areas of refuge to reduce the width of a stairway.

**Section 116.439 Balconies.** Two comments were received on this section. Each requested a 10% increase in the permissible equivalent main vertical zone length over the 40 meters (131 feet) specified in proposed § 116.415(d)(1)(i). The Coast Guard does not agree. Current shipbuilding practice in the U.S. passenger vessel industry has evolved such that many balcony spaces resemble "two deck atriums," where two decks of approximately equal size are connected by a relatively small opening between the decks. The original intent of the balcony provision was to permit a short

space that overlooks a larger space, similar to a balcony in a movie theater, without imposing additional requirements. Section 116.439(c) permits this arrangement without requiring additional fire protection measures. When a multilevel space may be considered a two deck atrium, additional measures are required to maintain the intended level of safety as discussed below.

Both of the above-mentioned comments also requested the consideration of other equivalences such as the acceptance of a 46 meter (150 foot) main vertical zone for spaces with low fire loads. The Coast Guard concurs, and balconies with a main vertical zone length greater than allowed by § 116.415(d)(1)(i) will be permitted if a sprinkler system is installed. The requirement proposed in the SNPRM that the actual length of the space not to exceed the length specified by § 116.415(d)(1)(i) is retained.

As was noted in the SNPRM, the Coast Guard is concerned that this provision could be interpreted to allow the joining of two effectively separate spaces by small openings. Based on this concern, a requirement has been added in § 116.439(e) that where the balcony area is less than 93 square meters (1000 square feet), the opening must be protected in accordance with the criteria of NFPA 13 "Standard for the Installation of Sprinkler Systems." This standard includes requirements for draft stops and closely fitted sprinklers around the opening.

Also, the proposed requirement for a smoke detection system in balcony areas is withdrawn, since this requirement is in excess of SOLAS and subchapter H requirements.

These changes harmonize the balcony requirements with land based criteria and current policy interpretations. These changes also harmonize the balcony criteria with chapter II-2 regulation 29.1.1 of SOLAS, which permits balcony openings without size restriction where both spaces are clearly utilized for the same purpose (e.g., dining or gaming).

**Section 116.440 Atriums.** Four comments were received on this section, each objecting to the proposed requirement for not more than 7.5 kilograms per square meter (1.5 pounds per square foot) fire load. The Coast Guard concurs, and has withdrawn the proposed fire load restriction for atriums on vessels with conventional size MVZs.

This section also proposed a requirement for a smoke detection system in an atrium. In vessels with no overnight accommodations, each

passenger in a large public space, such as an atrium, is effectively a "smoke detector," and can be expected to report fire or smoke via the manual alarm system required by § 118.400(e)(2). Therefore, the proposed requirement for smoke detectors in the accommodation space containing the atrium is withdrawn for vessels with no overnight accommodations. Additionally, an option is added to permit the smoke extraction system required by § 116.440(c) to be designed in accordance with the principles of NEPA 92B "Guide for Smoke Management Systems in Malls, Atria, and Large Areas."

One comment stated that a sprinkler system should not be required if the space has a very low fire load. The Coast Guard does not concur. Deck to deck integrity has long been regarded as one of the primary features of the U.S. method of shipboard fire protection. Atriums are typically very large public spaces with no deck to deck integrity and a very large number of occupants. Additional fire protection is necessary to offset the lack of deck to deck integrity and the large number of passengers that may be simultaneously exposed to the effects of a fire. The Coast Guard does not believe that a low fire load would sufficiently offset the potential risk to occupants in the event of a fire. Additionally, the NFPA Life Safety Code requires that the entire building containing an atrium be protected throughout by an automatic sprinkler system. The NFPA Life Safety Code is applicable to land based occupied structures, which typically constitute a lesser fire risk than ships since occupants can egress to the street in the event of a fire. No modifications were made to the regulation based on this comment.

Paragraph (a) of § 116.440 is amended to reflect current Coast Guard policy on atrium construction.

**Sections 116.500 and 177.500 Means of escape.** Two comments considered the dead-end-passageway limit of 6 meters (20 feet) as being too restrictive because it exceeds the requirements of 12 meters (40 feet) in subchapter H. The Coast Guard disagrees. The Building Officials and Code Administrators International, Inc. (BOCA) National Building Code/1993 was used as a guide to determine the maximum length for dead-end corridors in this subchapter. The limit of 6 meters (20 feet) is actually less restrictive than the SOLAS 1992 Amendments that prohibit a corridor, lobby, or part of a corridor from which there is only one route of escape. The proposed limit on dead-end corridor lengths is appropriate for vessels

regulated by subchapter K. No changes have been made to the rule proposed in the SNPRM. A separate rulemaking will revise subchapter H to remove the allowance for dead end corridors.

Several comments requested the removal of the 20 meter (65 foot) length limit for use of vertical ladders as a means of escape on the grounds that vertical means of escape have no relationship with the length of the vessel. The Coast Guard disagrees. Ladders leading to scuttles are permitted as a means of escape only on vessels of not more than 20 meters (65 feet) because of space constraints. Ladders are an undesirable method of escape because they are unusable to many passengers, including the elderly, the disabled, those unfamiliar with vessel construction, or those disoriented by fire, smoke, or other emergency. No changes have been made to proposed §§ 116.500(l)(1) and 177.500(k)(1).

Proposed § 116.500(g) and § 177.500(f) are revised to lower the minimum clear opening of a door or passageway for crew use only to 700 millimeters (28 inches) to be consistent with § 116.438(m).

A comment asked for clarification of the 3.7 meters (12 feet) maximum dimension requirement in proposed § 116.500(q). The possibility of a design with long narrow compartments and only one means of escape could create a situation during an emergency, such as a fire, where obstruction could cause passengers to travel in the wrong direction in search of an exit. No changes have been made to this paragraph.

*Section 116.520 Emergency evacuation plan.* Nine comments were received on this section: Two stated that refuge areas should not be required on subchapter K vessels, and two stated that this paragraph would require two or more main vertical zones (MVZs) on a subchapter K vessel.

The intent of this section is not to require more than one main vertical zone on subchapter K vessels. The requirements in §§ 116.520 (a) and (b) to identify possible casualties and evacuation procedures in each main vertical zones does not require vessels be constructed with multiple MVZs.

One comment asked that all specific requirements for refuge on vessels carrying 1,000 or less passengers be deleted. The Coast Guard disagrees. The Coast Guard is concerned with what would happen to the passengers if there were no safe refuge area in the event of a fire or other casualty. A vessel design that leaves little or no room for passengers to escape from a fire in an accommodation space to outside

portions of the deck or other safe spaces is not prudent.

Safe areas of assembly for all passengers in the event of a fire are specifically addressed in subchapter H with stairtowers and in NVIC 8-93 with qualified refuge areas. As stated in the preamble to the SNPRM, § 116.520 does not specify specific standards for an area of refuge. Section 116.520 of subchapter K provides that an area of refuge required as part of the emergency evacuation plan must be approved during plan review. The intent of § 116.520 is performance based, to have vessel owners and designers identify possible casualties and design protection measures for refuge areas as appropriate. The emergency evacuation plan would identify areas of refuge for all passengers in the event of a fire in, or flooding of, any accommodation space, and the procedures for abandoning ship. For some vessels the emergency evacuation plan would be relatively short. For other vessels a substantial document may be required.

All but one comment said that the proposed requirement for 0.5 square meters (5 square feet) of deck area per passenger in refuge areas was excessive. Comments suggested the following limits (in square feet): 2.5 (twice); 2.7 (twice); 3; and 3.5. The Coast Guard concurs that 0.5 square meters (5 square feet) per person may be excessive on the smaller vessels typically subject to these regulations. This section is amended to require a minimum of 300 square millimeters (3 square feet) per person in "waiting" areas. The proposed requirement in the SNPRM that the deck area criteria apply only to "public spaces" is deleted. The deck area criteria applies to all refuge areas, independent of location.

*Sections 116.600 and 177.600 Ventilation of enclosed and partially enclosed spaces.* Several comments suggested removing redundant or unnecessary ventilation system requirements in proposed §§ 116.600 (b) and (e). The Coast Guard agrees and has amended the regulatory text for both §§ 116.600 and 177.600.

One comment on proposed § 116.600(f) stated that exhaust ducts fitted over cooking surfaces in snack bars should be exempted from this requirement. The Coast Guard concurs. A land based standard NFPA 96 "Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations," specifically prohibits the installation of a fire damper in exhaust

ductwork. Therefore, the requirements in §§ 116.600(f) and 177.600(f) have been modified to require that an exhaust duct over a cooking appliance must be constructed of steel with a minimum thickness of 11 U.S. Standard Gauge. This requirement is intended to ensure the integrity of any rated bulkheads penetrated by the duct. This modification makes this requirement consistent with SOLAS regulation II-2/23.1.8 that requires exhaust ducts from galley ranges to be constructed and insulated to A-60 Class construction.

Two comments on this section disagreed with the prohibition in proposed § 116.600(g) of the SNPRM against the installation of wiring, piping, or other materials inside of ductwork. The Coast Guard agrees, in part. This requirement was added to the SNPRM in response to a comment on the NPRM that concerned combustibles installed in ductwork. The requirements in § 116.600(g) and § 177.600(g) have been modified to indicate that metal piping and electrical wiring installed in a metal protective enclosure (conduit) may be installed within ventilation ductwork if it does not interfere with the operation of fire dampers. The prohibition is retained for exhaust ducts fitted over a frying vat or grill.

*Sections 116.710 and 177.710 Overnight accommodations.* One comment concerned the wording of the regulatory text in § 116.710(b) and indicated that the proposed wording was subject to misinterpretation of the "12 hour rule." It was noted that frequently a single crew may actually be on board longer than 12 hours. The requirement for overnight crew accommodations applies to situations where an alternate operating crew is on board, and the vessel will be underway more than 12 hours. The Coast Guard agrees with the recommended clarification, and believes that paragraph (a) can stand alone, and paragraph (b) only confused the requirement. Paragraph (b) of § 116.710 and § 177.710 has been deleted accordingly.

*Sections 116.800 and 177.800 General requirements.* One comment to § 116.800(d)(1) expressed concern that the wording could be interpreted to prohibit lamps and other non-threatening electrical equipment. The Coast Guard agrees. The Coast Guard does not intend to prohibit non-threatening electrical appliances or amenities for the comfort of the passengers in accommodation spaces. The words "electrical equipment" in §§ 116.800(d) and 177.800(d) have been replaced with the words "electrical generation equipment or transformers."

*Sections 116.820 and 177.820*

*Seating.* A comment was received suggesting that, if necessary, the owner should have the option of using portable seating to meet the fixed seating criteria of § 116.820. The Coast Guard disagrees. Seating is used as one way to determine the number of passengers permitted in accordance with § 115.113(b)(3) and § 176.113(b)(3) as appropriate. Portable seating is not precluded by the regulations. However, § 115.113(b)(3) and § 176.113(b)(3) provide three criterion for determining passenger capacity based on rail area, deck area, or fixed seating. The intent of these regulations is to determine the potential passenger capacity for stability purposes. Portable seating can be removed permitting a greater number of passengers in a space than may be considered in stability calculations. If seating is used to determine passenger capacity it should be permanent and remain in place during operation. No changes have been made to the rule proposed in the SNPRM.

*Sections 116.960 and 177.960 Guards for exposed hazards.* One comment stated that guards should be installed on all rental houseboat propellers in order to prevent injuries from propeller strikes. Under the provisions of the Passenger Vessel Safety Act (PVSA) of 1993 (Title V of Pub. L. 103-206), certain houseboat-type vessels may come under the inspection requirements of subchapter T. The Coast Guard conducted a survey of vessels applying for inspection under the PVSA and found that rental houseboat operators are choosing to reduce the number of passengers carried rather than be subject to inspection. In addition, the Coast Guard has no record of fatal casualties on vessels operated by licensed masters operating under the authority of their license. No changes have been made to the rule proposed in the SNPRM. However, in a notice published May 11, 1995 (60 FR 25191), the Coast Guard solicited comments from all segments of the marine community and other interested persons on various aspects of propeller accident avoidance. Based on the public's response to that notice during the 60 day comment period, the notice was reopened and the comment period extended to November 7, 1995 (60 FR 40545). Requirements for propeller guards may be addressed in a separate rulemaking at some point in the future.

Another comment stated that the Coast Guard has ignored two common areas of personal injury: First, the comment noted that the Coast Guard, unlike the Occupational Safety and Health Administration (OSHA), does

not require nonslip surfaces on stairways. Second, it suggested that open deck hatches should be included as an example of an exposed hazard under §§ 116.960 and 177.960 and require a guard. The Coast Guard understands the comments concerning personal injury. However, it believes that further study is needed in the areas of nonslip surfaces and open hatch protection before requirements are promulgated. The Coast Guard solicits input on the need to incorporate existing standards, or develop performance based standards for nonslip surfaces and open hatch protection aboard vessels.

*Sections 116.1010 and 177.1010 Safety glazing materials.* One comment stated that glazing materials used on windows accessible to passengers and crew should not break on contact and should not break into shards. The Coast Guard agrees that all windows to which passengers and crew have access should be of appropriate material to prevent injury due to breakage. No significant changes have been made to the requirement proposed in the SNPRM.

*Section 116.1160 Watertight integrity.* One comment noted that coamings should be eliminated on protected routes to meet the affirmative requirements of the Americans with Disabilities Act (ADA). The Coast Guard notes that the application of the ADA to the passenger vessel industry is still under study by the John A. Volpe National Transportation Systems Center. It is not possible to fully assess the need for reduced coamings or other measures until the study is complete. It should be noted coamings are not required on flush deck vessels on protected routes; however, coamings are required for a cockpit or well. The coaming requirement is unchanged, but may be revised at a later date.

### 3. Parts 117 and 180—Lifesaving Equipment and Arrangements

The comments on these parts, which apply to both subchapter K and subchapter T respectively, focused on the proposed requirement to upgrade primary lifesaving equipment, including a requirement for vessels on certain routes to install inflatable primary lifesaving devices. While the comments generally supported the Coast Guard's consideration of vessel route and water temperature in establishing lifesaving equipment requirements, there was concern with both the initial and the required annual inspection costs of inflatable devices. Also, the comments noted that the casualty data, especially in warm water, did not support such a costly upgrade. Citing the Coast Guard's

own lifesaving study, and even adding in the fatalities of the recent *EL TORO II* casualty, the comments correctly stated that less than one life per year was lost due to hypothermia on inspected small passenger vessels over the past twenty years.

The Coast Guard appreciates the high cost of upgrading this equipment, but considers the present level of primary lifesaving equipment to be inadequate, particularly for wood vessels in cold water ( $\leq 15$  degrees Celsius). Wooden vessels make up 24% of the inspected small passenger vessel fleet yet account for over 90% of the casualties involving a loss of life or the loss of the vessel. Over 40% of these casualties involved hull failures on wooden vessels not required to be subdivided by watertight bulkheads. Because of the disproportionate number of casualties involving wooden vessels without watertight bulkheads, the Coast Guard has established a construction equivalency for small wooden vessels operating in cold water. Wooden vessels not more than 65 feet, and carrying not more than 49 passengers built after March 11, 2001, must meet the subdivision requirements contained in part 179 of subchapter T. Wooden vessels not more than 65 feet, and carrying not more than 49 passengers built prior to March 11, 1996, operating in cold water must either meet a modified subdivision standard using existing bulkheads or carry increased survival craft after March 11, 2001. Wooden vessels not more than 65 feet, and carrying not more than 49 passengers built between March 11, 1996, and March 11, 2001, have the option of meeting the modified subdivision standard or carrying increased survival craft upon certification of the vessel. The Coast Guard developed the optional modified subdivision standard for existing vessels to reduce the cost of compliance to the small vessel owner/operator. The Coast Guard believes that most existing vessels have bulkheads that can be made watertight in machinery and steering gear spaces. During the development of the construction equivalency, the Coast Guard contacted small passenger vessel organizations for their input and comments. The individuals contacted believed that providing options for the owners and operators of existing wooden vessels was better than just increasing survival craft requirements across the board. The Coast Guard solicits comments on the construction equivalency for wooden vessels.

Overall, the Coast Guard believes the upgrading of primary lifesaving

equipment is considered necessary to address the effects of hypothermia and exposure not envisioned by the original regulations; however, the Coast Guard reexamined the extent to which survival craft requirements should be increased from existing standards.

Based upon a review of comments and sinking casualties over the past twenty years, the survival craft requirements of parts 117 and 180 have been reduced in most cases from those proposed in the SNPRM. The Coast Guard considered other requirements within this rule, such as EPIRBs, fixed firefighting and detection systems, bilge alarms, and optional or required subdivision standards. All of these features make up an entire vessel safety system designed to reduce the risk of a vessel loss and shorten emergency response time. In addition, based on reconsideration of the overload capacity of an inflatable buoyant apparatus (IBA), fewer IBA's are needed to safely accommodate the total number of persons on board certain vessels.

The Coast Guard has also reduced the survival craft requirements for vessels fitting into the K category (Over 600 passengers, or over 150 overnight passengers, or over 200 feet in length). The requirements proposed in the SNPRM for these vessels to comply with the lifesaving equipment regulations contained in part 75 of subchapter H has been removed. The Coast Guard believes that the requirements contained in part 117 of subchapter K properly focus survival craft requirements to high capacity small passenger vessels.

Several comments stated that the one mile survival craft exemption should be increased up to five miles. The Coast Guard partially agrees and has provided reduced survival craft requirements for vessels operating within three miles of the coast that meet either subdivision or EPIRB requirements. The one mile exemption still exists with permission from the OCMi for vessels operating on the Great Lakes. The one mile exemption also applies to vessels operating on lakes, bays, and sounds, and rivers routes. The OCMi may also allow further reductions in survival craft to vessels operating on set schedules with strict communications requirements.

Overall, the Coast Guard believes these revisions better match the requirements for primary lifesaving equipment to casualty data and the perceived increased risk due to the scope of a vessel's operation and number of passengers carried. In order to simplify interpretation, the format of tables 117.200(c) and 180.200(c) is changed to align survival craft

requirements with routes currently specified on a vessel's Certificates of Inspection.

In addition to liferaft requirements, several comments addressed other sections within parts 117 and 180. These included:

*Sections 117.68 and 180.68 Distress flares and smoke signals.* Three comments stated the proposed requirement for a Coast Guard approved waterproof container for distress signals was too restrictive, and that pyrotechnics manufacturers provide a variety of waterproof containers for their products.

The Coast Guard agrees and has removed the requirement that the container be Coast Guard approved; however, the proposed container marking requirements are retained in new §§ 122.614 and 185.614.

*Sections 117.71 and 180.71 Life jackets.* The comments to these sections expressed concern that the use of cork and balsa wood lifejackets would be discontinued without a phase out period. Their concern focused on the economic impact to vessels that still carry this type of lifejacket.

The Coast Guard agrees and has placed a three-year-phase-out period in new paragraph (d) of §§ 117.71 and 180.71. The Coast Guard will encourage owners to retire a certain percentage of lifejackets annually in order to meet the three-year deadline and reduce economic impact.

*Sections 117.175 and 180.175 Survival craft equipment.* One comment stated that the liferaft equipment pack designators "limited service" and "ocean service" should be deleted because they are outdated and have been superseded by SOLAS compatible standards found in 46 CFR 160.151.

The Coast Guard agrees and has removed references to § 160.051 from this rulemaking in favor of the updated approval found in § 160.151.

#### 4. Parts 118 and 181—Fire Protection Equipment

The comments on these parts, which apply to both subchapter K and subchapter T respectively, focused on automatic main engine shutdowns associated with certain fixed fire extinguishing systems.

Over 25 comments expressed concern that the operator would not be in complete control of the vessel in an emergency; especially if a vessel was operating in a high traffic seaway. Even those in favor of fixed fire extinguishing systems indicated they would rather have a fire alarm or indicator at the operating station get their attention first, and allow them to assess their

operational situation before the system is actuated. Many had little faith in automatic devices that could render the vessel helpless in the case of malfunction.

The Coast Guard believes that clarification of the fixed fire extinguishing system requirements is needed. Above all, the operator of a vessel required to install a fixed fire extinguishing system has alternatives when choosing a system. If an operator desires to be alerted to a potential fire prior to a fixed system discharge, a manually activated fixed fire extinguishing system with a fire detection system is the most likely choice. If, on the other hand, an operator prefers to have a fully automatic fixed fire extinguishing system, that is also acceptable. Regardless of the system type, the automatic shutdown of propulsion machinery and mechanical ventilation serving the protected space is required when the system is activated to prevent the depletion of the extinguishing agent and to stop the flow of fuel or lubricating oil that is a likely source of the fire.

The automatic engine and ventilation shutdown requirements for fixed fire extinguishing system installations in machinery spaces are not new and are existing requirements for inspected vessels over 100 gross tons. Further, existing fixed fire extinguishing systems aboard vessels have an automatic shutdown feature unless the OCMi granted an exemption for vessels operating in white water or hazardous bar locations.

Eleven comments stated that fixed fire extinguishing systems should not be required on diesel-propelled vessels. Based upon these comments the Coast Guard conducted an extensive review of fires reported on inspected small passenger vessels over the last 12 years. The review found that 67% of the 157 fires reported started in the engine room. Of the 105 engine room fires, 98% of the fires occurred on diesel-powered vessels. Based on this review, no change is made to the rule proposed in the SNPRM.

The Coast Guard noted that, under certain circumstances, the installation of a portable carbon dioxide fire extinguisher as a fixed extinguisher, as allowed by existing § 181.20-5(b), was effective in combating engine room fires. Thus, the Coast Guard has reconsidered the rule proposed in the SNPRM, and will allow the installation of a portable carbon dioxide fire extinguisher as a substitute for a fixed system where the amount of carbon dioxide required in a fixed system can be supplied by a

portable or semi-portable extinguisher. The Coast Guard believes that smaller vessels and vessels with small compartments requiring fixed fire protection will benefit most from reinstating this option.

Additional comments to Parts 118 and 181 identified other areas besides engine shutdowns and the need for fixed fire extinguishing systems that required a response from the Coast Guard. These include:

*Section 118.300 Fire pumps.* Two comments stated that pitot tube pressure readings should be taken from a fire hose combination nozzle in the solid stream position. The Coast Guard disagrees. Combination nozzles should not be used when determining pitot tube pressure because turbulence within the nozzle will result in an inaccurate reading. Smooth bore nozzles are best suited for determining pitot tube pressure.

*Sections 118.300 and 181.300 Fire pumps.* Several comments objected to the proposed requirement that the fire pump be capable of remote operation from the bridge. The comments stated that eye-to-eye contact between the nozzle operator and the master was required for safety reasons. The Coast Guard disagrees. Having the ability to start the fire pump remotely gives the master of the vessel more options with the use of his or her crew during an emergency. Proper hose handling and communication between the crew on scene and the bridge will considerably reduce any danger associated with remotely starting the pump.

One comment stated that having the fire pump driven off a propulsion engine is fine until the fixed fire extinguishing system is activated and shuts down the engine. The comment went on to state that a propulsion engine that drives a fire pump should be required to draw its air from outside the space protected, or have a second power source or pump provided. The Coast Guard agrees with the intent of the comment; however, as stated previously, the owner or master has options when selecting a fixed fire extinguishing system. Over 60% of the small passenger vessel fleet is made up of vessels that do not require a fire pump because of their small size and passenger capacity. For this type of vessel, an automatically activated system will tend to be installed as the primary method for extinguishing a machinery space fire. On the other hand, larger vessels with larger machinery spaces tend to rely upon the fixed fire extinguishing system as a last chance to save the vessel once portable extinguishers and fire main resources

have failed. The Coast Guard believes that the concerns expressed in the comment are valid, and that owners and operators of vessels required to have fixed fire extinguishing systems should consider these factors when selecting a system.

*Sections 118.320 and 181.320 Fire hoses and nozzles.* Two comments stated that consideration should be given to UL approved polycarbonate nozzles for marine applications. The Coast Guard disagrees. As stated in the SNPRM preamble, polycarbonate nozzles have not been shown to have the same corrosion resistance and fire safety properties as brass when used in a marine environment. Further, these nozzles are not tested to marine environment standards. The Coast Guard is considering adopting ASTM Standard F1456 "Standard Specification for Fire Hose Nozzles" as an alternative to § 160.027 of this chapter in order to give the industry more options when choosing fire hose nozzles.

Three comments asked if a four foot applicator is required with the fire hose nozzle approved under § 160.027 of this chapter. The applicator is required as part of the combination nozzle's approval under § 160.027 of this chapter. However, the Coast Guard has accepted a different style of nozzle available without an applicator as equivalent to the nozzle approved under § 160.027 of this chapter. In order to clarify the alternatives available, § 118.320 is amended to include a reference to nozzles specifically approved by the Commandant.

*Sections 118.400 and 181.400 Fixed fire extinguishing and detecting systems when required.* References to "Halon" and "carbon dioxide" have been deleted from the text. This change reflects the development of alternative fire extinguishing gases, new guidance from the U.S. Environmental Protection Agency (EPA) Significant New Alternatives Policy (SNAP) List, new guidance from the National Fire Protection Association (NFPA 2001 "Clean Agent Systems") and the 1994 cessation of production of new Halon. Guidelines for the application of alternative gases are under development at the International Maritime Organization (IMO). Commandant (G-MMS-4) will develop similar guidance for approval of fixed gas fire extinguishing systems employing gases other than Halon or carbon dioxide. Alternate gases may include halocarbons or mixtures of inert gases.

Additionally, this section is revised to indicate that other types of fire extinguishing systems may be approved by the Commandant. For example,

guidelines for use of water mist fire extinguishing systems were recently developed by the International Maritime Organization (Maritime Safety Committee, 64th session, Draft Guidelines for Approval of Equivalent Fire Extinguishing Systems as Referred to in SOLAS 74 for Machinery Spaces and Cargo Pump Rooms). It is likely that following finalization at IMO, the Commandant will accept water mist and other systems for application on U.S. flag vessels.

Two comments stated that areas with large numbers of people in them should not need smoke detectors as proposed in § 118.400(e) because passengers act as smoke detectors.

The Coast Guard agrees. Existing Coast Guard guidance contained in MTH PFM 1-94, for vessels without overnight passenger or crew accommodations, allows public spaces that are assumed to be occupied by a large number of people to only be served by a manual fire alarm. This exemption has been added to the IFR.

Two commenters stated that the fixed fire extinguishing system requirement for storerooms containing liquor of 80 proof or higher was excessive. The Coast Guard partially agrees. The blanket requirement to have all liquor storage lockers containing liquors of 80 proof or higher protected by a fixed fire extinguishing system is revised to include a container volume limit. The volume limit is based on the National Fire Protection Association's Flammable and Combustible Liquids Code (NFPA 30) which provides guidance on container and portable tank storage. For flammable liquids with a flash point below 22.8 degrees Celsius (73 degrees Fahrenheit) and a boiling point above 37.8 degrees Celsius (100 degrees Fahrenheit), glass containers are limited to 0.946 liters (one quart) capacity, metal containers are limited to 18.9 liters (five gallon) capacity, and Department of Transportation Type III non-reusable polyethylene containers are limited to 9.5 liters (2.5 gallons). The Distilled Spirits Council of the United States reports in its Recommended Fire Protection Practices for Distilled Spirits Beverage Facilities that liquors of 80 proof have a Tag Closed Cup flash point of 26.1 degrees Celsius (79 degrees Fahrenheit). The Coast Guard believes that a two and one half gallon limit on individual container capacity meets the intent of NFPA's nationally recognized practice. This provision is added to the IFR.

*Sections 118.410 and 181.410 Fixed gas fire extinguishing systems.* Citing space limitations, a few comments stated the storage cylinders for fixed fire

extinguishing systems should be able to be located within the space protected.

This installation method was already allowed in the SNPRM for spaces less than 170 cubic meters (6,000 cubic feet); however, automatic operation by a heat actuator is required in addition to manual operation. Activation due to heat prevents the storage cylinders from overheating and not functioning as designed.

Four comments expressed confusion over the installation pressure test required for Halon systems in paragraph (d)(8). Their main concern was how to heat the piping between the storage cylinders and the manifold stop valve to 54.4 degrees Celsius (130 degrees Fahrenheit) for the test.

The Coast Guard attempted to explain in the SNPRM that it was not the intent of the proposed requirement to heat the piping. To avoid further confusion, paragraph (d)(8) is revised to indicate that the piping between the storage cylinders and the manifold stop valve must be tested for leaks at 4,136.4 kPa (600 psi).

#### 5. Parts 119 and 182—Machinery Installation

The 95 comments on these parts, applying to both subchapter K and subchapter T, focused on the requirement for diesel engines of over 300 horsepower to be equipped with overspeed trips that would automatically shut down the engines.

The comments noted that casualty data did not support the added cost of this installation. Further, the comments opposed any requirement that would take engine control away from the operator, such as would be the case with automatic overspeed trips. Some operators were concerned that vessels transiting busy fairways with heavy vessel traffic or tricky offshore inlet approaches could lose main propulsion unexpectedly during critical maneuvers. Others indicated that they wanted the operator to always have complete control and decision making power in the event of a casualty or other circumstance. This would allow a decision to run a diesel engine and get passengers to safety quickly, rather than automatically shut it down and be "dead in the water." However, one comment stated that the overspeed trip requirement should be retained because of the risk to personnel associated with the destructive force of an overspeeding engine.

The intent of this proposed requirement was to provide a speed limiting device, independent of the engine's operating governor, to prevent the engines from overspeeding and

flying apart. The requirement for overspeed trips on diesel engines was based on existing classification society standards that are routinely applied to all other Coast Guard regulated vessels except passenger vessels less than 100 gross tons.

The Coast Guard disagrees with the reasoning that an overspeeding engine can be controlled by the operator in an emergency situation; however, the Coast Guard agrees that the available casualty data does not support the need for these devices. Based upon the comments, the Coast Guard contacted diesel engine manufacturers and found that modern variable speed operating governors are designed to prevent the engine from overspeeding by sensing and compensating for sudden "no load" conditions, such as the loss of a propeller or associated shafting. The manufacturers also stated that governor failures are rare due to the high factors of safety built into the devices. However, the manufacturers indicated that overspeed trips are standard equipment on marine diesel engines in the 600 to 800 horsepower range in order to protect the engines from damage that could result in an overspeed condition. Therefore, based upon the lack of casualties involving diesel engine overspeeding and modern governor technology, the Coast Guard considers this requirement an unjustified burden on the small passenger vessel industry. The proposed requirement for installation of overspeed trips on diesel engines of over 300 horsepower has been deleted from both subchapter K and subchapter T.

Other comments on these sections addressed areas such as water heaters, keel cooler installations, the acceptance of aluminum, aluminum fuel piping, fuel tank vent installations, and ventilation of spaces containing diesel machinery. These include:

*Sections 119.320 and 182.320 Water heaters.* One comment stated, "A wise old man once told me that hot water does not need to be heated." The Coast Guard agrees that the use of the word "hot" in conjunction with water heaters is superfluous and has removed all references to "hot" from these sections.

*Sections 119.422 and 182.422 Keel and grid cooler installations.* Four comments stated that isolation valves should not be required on keel cooler installations that are integral to the hull and of the same material and thickness as the hull. The Coast Guard agrees and has revised these sections to incorporate current policy on integral keel and grid cooler installations.

*Sections 119.430 and 182.430 Engine exhaust pipe installation.* Comments from aluminum boat builders stated that a wet exhaust pipe has been allowed to be welded to an aluminum bulkhead for years, and that this practice should continue to be allowed. The intent of these regulations was not to discontinue the practice of welding exhaust lines to aluminum bulkheads. The wording of these sections is changed to allow welding to bulkheads of steel or equivalent materials.

*Sections 119.450 and 182.450 Vent pipes for fuel tanks.* One comment stated that fuel tank vent lines should be installed to gradient upward to prevent fuel from being trapped in the line. The Coast Guard agrees and has added this language to both sections.

*Sections 119.455 and 182.455 Fuel piping.* Comments from aluminum boat builders stated that aluminum fuel piping in machinery spaces was allowed in the past, and this practice should continue. The Coast Guard agrees. In comments on the SNPRM the Marine Safety Center stated that their policy allows aluminum fuel piping of at least Schedule 80 wall thickness in the machinery spaces of aluminum vessels. This policy is incorporated into both sections.

*Sections 119.465 and 182.465 Ventilation of spaces containing diesel machinery.* Several comments stated that a ventilation duct extending to the bilge is not needed in spaces containing diesel machinery. The reasoning ranged from the relative stability of diesel fuel versus gasoline to mechanical and turbo charger created air flow through the space. One comment suggested removing the ventilation duct requirement where forced ventilation can provide 5 air changes in one minute. The Coast Guard agrees that a duct extending to the bilge level in a space containing diesel machinery is unnecessary. The characteristics of diesel fuel fumes that may be found in the machinery space bilges do not present the same fire and explosion hazards as gasoline or other fuels having a flashpoint below 43.3 degrees Celsius (110 degrees Fahrenheit). The proposed requirement to have a ventilation duct extend to the bilge in a space containing diesel machinery has been removed from subchapters K and T.

*Sections 119.530 and 182.530 Bilge level alarms.* Based upon recommendations from the Coast Guard and NTSB concerning recent flooding casualties of inspected small passenger vessels, including the *M/V DOLPHIN EXPRESS* and *EL TORO II*, the Coast Guard has increased the number and type of spaces required to have a bilge

high level alarm installed. A phase-in period is allowed for existing vessels to meet this requirement. The Coast Guard believes that bilge high level alarms are an important part of a vessel's total safety system and has reduced primary lifesaving requirements on most vessels because of this. Early detection of a flooding problem allows the master more time to react and possibly correct or repair the problem. The Coast Guard solicits comments on these additional requirements.

#### 6. Parts 120 and 183—Electrical Installation

The comments received on these parts, applying to both subchapter K and subchapter T vessels, focused on the proposed requirement for grounding of dual voltage generators. One comment stated that Coast Guard personnel "hit the panic button" when they see an indication of a ground at the neutral bus, and that it is much easier to get approval for a floating neutral system. The comment went on to state that it should be up to the owner to decide which type of system to use.

The Coast Guard does not agree with industry comments concerning dual voltage systems; however, the Coast Guard does feel that this requirement should be clarified. The intent of this provision is to require that all dual voltage systems be of the grounded type. The language of these sections is changed to clarify that the current-carrying neutral bus must be connected to ground. This is consistent with the Coast Guard's definition of a grounded distribution system in subchapter J of Title 46 CFR.

On the same topic of grounding electrical systems, one comment stated that the requirements in §§ 120.370 and 183.370 of subchapters K and T respectively, should be broken into three sections to address general grounding requirements; equipment and conductor grounding; and grounded distribution systems. The Coast Guard agrees and has created two new sections in each subchapter (§§ 120.372, 120.376, 183.372 and 183.376) to accommodate the revisions. No substantial changes have been made to the content of the sections proposed in the SNPRM.

The same comment stated that the performance standard for the design of an interlock for distribution panels and switchboards in §§ 120.330 and 183.330 was unattainable, and that the proposed requirement was more applicable to motor controllers. The comment also stated that most motor controllers are fitted with an acceptable interlock to prevent the controller door from opening if the controller is energized.

The Coast Guard agrees and has removed the proposed performance standard in §§ 120.330(j) and 183.330(j) from the IFR.

#### 7. Parts 121 and 184—Miscellaneous Systems and Equipment

The comments received on these parts, applying to subchapter K and subchapter T respectively, focused on the prohibition of open flame cooking equipment, carriage of nautical publications, posting of emergency placards, and the expense of Coast Guard approved first aid kits.

##### *Sections 121.202 and 184.202*

*Restrictions.* The comments noted the extensive and common use of the product Sterno™ for food preparation in the dinner cruise industry. They considered it perfectly safe in the supervised context of food preparation, and asked that it not be prohibited.

The Coast Guard is well aware that Sterno™ is used in food preparation, and did not intend to prohibit its use. The Coast Guard is more concerned about the storage of excessive amounts of this product, due to the potential fire hazard. This section is revised to clarify the intent of this requirement, and allow the continued use of Sterno™ for supervised food preparation and serving.

##### *Sections 121.420 and 184.420*

*Charts and nautical publications.* In addition, numerous comments criticized the proposed requirement for carriage of nautical publications since operators are familiar with the local waters in which they work daily. The Coast Guard partially agrees. The Coast Guard's intent for these sections was to require on board reference material for the safe navigation of the vessel. The Coast Guard understands that a vessel operating on a small protected body of water or on a short scheduled run will require less navigational information than a vessel operating on a large sound. This is why the Coast Guard used the term "as appropriate for the intended voyage." Based upon several comments, this section is revised to allow local tide and current tables to be substituted for those published specifically by the National Ocean Service. Relevant extracts from publications may be used to meet the requirements of these sections; it is not necessary to have a complete publication on board.

##### *Sections 121.506 and 184.506*

*Emergency broadcast placard.* A few comments stated this placard was unnecessary since the master, and in some cases senior deckhands, are required to be licensed by the Federal Communications Commission (FCC). The Coast Guard disagrees. In an

emergency, the stress, fear, and anxiety of the moment could, and has, caused individuals to forget critical information during a broadcast. The Coast Guard believes that placards serve a vital purpose as a quick reference and reminder to the master and crew. However, the Coast Guard removed the prescriptive language from these sections, and relocated it to new §§ 121.510 and 184.510 as recommended language. This will allow the master of the vessel to develop appropriate emergency broadcast instructions.

*Sections 121.710 and 184.710 First aid kits.* Comments criticized Coast Guard approved first aid kits as too expensive and unnecessary on small passenger vessels. The Coast Guard believes that first aid kits are necessary on small passenger vessels to provide satisfactory treatment of small injuries and initial treatment of more severe injuries requiring professional medical treatment. The proposed requirement in the SNPRM did not require a Coast Guard approved first aid kit. An equivalent kit is allowed as long as it contains equivalent contents and instructions, and is marked "First Aid Kit". A minor change is made to these sections to better clarify the requirements.

#### 8. Parts 122 and 185—Operations

These parts, which apply to both subchapter K and subchapter T vessels respectively, also generated a substantial amount of public comment. The focus of the 158 comments received criticized the overly prescriptive language used to regulate licensed operators and their crew. The comments focused on the following sections: Navigation underway; Passengers excluded from the operating station; Loading doors; Crew training; Crew and passenger list and voyage plan; Passenger count; Passenger safety orientation; Wearing of lifejackets; Emergency instructions; Emergency instruction placard format; and Abandon ship, Man overboard, and Fire drills.

The Coast Guard agrees with the comments that much of the language in these parts was overly prescriptive, and has revised the language in these sections to reflect those comments. In addition, changes to the casualty reporting requirements have required further revision to these sections. The changes include:

##### *Sections 122.202 and 185.202*

*Notice of casualty.* These sections are updated to be consistent with a revision to 46 CFR Part 4, published on August 3, 1994 [59 FR 39469]. As a result of the

update, the requirements in 33 CFR 160.216 for reporting hazardous conditions have been reprinted in new §§ 122.203 and 185.203 to provide complete guidance to the owner or operator in one set of regulations.

*Sections 122.304 and 185.304 Navigation underway.* This section was severely criticized as an effort to deliberately take away the common sense and judgment of licensed operators. These proposed sections were adopted from the navigation regulations for vessels of 1,600 gross tons or more, operating on the navigable waters of the U.S. Additionally, it responded to an NTSB recommendation following the *PILGRIM BELLE* casualty. Although this language has been used for some time, small passenger vessel operators would not necessarily be familiar with these regulations. These sections are valid reference sources that outline what is considered safe navigation by professional mariners. However, their applicability may vary depending on the vessel size and service. Therefore, these sections have been revised and condensed to a more general outline of navigational considerations that are intended as a quick reference for small vessel operators who have not received more formal training associated with unlimited deck licenses.

*Section 122.306 Passengers excluded from the operating station.* The comments to this section expressed concern that the master had no options to allow passengers to visit the wheelhouse. Some operations consider allowing a small number of passengers in the wheelhouse a good public relations tool that adds to the enjoyment of the cruise. The Coast Guard agrees that the master should have discretion as to whether passengers are allowed in the wheelhouse. The revised language to this section provides the master of the vessel with an option to clear the operating station when passengers may distract the navigating crew from their responsibilities.

*Sections 122.335 and 185.335 Loading doors.* This section, which was incorporated into existing subchapter T in December 1992, has its origin in the *HERALD OF FREE ENTERPRISE* ferry accident. Although closure of loading doors underway is valid, the types of vessels in the domestic small passenger fleet are distinctly different in both design and service to the English Channel ferry that spawned this regulation. This section is revised in the IFR, and the language eased to allow doors other than bow visors to be open at the discretion and judgment of the operator in protected and partially protected waters. The requirement for

logbook entries is removed based on its limited safety value.

*Sections 122.420 and 185.420 Crew training.* These sections were criticized as too restrictive and the comments stated that establishment of training schedules should be the responsibility of the master of the vessel. The Coast Guard partially agrees with the comments. The Coast Guard believes that training crew members to respond to emergency situations is of paramount importance to vessels operating with passengers on board. However, the Coast Guard recognizes the reality of a part-time, high-turn over workforce. The requirement to provide training to a crew member when first hired and prior to working on a vessel for the first time is not changed from that proposed in the SNPRM. The requirement for bimonthly follow-up training is revised to require training at least quarterly. This will allow the operator of the vessel to schedule training for all crew members, including steward and galley staff within a three month time period.

The Coast Guard has also added a requirement to log or otherwise document required drills and crew training. Documenting drills and training serves two distinct purposes. First, documenting drills allows the master, or person in charge of the vessel, to maintain a record of drills conducted to better focus future training needs. Second, the documentation of drills and training provides the Coast Guard inspector with a quick means to determine compliance with the regulations. The Coast Guard believes that this new requirement will impose little burden to the industry because professional operations with established training programs already maintain records. The Coast Guard solicits input from the industry on the value and impact of this new recordkeeping requirement.

*Sections 122.502 and 185.502 Crew and passenger list and voyage plan.* This section is revised to ease the costly requirement for passenger lists required by 46 USC 3502. The Coast Guard has reexamined the language of this statute, and revised these sections by interpreting coastwise trade as meaning a vessel that operates overnight, or embarks or debarks passengers to another vessel or at a port other than at the port where the voyage originated. This interpretation of coastwise trade relieves vessels operating beyond the Boundary Line from one port and returning to that same port, on the same day, without stopping over at another location from the requirement to maintain a list of all passengers on board. The Coast Guard also eased the

requirements by which the passenger list is left ashore. The vessel operator now has the option of verbal or written communication of the list to a shoreside berth or representative of the vessel.

The requirements for a voyage plan have been moved to §§ 122.503 and 185.503 in order to retain the applicability found in the SNPRM. The voyage plan will still apply to vessels making an ocean or coastwise voyage and certain Great Lakes voyages. The voyage plan was criticized for being too restrictive by not allowing operators to improvise when searching for fish or whales. It was not the Coast Guard's intention nor was it implied in the SNPRM that a voyage plan be so detailed as to restrict a vessel's operation. A voyage plan need only be a general area of operation while underway, and an estimated time of return. The Coast Guard's position on the need for voyage plans has not changed from the SNPRM.

*Sections 122.504 and 185.504 Passenger count.* Although this section, which in the SNPRM applied only to vessels on Lakes, Bays, and Sounds, and Rivers routes, received similar comments as the passenger list requirements, these counts serve a real purpose in Coast Guard Search and Rescue Operations. The first thing On-Scene Coordinators do is determine how many persons they are looking for or ascertaining that all persons have been located at the scene of the casualty. This was the case as recently as the *EL TORO II* casualty of December 1993. The requirement has therefore been retained in the IFR, but the language eased to additionally allow for verbal communication of the required count to a representative of the owner or operator, rather than "deposited ashore in a well marked location" as originally written in the SNPRM. The intention is that someone associated with the vessel operation, other than those aboard, have passenger count information available that can be relayed to the Coast Guard when necessary.

*Section 122.506 and 185.506 Passenger safety orientation.* Several comments to these sections stated that an extensive pre-departure announcement would invoke an uneasiness among passengers. The Coast Guard believes that a pre-departure announcement is required to reduce confusion and fear in passengers when an emergency situation does develop. However, these sections have been revised to reduce the amount of information required to be passed to the passengers. Through increased crew training requirements, vessel personnel will be better able to control and direct

passengers during an emergency. The requirement to provide a lifejacket donning demonstration has been revised to allow the master to make an announcement that any passengers wishing instruction on proper lifejacket donning techniques can contact a crewmember for a demonstration.

The abbreviated announcement is retained as an alternative to the full-length announcement. The Coast Guard believes that the abbreviated announcement and safety placard are better suited to vehicle and other ferry type operations where safety demonstrations are impractical and passengers may be located in their vehicles away from passenger areas.

Overall, these sections now closer resemble the existing requirement in § 185.25(d), which satisfies several comments stating that the existing wording should be retained.

*Sections 122.508 and 185.508*

*Wearing of Lifejackets.* The intent of this section was to raise the sensitivity of the master with regard to donning of lifejackets, and raise the priority of donning lifejackets in certain hazardous and deteriorating operating conditions. The comments received on this section were focused on paragraph (c), which permitted passengers and crew to don lifejackets whenever desired. The Coast Guard agrees with comments received that required lifejackets are part of the vessel's emergency gear, and should not be compromised by allowing passengers to don them in other than master directed circumstances. The text in this section is revised to reflect the discretion and judgment of the master, rather than list specific instances where the Coast Guard believes lifejackets should be donned. Paragraphs (b) concerning the location of passengers on the vessel, and (c) concerning donning of lifejackets at will have been deleted.

*Sections 122.510 and 185.510*

*Emergency instructions.* This section is revised in the IFR. Further, the intent of the emergency instructions was revisited, and the provision to create a placard and post it for the information of the passengers is deleted, since emergency actions are the responsibility of the licensed master and his crew.

*Sections 122.512 and 185.512*

*Emergency instructions format.* The comments to these sections focused on the prescriptive detail of the language to this section and the need to generalize this section. The Coast Guard disagrees. It is not the Coast Guard's intent to dictate the actions of the master and crew of a vessel during an emergency situation. Every vessel is different and if certain parts of the emergency instructions are not applicable to a

certain vessel, then the Coast Guard will allow the deletion of those parts. The Coast Guard hopes that vessel masters and owners will take the time to develop a more detailed set of emergency instructions that are vessel specific. These sections have been retained and re-titled as a recommended minimum checklist for the master and crew of a vessel during an emergency.

*Sections 122.520 Abandon ship and man overboard drills and training.* The comments to this section focused on the need for random weekly drills. Citing scheduling problems and the overkill of weekly drills, the comments stated a relaxation of the drill requirements should be considered. The Coast Guard agrees. The revision to this section allows the master to schedule monthly drills in order to get the most participation from the crew, including steward and galley staff. The master is not restricted from conducting more drills as needed. As discussed previously under crew training, the Coast Guard has added a documentation requirement to required drills and training, and solicits input from the industry on the value and impact of this new documentation requirement.

*122.520 and 185.520 Abandon ship and man overboard drills and training.* Additional comments to both §§ 122.520 and 185.520 asked that the requirement to launch a davit launched liferaft every four months be removed due to cost considerations. The Coast Guard partially agrees. Specialized training is required for launching a liferaft with a davit arrangement; however, the hands on portion of lowering an inflated liferaft may be better accomplished during annual servicing. Paragraph (f) of both sections is revised to require quarterly training on davit launched liferafts, but the requirement to inflate a liferaft when practicable is deleted.

*122.524 Fire fighting drills and training.* Citing the same concerns as the abandon ship and man overboard drills, the Coast Guard has revised this section to allow the master to schedule monthly drills. As discussed previously under crew training, the Coast Guard has added a documentation requirement to required drills and training, and solicits input from the industry on the value and impact of this new documentation requirement.

*122.614 and 185.614 Portable watertight container for distress flares and smoke signals.* These sections in subchapters K and T respectively, are added because the proposed requirement in §§ 117.68 and 180.68 for the Coast Guard approved container was deleted.

*122.728 and 185.728 Testing and servicing of EPIRBs.* Paragraph (c) is added to require the documentation of the monthly EPIRB operational test required by these sections. The Coast Guard solicits comments on the addition of this requirement.

9. Part 170—Stability Requirements For All Inspected Vessels

Two comments to this part addressed the periodic lightweight survey requirements contained in § 170.210, which were suspended on December 10, 1992 [57 FR 58406]. The comments stated that paragraph (e) of § 170.210 would have to be modified if the regulation is reinstated. The Coast Guard agrees. After a comprehensive review of all the current regulation projects, the Coast Guard decided to withdraw the lightweight survey project, along with selected other projects, and focus its available resources on higher priority projects. Since the suspended lightweight survey requirements will not be reinstated in the near future, no changes are required in this section at this time.

One comment stated that the word "maximum" should be deleted from paragraph (b)(2) of § 170.173 because it is misleading. The Coast Guard agrees and has made this change for the IFR.

In addition to changes based upon comments, the Coast Guard has made other changes to Part 170 based upon a review of the stability regulations. These include:

*Section 170.170 Calculations required.* The Coast Guard has adjusted the angle of heel permitted for sailing vessels when determining the minimum required metacentric height. Because the vessel's angle of heel is limited to one-half of the freeboard of the vessel when applying the criteria for metacentric height (GM) in existing § 170.170, some sailing vessels have had to limit the number of passengers they can carry. The existing criteria were initially developed for mechanically powered vessels that were of ordinary proportions and form, with flush decks, and carried cargo below the main deck. The changes in the IFR will allow sailing vessels to be heeled up to the deck edge, or to a maximum heel of 14 degrees, whichever is less, because a sailing vessel has a greater range of stability and a greater angle of downflooding than the type of vessel for which the criteria were initially developed.

*Section 170.265 Class 3 doors; required locations.* The Coast Guard's revision to § 170.265(d)(2) corrects errors that occurred when 46 CFR 73.35–15(d) was redesignated as

subchapter S. The factor of subdivision value was incorrectly stated as 0.05 instead of 0.5.

*Section 170.270 Door design, operation, installation, and testing.* The revisions to paragraph (d) specify circumstances when watertight door indicators are required under § 170.255(e). The change is consistent with § 179.330(b) in the IFR.

**10. Part 171—Special Rules Pertaining To Vessels Carrying Passengers**

Based upon the Coast Guard's review of this Part, a correction has been made to proposed § 171.122 regarding coaming heights. In the SNPRM, the Coast Guard proposed to remove § 171.124 because it duplicated requirements in § 179.360. Removal of § 171.124 also removes Table 171.124. However, § 171.122 references Table 171.124 for coaming height requirements. Therefore, Table 171.124 is redesignated as Table 171.122.

**11. Part 178—Intact Stability and Seaworthiness**

Comments on this part expressed concern over the clarity of drainage calculations proposed in the SNPRM under § 178.450, and suggested that the proposed requirements were excessive requirements for cockpit vessels. The Coast Guard agrees, and therefore to account for this, the relative size of the vessel compared to size of water entrapments, such as cockpits and bulwarks on the weather deck, has been acknowledged through the addition of a recess and weather deck ratio.

The Coast Guard has reviewed the drainage formula, and noted a lack of requirements for bulwarks outside well deck and cockpit areas. Thus, bulwarks in the last two thirds of the vessel but not in way of a well deck or cockpit are accounted for using the same method as that used for a well deck. Bulwarks in the forward one third of the vessel may not form a well with the deckhouse which could retain water. The Coast Guard solicits input from the industry on the changes to § 178.450 in subchapter T.

**12. Part 179—Subdivision, Damage Stability, and Watertight Integrity**

The comments on this part focused on the watertight coaming requirements in Subpart C. While the comments supported easing these requirements, particularly for vessels on protected routes, they recommended complete elimination of requirements for coamings. The comments claimed that coamings are the main cause of passenger "trip and falls" and prevent modification of vessels to comply with the Americans with Disabilities Act.

The Coast Guard appreciates the concerns over passenger "trips and falls," but considers the danger of downflooding, particularly on vessels with high passenger capacity, to be an overriding concern. Therefore, a minimum watertight coaming requirement is maintained in this IFR, and this section has not been changed.

As discussed under Parts 117 and 180, as of March 11, 2001, vessels constructed of wood will have to meet the subdivision standards contained in this Part.

**ORGANIZATION OF SUBCHAPTERS T AND K**

Subject area	Subchapter K part	Subchapter T part
General Provisions .....	114	175
Inspection and Certification .....	115	176
Construction and Arrangement .....	116	177
Intact Stability and Seaworthiness .....	N/A	178
Subdivision, Damage Stability and Watertight Integrity .....	N/A	179
Lifesaving Equipment and Arrangements .....	117	180
Fire Protection Equipment .....	118	181
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**Metric (SI) Conversion**

The IFR has been revised to include metric units using the International System of Units (SI) for all measures with the exception of Nautical Miles (NM) and Knots. English units immediately follow the metric conversions in parenthesis throughout the regulations.

**Solicitation for Comments**

As previously stated under "COMMENTS ON PARTICULAR PROVISIONS OF THE SNPRM," the Coast Guard is soliciting input on five requirements established in this IFR. Section 180.200 now includes a construction equivalency for wooden hull vessels. Sections 119.530 and 182.530 now include more spaces requiring high bilge level alarms in

order to increase their effectiveness.

Sections 122.420, 122.520, 122.524, 185.420, 122.520, and 122.524 now include provisions to log or otherwise document required drills and training. Sections 122.728 and 185.728 now include a provision to log the required monthly test of the Emergency Position Indicating Radio Beacon (EPIRB). Section 178.450 has been revised to take cockpit size and bulwark arrangements into consideration when calculating drainage areas. In addition, the Coast Guard is soliciting input on one other topic discussed under Sections 116.960 and 177.960 "Guards for exposed hazards." Persons desiring to comment on any of the above sections should submit their comments to the Coast Guard where indicated under **ADDRESSES**.

**Regulatory Evaluation**

This IFR is a significant regulatory action under section 3(f) of Executive Order 12866 and has been reviewed by the Office of Management and Budget under that order. It is significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11040; February 26, 1979). A draft regulatory evaluation was prepared for the SNPRM based on comments to the NPRM and placed in the rulemaking docket. The evaluation contained information on the methodology and data sources used in determining costs and benefits, details on the costs and benefits of over 70 changes, alternatives to proposed changes, cost for sample small passenger vessels, and a profile of the small passenger fleet and its casualty history. The Coast Guard

received several comments criticizing the draft evaluation for containing outdated costs, the risk assessment methodology and cost/benefit analysis.

The SNPRM identified the three most significant monetary cost/benefit items of this rulemaking as:

1. Liferrafts or inflatable buoyant apparatus for certain vessels;
2. Passenger/crew lists; and
3. Fixed fire extinguishing systems in machinery spaces.

As a result of the comments received on the draft evaluation and the SNPRM as a whole, the Coast Guard has significantly reduced the cost of this rulemaking by incorporating the following changes in the IFR:

1. Reducing the number of vessels required to carry inflatable survival craft; and
2. Revising passenger and crew list requirements.

In addition, the Coast Guard has made other significant changes in the IFR that will result in reduced costs to the small passenger vessel industry. For example:

1. Providing more options to meet structural fire protection requirements;
2. Eliminating the requirements to install overspeed trip devices for main propulsion engines and generators; and
3. Deleting the requirement to have wooden vessels more than 20 years old drydocked annually.

In order to address the impact these changes have had on the cost to this rulemaking, the Coast Guard has included an addendum to the draft regulatory evaluation addressed in the SNPRM. The addendum updates the changes in cost associated with the elimination of some of the inflatable lifesaving equipment and requirements to maintain passenger and crew list for certain vessels. In order to provide consistency, the Coast Guard retained the methods of calculating the total and Average Annual Cost (AAC) of the requirements from the draft assessment. However, the information used to calculate the number of vessels affected and the cost of required equipment were updated to provide an accurate estimate.

The Coast guard believes that by adopting these changes, it is reducing the overall costs to the industry of this rule by 63%. The draft regulatory assessment estimated that the small passenger vessel industry would incur an AAC of \$9.71 million as a result of the SNPRM. Based upon the addendum to the draft regulatory assessment, the Coast Guard estimates the small passenger vessel industry will incur a direct, average annual cost of \$3.59 million as a result of this IFR. As stated above, the most significant cost reductions can be found in the revisions

to the lifesaving equipment and passenger and crew list requirements.

By significantly reducing the number of small passenger vessels required to install and maintain inflatable lifesaving equipment, this IFR will reduce estimated costs to the industry for this equipment by 61% from that proposed in the SNPRM. The draft regulatory assessment calculated that under the requirements in the SNPRM, the AAC for installation and maintenance of liferafts and inflatable buoyant apparatus was \$4.87 million. The addendum to the draft regulatory assessment calculates the AAC for this equipment to be \$1.90 million. The reduction in cost is directly attributed to the decrease in the number of vessels required to carry inflatable survival craft. For example: the requirement for inflatable liferafts (the highest cost inflatable survival craft) proposed in the SNPRM would have affected an estimated 1,300 vessels. In contrast, the requirements in the IFR for inflatable liferafts affect less than ten existing vessels.

By significantly reducing the number of small passenger vessels required to comply with the passenger and crew list requirements, this IFR will reduce estimated costs to the industry for maintaining these lists by 84% from the requirements proposed in the SNPRM. The draft regulatory assessment calculated that the AAC for maintaining a list of all passengers and crew on vessels operating on coastwise or oceans routes to be \$1.03 million. The addendum to the draft regulatory assessment calculates the AAC for this requirement to be \$0.16 million. Those vessels not required to keep a passenger and crew list need only maintain a count of all passengers and crew onboard. As stated in the draft regulatory evaluation, the Coast Guard believes the legislatively mandated requirement to maintain a passenger and crew count does not impose a significant cost.

The Coast guard believes that the overall cost reduction measures contained in this IFR will not have a substantial effect on the benefits calculated in the draft assessment. The Coast Guard has significantly reduced the cost of this rulemaking by focusing the requirements for high cost items such as inflatable lifesaving equipment strictly to vessels operating in cold water offshore with a large number of passengers, and vessel types involving the greatest number of casualties. In doing so, the Coast Guard maintains that an average of 3 lives per year will be saved because of the requirements contained in this IFR. In addition, the

Coast Guard believes that the \$0.3 million cost benefit due to the installation of fixed fire extinguishing systems, and the \$2.0 million cost benefit due to unquantified savings in areas such as search and rescue and injuries prevented are still valid in light of the changes to the requirements proposed in the SNPRM.

The Department of Transportation General Counsel's memorandum of March 14, 1995, noted that \$2.7 million per fatality averted is a reasonable estimate of society's willingness to pay for reduced risk of fatalities and injuries. Based upon this figure and the previously stated cost benefits, the Coast Guard estimates this rulemaking will produce an annual benefit of \$10.4 million in lives and property saved, and injuries prevented.

The Coast Guard does not believe that the areas it is seeking additional comments, discussed previously under "SOLICITATION FOR COMMENTS," will have a significant impact on the regulatory evaluation and addendum. Therefore, the Coast Guard adopted the regulatory evaluation with the addendum as its final regulatory evaluation. The addendum to the draft regulatory assessment has been prepared and placed in the rulemaking docket for inspection or copying where indicated under ADDRESSES.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 through 612), the Coast Guard must consider whether this rule is likely to have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that would otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

Small passenger vessel operators comprise firms in the Standard Industrial Code (SIC) categories 4482 and 4489, which are, respectively, ferries and water transportation of passengers, not elsewhere specified. According to 13 CFR 121, the size standard of small businesses in these categories is less than 500 employees. About 92% of small passenger vessel operators fall into the small business category. The total number of small passenger vessels affected by this rulemaking is initially 5,564, many of which are owned or managed by small entities. There are currently 405 vessels that carry more than 150 passengers and are subject to higher cost requirements such as structural fire protection measures. The Coast Guard believes that

few small entities operate this group of vessels. The Coast Guard also believes that the average annual cost of this rulemaking is skewed upward because of these vessels. In order to reduce the impact of the regulations on vessels owned or managed by small entities, alternatives have been proposed that are intended to reduce the cost. These alternatives include route restrictions (i.e., vessels choosing to operate less than one mile from shore) and recognition that a vessel with subdivision is less likely to sink. As stated previously under "COMMENTS ON PARTICULAR PROVISIONS OF THE SNPRM" and "REGULATORY EVALUATION" the Coast Guard has significantly reduced the cost of this rulemaking by focusing the requirements for high cost items such as inflatable lifesaving equipment strictly to high risk vessels and vessel types involving the greatest number of casualties. Requirements for existing vessels to be retrofitted to meet the new standards were limited to those areas where the greatest benefits may be realized based upon available casualty data.

The type of vessel which the Coast Guard believes is likely to be operated by a small entity and on which the regulations would have the greatest cost impact, are vessels on oceans or coastwise routes that are permitted to carry only a few more passengers than the maximum of six that may be carried on uninspected vessels. This group of vessels is primarily composed of sport fishing vessels carrying passengers on chartered trips. Some of these are only operated on a part-time basis. The owners of vessels operated part-time would be affected the most, since such vessels make only a limited number of trips from which they can recover the cost of the proposed regulations. These vessels may opt to drop certification and operate as uninspected passenger vessels as an alternative to compliance with this rulemaking. The number of vessels in this category is estimated to be less than 170 vessels.

This IFR will also have an impact on wood hulled vessels operated on an ocean or coastwise route in cold water [areas where the average mean low water temperature is below 15 degrees Celsius (59 degrees Fahrenheit)]. As stated previously under "COMMENTS ON PARTICULAR PROVISIONS OF THE SNPRM," these vessels account for 90% of small passenger vessel casualties involving the loss of life or loss of the vessel. The bulk of the cost to these operations will be the purchase and servicing of inflatable buoyant apparatus, or the often lower one-time

cost of installing watertight bulkheads. Some operators of wood hulled vessels may find that they have to alter the scope of their vessel operation, either by carrying fewer passengers or by operating on a more restricted route, in order to remain financially sound. The Coast Guard estimates that the number of wooden vessels affected makes up not more than 320 vessels, or less than 6% of the inspected passenger vessel fleet.

The Coast Guard estimates that about 490 small passenger vessels operated by small entities, or about 9% of the small entities affected by this regulation are expected to experience significant costs.

Based on the discussion above, and previous discussions on the cost reductions contained in this IFR, the Coast Guard has determined that this proposed rulemaking will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

This rule contains collection-of-information requirements. The Coast Guard submitted the requirements contained in the SNPRM to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and OMB approved them.

As a result of changes to the SNPRM based upon comments and a Coast Guard review of recordkeeping requirements, several deletions and additions have been made to the collection of information requirements. The Coast Guard believes that the logbook and recordkeeping requirements contained in §§ 122.260(a)(2), 122.304(c), 122.315, 122.335, 185.260(a)(2), 185.315, and 185.335 of the SNPRM did not contribute to the overall safety of the vessel, and therefore removed them from the IFR. However, as previously discussed in "Comments on SNPRM Citing Particular Provisions," the Coast Guard has added recordkeeping requirements to §§ 122.420, 122.520, 122.524, 122.728, 185.420, 185.520, 185.524, and 185.728 in order to easily verify compliance with crew training and equipment testing requirements contained in the IFR. The Coast Guard believes that most professional operators presently conducting crew training and drills are already documenting the training in some form. Further, marginal operators will be more inclined to comply with the crew training requirements if they are required to provide documentation to the Coast Guard inspector during annual inspections. The Coast Guard submitted a revised Information Collection Budget (ICB) request to OMB for approval. The

new ICB requested 13,294 fewer hours than the 418,902 approved by OMB for the SNPRM. The decrease in requested burden hours is the net result of (1) the revisions to the crew and passenger list requirements (-12,397 hours annually) and the navigation underway sections (-2,720 hours annually) and (2) the addition of crew training and drill log requirements (1,823 hours annually) previously discussed in "Comments on SNPRM Citing Particular Provisions." Overall, the new ICB request represents an increase of 126,904 burden hours over the 278,704 hours approved by OMB prior to the publication of the SNPRM in 1994.

This IFR contains collection of information requirements in the following sections of 46 CFR:

115.105(a), 115.202, 115.204, 115.302, 115.306, 115.310, 115.500(a), 115.612, 115.700, 115.704, 115.710, 115.810(b), 115.920(c), 115.930, 116.202, 116.330, 116.340, 116.610(e), 118.610, 119.460(e), 120.220(d), 120.320 (d) and (e), 121.420, 121.506, 122.202, 122.206, 122.208, 122.220, 122.230, 122.280, 122.282, 122.340(c), 122.402, 122.420, 122.502, 122.503, 122.504, 122.506, 122.510, 122.514, 122.515, 122.516, 122.518, 122.520, 122.524, 122.602, 122.604, 122.606, 122.608, 122.610, 122.612, 122.702, 122.704(c), 122.728(c), 176.105(a), 176.202, 176.204, 176.302, 176.306, 176.310, 176.500(a), 176.612, 176.700, 176.704, 176.710, 176.810(b), 176.920(c), 176.930, 177.202, 177.330, 177.340, 178.210, 178.220, 178.230, 181.610, 182.460(e), 182.610(f), 183.220(d), 183.320 (d) and (e), 184.420, 184.506, 185.202, 185.206, 185.208, 185.220, 185.230, 185.280, 185.340(c), 185.402, 185.420, 185.502, 185.503, 185.504, 185.506, 185.510, 185.514, 185.516, 185.518, 185.520, 185.524, 185.602, 185.604, 185.606, 185.608, 185.610, 185.612, 185.702, 185.704(c), and 185.728(c).

The corresponding control numbers are displayed in §§ 114.900 and 175.900 of this IFR.

Persons desiring to comment on any of these information collection requirements should submit their comments both to the OMB and to the Coast Guard where indicated under **ADDRESSES**.

#### Federalism

This proposed rulemaking has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environmental Impact**

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2. of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and has been placed in the rulemaking docket.

**List of Subjects**

*46 CFR Parts 114, 175*

Incorporated by reference, Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

*46 CFR Parts 115, 176*

Fire prevention, Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

*46 CFR Parts 116, 117, 119, 171, 177, 178, 179, 180, 182*

Marine safety, Passenger vessels.

*46 CFR Parts 118, 181*

Fire prevention, Marine safety, Passenger vessels.

*46 CFR Parts 120, 183*

Electric power, Marine safety, Passenger vessels.

*46 CFR Parts 121, 184*

Communications equipment, Marine safety, Navigation (water), Passenger vessels.

*46 CFR Parts 122, 185*

Alcohol and alcoholic beverages, Drugs, Hazardous materials, Marine safety, Navigation (water), Passenger vessels, Reporting and recordkeeping requirements.

*46 CFR Part 170*

Marine safety, Reporting and recordkeeping requirements, Vessels.

*46 CFR Part 173*

Marine safety, Vessels.

For the reasons set out in the preamble, the Coast Guard has amended Title 46, Code of Federal Regulations by: adding subchapter K; redesignating and adding Parts 114 through 139, reserved in subchapter J, in subchapter K; amending Parts 170, 171, and 173 of subchapter S, and by amending subchapter T as follows.

1. Subchapter K is added to read as follows:

**SUBCHAPTER K—SMALL PASSENGER VESSELS CARRYING MORE THAN 150 PASSENGERS OR WITH OVERNIGHT ACCOMMODATIONS FOR MORE THAN 49 PASSENGERS**

**Part**

- 114 General provisions.
- 115 Inspection and certification.
- 116 Construction and arrangement.
- 117 Lifesaving equipment and arrangements.
- 118 Fire protection equipment.
- 119 Machinery installation.
- 120 Electrical installation.
- 121 Control and miscellaneous systems.
- 122 Operations.

**PART 114—GENERAL PROVISIONS****Sec.**

- 114.100 Purpose.
- 114.110 General applicability.
- 114.112 Specific applicability for individual parts.
- 114.120 Vessels on an international voyage.
- 114.122 Load lines.
- 114.400 Definitions of terms used in this subchapter.
- 114.540 Equivalents.
- 114.550 Special consideration.
- 114.560 Appeals.
- 114.600 Incorporation by reference.
- 114.800 Approved equipment and material.
- 114.900 OMB control numbers.

Authority: 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. App. 1804; 49 CFR 1.45, 1.46; 114.900 also issued under authority of 44 U.S.C. 3507.

**§ 114.100 Purpose.**

The purpose of this subchapter is to implement applicable sections of Subtitle II of Title 46, United States Code, which require the inspection and certification of small passenger vessels.

**§ 114.110 General applicability.**

(a) Except as provided in paragraphs (b) through (g) of this section, this subchapter applies to each vessel of less than 100 gross tons and less than 61 meters (200 feet) which:

- (1) Carries more than 150 passengers; or
- (2) Has overnight accommodations for more than 49 passengers.

(b) A vessel of less than 100 gross tons that either carries not more than 150 passengers, or has overnight accommodations for not more than 49 passengers, and that is not more than 61 meters (200 feet) in length, may comply with the provisions in subchapter T (Small Passenger Vessels) of this chapter.

(c) A vessel of less than 100 gross tons must comply with Parts 72 and 76 of subchapter H (Passenger Vessels) of this chapter, and with the applicable requirements for marine engineering and electrical systems contained in subchapter F (Marine Engineering) and

subchapter J (Electrical Engineering) of this chapter, if it is:

(1) A vessel that carries more than 600 passengers;

(2) A vessel with overnight accommodations for more than 150 passengers; or

(3) A vessel of more than 61 meters (200 feet) in length that carries more than six passengers.

(d) Unless otherwise provided, an existing vessel that is not required to comply with a requirement in this subchapter may comply with the regulation that was applicable to the vessel on March 10, 1996.

(e) A vessel required by this subchapter to meet applicable sections of subchapter H shall follow the phase-in schedule for certain equipment and requirements found in this subchapter.

(f) This subchapter does not apply to:

(1) A vessel operating exclusively on inland waters that are not navigable waters of the United States;

(2) An oceanographic research vessel;

(3) A boat forming part of a vessel's lifesaving equipment and that is not used for carrying passengers except in emergencies or during emergency drills;

(4) A vessel of a foreign country that is a party to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), to which the United States Government is currently a party, and which has on board a current valid SOLAS Passenger Ship Safety Certificate; or

(5) A vessel of a foreign country, whose government has inspection laws approximating those of the United States and which by its laws accords similar privileges to vessels of the United States, which has on board a current valid certificate of inspection, permitting the carrying of passengers, issued by its government.

(g) The relationship between this subchapter and other subchapters pertaining to the inspection and certification of small passenger vessels (passenger vessels under 100 GT) is provided in the table below, which shows the breakpoints between subchapters T, K, and K' of this chapter.

TABLE 114.110(g)

Subchapter T	Subchapter K	Subchapter K <sup>1</sup>
≤150 passengers or overnight accommodations for ≤49 passengers, and ≤61 meters (200 feet).	151–600 passengers or overnight accommodations for 50–150 passengers, and ≤61 meters (200 feet).	≥601 passengers or overnight accommodations for ≥151 passengers or >61 meters (200 feet).

<sup>1</sup>Vessels in this category are small passenger vessels (passenger vessels less than 100 GT) but are required to comply with Parts 72, and 76 of subchapter H, Parts 114, 115, 117, 121, and 122 of subchapter K, and the applicable requirements of subchapters F and J.

#### § 114.112 Specific applicability for individual parts.

At the beginning of certain parts of this subchapter, a more specific application is given for all or particular portions of that part. This application sets forth the type, size, service, or age of a vessel to which certain portions of that part apply or particular dates by which an existing vessel must comply with certain portions of that part.

#### § 114.120 Vessels on an international voyage.

A mechanically propelled vessel that carries more than 12 passengers on an international voyage must comply with the applicable requirements of SOLAS as well as this subchapter.

#### § 114.122 Load lines.

A vessel of 24 meters (79 feet) in length or more, the keel of which was laid or that was at a similar stage of construction on or after July 21, 1968, and that is on a voyage other than a domestic voyage is subject to load line assignment, certification, and marking in subchapter E (Load Lines) of this chapter.

#### § 114.400 Definitions of terms used in this subchapter.

(a) Terms used in this subchapter are defined in paragraph (b) of this section. The number in parenthesis after certain terms describing areas on a vessel refers to the applicable column and row number where that area is listed in Tables 116.415 (b) and (c) of Part 116 of this subchapter.

(b) General terms:

**Accommodation space** (5 or 7 depending on fire load and furnishings) means a space that does not contain any heating appliance other than a microwave oven or other low heat (maximum heating element temperature less than 121°C (250°F)) appliance used as a:

- (1) Public space;
- (2) Hall;
- (3) Dining room and messroom;
- (4) Lounge or cafe;

- (5) Public sales room;
- (6) Overnight accommodation space;
- (7) Barber shop or beauty parlor;
- (8) Office or conference room;
- (9) Medical treatment room or dispensary; or
- (10) Game or hobby room.

**Area of refuge** means an area that is separated from the effects of fire and flooding where passengers and crew can gather to await disembarking in the event of fire of flooding. To qualify as an area of refuge, the area must provide separation from the effect of fire and flooding for the maximum amount of time required to complete disembarking of the vessel, or one hour, whichever is less.

**Atrium**, (5 or 7 depending on fire load and furnishings) means a continuous deck opening connecting more than two deck levels within an accommodation space that is covered at the top of the series openings and is used for purposes other than an enclosed stairway, elevator hoistway, escalator opening or a utility trunk for pipe, cable, or ductwork.

**Auxiliary machinery space** (12) means a space containing only pumps, tanks, electrical machinery, ventilation or air conditioning equipment, resistors, steering machinery, etc., with not more than 2.5 kilograms per square meter (0.5 pounds per square foot) of combustible storage.

**Balcony** (5 or 7 depending on fire load and furnishings) means a deck opening connecting two deck levels within an accommodation space creating two freely communicating levels within the same space.

**Beam or B** means the maximum width of a vessel from:

- (1) Outside of planking to outside of planking on wooden vessels; and
- (2) Outside of frame to outside of frame on all other vessels.

**Bulbous bow** means a design of bow in which the forward underwater frames ahead of the forward perpendicular are swelled out at the forefoot into a bulbous formation.

**Bulkhead deck** means the uppermost deck to which watertight bulkheads and the watertight shell extend.

**Cable** means single or multiple insulated conductors with an outer protective jacket.

**Cargo space** (11) means a:

- (1) Cargo hold;
- (2) Refrigerated cargo space;
- (3) A trunk leading to or from a space listed above; or
- (4) A vehicle space.

**Char length** means the numeric value in inches assigned to a material when tested in accordance with NFPA 261 by an independent laboratory.

**Coast Guard District Commander or District Commander** means an officer of the Coast Guard designated as such by the Commandant to command Coast Guard activities within a district.

**Coastwise** means a route that is not more than 20 nautical miles offshore on any of the following waters:

- (1) Any ocean;
- (2) The Gulf of Mexico;
- (3) The Caribbean Sea;
- (4) The Bering Sea;
- (5) The Gulf of Alaska; or
- (6) Such other similar waters as may be designated by a Coast Guard District Commander.

**Cockpit vessel** means vessel with an exposed recess in the weather deck extending not more than one-half of the length of the vessel measured over the weather deck.

**Cold water** means water where the monthly mean low water temperature is normally 15 degrees Celsius (59 degrees Fahrenheit or less).

**Commandant** means the Commandant of the Coast Guard or an authorized Headquarters staff officer designated in § 1.01 of this chapter.

**Consideration** means an economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies.

**Continuous B-Class ceiling** means an approved structural ceiling composed of B-Class panels that terminates only at an approved A-Class or B-Class bulkhead.

**Control space** (1) means a space containing:

- (1) An emergency source of power, excluding generators;
- (2) Navigating and radio equipment that is normally manned;
- (3) Centralized fire control or detection equipment, such as fixed gas extinguishing system controls; or
- (4) Machinery controls not located within a machinery space.

**Corrosion-resistant material or corrosion-resistant** means made of one of the following materials in a grade suitable for its intended use in a marine environment:

- (1) Silver;
- (2) Copper;
- (3) Brass;
- (4) Bronze;
- (5) Aluminum alloys with a copper content of no more than 0.4 percent;
- (6) Copper-nickel;
- (7) Plastics;

(8) Stainless steel;

(9) Nickel-copper; or

(10) A material, which when tested in accordance with ASTM B-117 for 200 hours, does not show pitting, cracking, or other deterioration.

*Crew accommodation space* (5 or 7 depending on fire load and furnishings) means an accommodation space designated for the use of crew members and where passengers are normally not allowed to occupy.

*Critical radiant flux* means the numeric value assigned to a material when tested in accordance with ASTM E-648 by an independent laboratory.

*Custom engineered* means, when referring to a fixed gas fire extinguishing system, a system that is designed for a specific space requiring individual calculations for the extinguishing agent volume, flow rate, piping, and similar factors.

*Dead cover* means a metal cover to close or protect a port light to avoid glass breakage in case of heavy weather.

*Distribution panel* means an electrical panel that receives energy from the switchboard and distributes the energy to energy consuming devices or other panels.

*Draft* means the vertical distance from the molded baseline of a vessel amidships to the waterline.

*Dripproof* means enclosed equipment so constructed or protected that falling drops of liquid or solid particles striking the enclosure at any angle from 0 to 15 degrees downward from the vertical do not interfere with the operation of the equipment. A National Electrical Manufacturers Association type 1 enclosure with a dripshield is considered to be dripproof.

*Embarkation deck* (4) means;

(1) The deck from which davit launched survival craft are designed to be boarded; or

(2) If no davit launched survival craft are carried aboard the vessel, the main deck or lowest deck available for embarking or debarking passengers.

*Embarkation station* (4) means the place on the vessel from which a survival craft is boarded.

*Enclosed space* means a compartment that is not exposed to the atmosphere when all access and ventilation closures are secured.

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

*Exposed waters* is a term used in connection with stability criteria and means:

(1) Waters, except the Great Lakes, more than 20 nautical miles from a harbor of safe refuge;

(2) Those portions of the Great Lakes more than 20 nautical miles from a

harbor of safe refuge from October 1 of one year through April 15 of the next year (winter season); and

(3) Those waters less than 20 nautical miles from a harbor of safe refuge that the cognizant Officer in Charge, Marine Inspection, determines are not partially protected waters or protected waters because they present special hazards due to weather or other circumstances.

*Ferry* means a vessel that:

(1) Operates in other than ocean or coastwise service;

(2) Has provisions only for deck passengers or vehicles, or both;

(3) Operates on a short run on a frequent schedule between two points over the most direct water route; and

(4) Offers a public service of a type normally attributed to a bridge or tunnel.

*Fiber reinforced plastic* means plastics reinforced with fibers or strands of some other material.

*Fire control boundary* means a deck or bulkhead meeting the requirements for A-Class, B-Class, or C-Class or C'-Class construction in accordance with § 116.415 of this subchapter.

*Fire load* means a measure in kilograms per square meter (pounds per square foot) equaling the weight of all combustible material that is in a compartment and comprises its construction, as defined in § 116.427(b) of this subchapter, divided by the floor area of that compartment.

*Flame spread* means the numeric value assigned to a material when tested in accordance with ASTM E-84 or UL 723 by an independent laboratory.

*Flash point* means the temperature at which a liquid gives off a flammable vapor when heated using the Pensky-Martens Closed Cup Tester method in accordance with ASTM D-93.

*Float-free launching or arrangement* means that method of launching a survival craft whereby the survival craft is automatically released from a sinking vessel and is ready for use.

*Flush deck vessel* means a vessel with a continuous weather deck located at the uppermost sheer line of the hull.

*Freeing port* means any direct opening through the vessel's bulwark or hull to quickly drain overboard water that has been shipped on exposed decks.

*Galley* (9) means a space containing appliances with cooking surfaces that may exceed 121°C (250° F), such as ovens, griddles, and deep fat fryers.

*Great Lakes* means a route on the waters of any of the Great Lakes.

*Gross tonnage* and *gross tons* is an indicator of a vessel's approximate volume as determined in accordance with Part 69 (Measurement of Vessels) of this chapter and recorded on the

vessel's Tonnage Certificate (formerly Certificate of Admeasurement).

*Harbor of safe refuge* means a port, inlet, or other body of water normally sheltered from heavy seas by land and in which a vessel can navigate and safely moor. The cognizant Officer in Charge, Marine Inspection, shall determine the suitability of a location as a harbor of safe refuge. The suitability will vary for each vessel, depending on the vessel's size, maneuverability, and mooring gear.

*Hardwood* means any wood with a specific gravity, over dry volume, of not less than 0.66.

*Hazardous condition* means any condition that could adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable water of the United States. This condition could include but is not limited to, fire, explosion, grounding, leaking, damage, illness of a person on board, or a manning shortage.

*High risk accommodation space* (7) means an accommodation space that contains a fire load greater than 15 kilograms per square meter (3 pounds per square foot).

*High risk service spaces* (9) include:

(1) Motion picture projection room;

(2) Galley;

(3) Large laundry or drying room;

(4) Garbage or trash disposal storage area;

(5) Paint or lamp locker;

(6) Cleaning gear locker or small storeroom in an accommodation area; or

(7) Mail or baggage room; and

(8) Pantries and storerooms with a fire load greater than 15 kilograms per square meter (3 pounds per square foot), including connecting alleyways and stairs.

*High seas* means all waters that are neither territorial seas (the waters in a belt 3 nautical miles wide, that is adjacent to the coast and seaward of the territorial sea baseline) nor internal waters of the United States or of any foreign country.

*High Speed Craft* means a craft that is operable on or above the water and has characteristics so different from those of conventional displacement ships, to which the existing international conventions, particularly SOLAS, apply the alternative measures should be used to achieve an equivalent level of safety. Within the aforementioned generality, a craft that complies with the following characteristics would be considered a high speed craft: The craft is capable of a maximum speed equal to or exceeding:

$V=3.7 \times \text{Displ}^{1/667}$

Where *V* is the maximum speed and *Displ* is the vessel displacement corresponding to the design waterline in cubic meters.

*Independent laboratory* means a laboratory accepted under § 159.010 in subchapter Q of this chapter, or other standard specified by the Commandant.

*Inflatable survival craft or inflatable life jacket* means one that depends upon nonrigid, gas filled chambers for buoyancy, and is normally kept uninflated until ready for use.

*Interior finish* means any coating, overlay or veneer that is applied to interior surfaces such as bulkheads, linings, or suspended ceilings for decorative or other purposes. It includes not only the visible finish, but also all material used in its composition and application. In general, a paint is not considered an interior finish.

*International voyage* means a voyage between a country to which SOLAS applies and a port outside that country. A country, as used in this definition, includes every territory for the international relations of which a contracting government to the convention is responsible or for which the United Nations is the administering authority. For the U.S., the term "territory" includes the Commonwealth of Puerto Rico, all possessions of the United States, and all lands held by the United States under a protectorate or mandate. For the purposes of this subchapter, vessels are not considered as being on an "international voyage" when solely navigating the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.

*Lakes, bays, and sounds* means a route on any of the following waters:

- (1) A lake other than the Great Lakes;
- (2) A bay;
- (3) A sound; or
- (4) Such other similar waters as may be designated by a Coast Guard District Commander.

*Launching appliance* means a device for transferring a survival craft or rescue boat from its stowed position safely to the water. For a launching appliance using a davit, the term includes the davit winch, and falls.

*Length* when used in terms of the vessel's length (excluding bow sprints, bumpkins, rudders, outboard motor brackets, handles, and other similar fittings, attachments, and extensions), means:

- (1) The length listed on the vessel's Certificate of Documentation issued under the provisions of Part 67 (Documentation of Vessels) of this

chapter or Certificate of Number issued under the provisions of 33 CFR Part 173, Subpart B (Numbering); or

(2) For a vessel that does not have a Certificate of Documentation or a Certificate of Number, the "registered length" as defined in § 69.53 in subchapter G of this chapter or, for a vessel that is less than 24 meters (79 feet) in overall length and is measured using simplified measurement, the registered length as defined in § 69.203 in subchapter G of this chapter; or

(3) For the purposes of Part 179 in subchapter T of this chapter, the "length" of a vessel with a bulbous bow means the larger of the length as defined in the first paragraph of this definition or the straight line horizontal measurement from the forwardmost tip of the bulbous bow to the aftermost part of the vessel measured parallel to the center line.

*Length between perpendiculars or LBP* means the horizontal distance measured between perpendiculars taken at the forwardmost and aftermost points on the waterline corresponding to the deepest operating draft.

*Limited coastwise* means a route that is not more than 20 nautical miles from a harbor of safe refuge.

*Lining* means a bulkhead panel.

*Low risk accommodation space* (5) means an accommodation space that contains only fire resistant furnishings and a fire load not greater than 15 kilograms per square meter (3 pounds per square foot).

*Low risk service spaces* (8) include:

(1) Pantries and storerooms with a fire load not more than 15 kilograms per square meter (3 pounds per square foot), including connecting alleyways and stairs;

(2) Small laundries or drying rooms containing only a tub, washing machine, and/or household type electric dryer;

(3) Workshops that are not part of a machinery space; and

(4) Washrooms and toilet spaces.

*Machinery space* (10) means a space including a trunk, alleyway, stairway, or duct to such a space, that contains:

(1) Propulsion machinery of any type;

(2) Steam or internal combustion machinery;

(3) Oil transfer equipment;

(4) Electrical motors of more than 10 hp;

(5) Refrigeration equipment;

(6) One or more oil-fired boilers or heaters; or

(7) Electrical generating machinery.

*Main horizontal zone* means a vehicle space that is separated from the remainder of the vessel by horizontal fire control boundaries required by the structural fire protection requirements of this subchapter.

*Main transverse watertight bulkhead* means a transverse bulkhead that must be maintained watertight in order for the vessel to meet the damage stability and subdivision requirements of this subchapter.

*Main vertical zone* means that section of a vessel into which the hull, superstructure, and deckhouse are required to be divided by vertical fire control boundaries required by the structural fire protection requirements of this subchapter.

*Major conversion* means a conversion of a vessel that, as determined by the Commandant:

(1) Substantially changes the dimensions or carrying capacity of the vessel;

(2) Changes the type of vessel;

(3) Substantially prolongs the life of the vessel; or

(4) Otherwise so changes the vessel that it is essentially a new vessel.

*Marine inspector or inspector* means any civilian employee or military member of the Coast Guard assigned by an Officer in Charge, Marine Inspection, or the Commandant to perform duties with respect to the inspection, enforcement, and administration of vessel safety and navigation laws and regulations.

*Master* means the individual having command of the vessel and who is the holder of a valid license that authorizes the individual to serve as master of a small passenger vessel.

*Means of escape* means a continuous and unobstructed way of exit travel from any point in a vessel to an embarkation station or area of refuge. A means of escape can be both vertical and horizontal, and includes doorways, corridors, stairways, stairways, and public spaces. High risk service spaces, low risk service spaces, cargo spaces, machinery spaces, auxiliary machinery spaces, control spaces, rest rooms, barber shops, sales rooms, hazardous areas determined by the cognizant OCMI, escalators, and elevators must not be any part of a means of escape. It consists of three distinct components:

(1) The exit access;

(2) The exit; and

(3) The exit discharge.

*New vessel* means a vessel:

(1) The initial construction of which began on or after March 11, 1996;

(2) Which was issued an initial Certificate of Inspection on or after

September 11, 1996;

(3) Which underwent a major conversion that was initiated on or after

March 11, 1996; or

(4) Which underwent a major conversion that was completed and for which an amended Certificate of

Inspection was issued on or after September 11, 1996.

*Noncombustible material* means any material approved in accordance with § 164.009 in subchapter Q of this chapter, or other standard specified by the Commandant.

*Non-self-propelled vessel* means a vessel that does not have installed means of propulsion, including propulsive machinery, masts, spars, or sails.

*Oceans* means a route that is more than 20 nautical miles offshore on any of the following waters:

- (1) Any ocean;
- (2) The Gulf of Mexico;
- (3) The Caribbean Sea;
- (4) The Bering Sea;
- (5) The Gulf of Alaska; or
- (6) Such other similar waters as may be designated by a Coast Guard District Commander.

*Officer In Charge, Marine Inspection, or OCMI* means an officer of the Coast Guard designated as such by the Commandant and who, under the direction of the Coast Guard District Commander, is in charge of a marine inspection zone, described in Part 1 of this chapter, for the performance of duties with respect to the inspection, enforcement, and administration of vessel safety and navigation laws and regulations. The "cognizant OCMI" is the OCMI that has immediate jurisdiction over a vessel for the purpose of performing the duties previously described.

*Open boat* means a vessel not protected from entry of water by means of a complete weathertight deck, or by a combination of a partial weathertight deck and superstructure that is structurally suitable for the waters upon which the vessel operates.

*Open deck* (13) means a deck that is permanently open to the weather on one or more sides and, if covered, any spot on the overhead is less than 4.5 meters (15 feet) from the nearest opening to the weather.

*Open to the atmosphere* means a compartment that has at least 9,375 square millimeters (15 square inches) of open area directly exposed to the atmosphere for each cubic meter (foot) of net compartment volume.

*Operating station* means the principal steering station on the vessel from which the individual on duty normally navigates the vessel.

*Overnight accommodations or overnight accommodation space* (5 or 7 depending on fire load and furnishings) means an accommodation space for use by passengers or by crew members, that has one or more berths, including beds or bunks, for passengers or crew

members to rest for extended periods. Staterooms, cabins, and berthing areas are normally overnight accommodation spaces. Overnight accommodations do not include spaces that contain only seats, including reclining seats.

*Pantry* means a space used for food storage, and may include microwaves or other low heat [not exceeding 121°C (250°F)] appliances for food preparation.

*Partially enclosed space* means a compartment that is neither open to the atmosphere nor an enclosed space.

*Partially protected waters* is a term used in connection with stability criteria and means:

- (1) Waters not more than 20 nautical miles from a harbor of safe refuge, unless determined by the cognizant OCMI to be exposed waters;
- (2) Those portions of rivers, estuaries, harbors, lakes, and similar waters that the cognizant OCMI determines not to be protected waters; and
- (3) Waters of the Great Lakes from April 16 through September 30 of the same year (summer season).

*Passenger* means an individual carried on a vessel, except:

- (1) The owner or an individual representative of the owner, or in the case of a vessel under charter, an individual charterer or individual representative of the charterer;
- (2) The master; or
- (3) A member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services.

*Passenger accommodation space* (5 or 7 depending on fire load and furnishings) means an accommodation space designated for the use of passengers.

*Passenger for hire* means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

*Pilothouse control* means that controls to start and stop the engines and control the direction and speed of the propeller of the vessel are located at the operating station.

*Piping system* includes piping, fittings, and appurtenances as described in § 56.07-5 in subchapter F of this chapter.

*Port light* means a hinged glass window, generally circular, in a vessel's side or deckhouse for light and ventilation.

*Protected waters* is a term used in connection with stability criteria and means sheltered waters presenting no special hazards such as most rivers, harbors, and lakes, and is not

determined to be exposed waters or partially protected waters by the OCMI.

*Pre-engineered* means, when referring to a fixed gas fire extinguishing system, a system that is designed and tested to be suitable for installation without modification, as a complete unit in a space of a set volume, regardless of the specific design of the vessel on which it is installed.

*Rivers* means a route on any of the following waters:

- (1) A river;
- (2) A canal; or
- (3) Such other similar waters as may be designated by a Coast Guard District Commander.

*Safety areas* include any of the following spaces:

- (1) Control spaces;
- (2) Stairways and stairtowers;
- (3) Corridors;
- (4) Embarkation stations;
- (5) Areas of refuge; or
- (6) Embarkation spaces.

*Sailing vessel* means a vessel principally equipped for propulsion by sail even if the vessel has an auxiliary means of propulsion.

*Scantlings* means the dimensions of all structural parts such as frames, girders, and plating, used in building a vessel.

*Scupper* means a pipe or tube of at least 30 millimeters (1.25 inches) in diameter leading down from a deck or sole and through the hull to drain water overboard.

*Self-bailing cockpit* means a cockpit, with watertight sides and floor (sole), that is designed to free itself of water by gravity drainage through scuppers.

*Service space* means a high risk service space or a low risk service space.

*Ship's service loads* means services necessary for maintaining the vessel in normal operational and habitable conditions. These loads include, but are not limited to, safety, lighting, ventilation, navigational, and communications loads.

*Short international voyage* means an international voyage where:

- (1) The vessel is not more than 200 nautical miles from a port or place in which the passengers and crew could be placed in safety; and
- (2) The total distance between the last port of call in the country in which the voyage began and the final port of destination does not exceed 600 nautical miles.

*Smoke developed rating* means the numeric value assigned to a material when tested in accordance with ASTM E-84 or UL 723 by an independent laboratory.

*Specific optical density* means the numeric value assigned to a material

when tested in accordance with ASTM E-662 by an independent laboratory.

*Stairtower* (2) means a fully enclosed group of stairways located within a common enclosure.

*Stairway* (2) means an inclined means of escape between two decks.

*Standard fire test* means a test in which a specimen is exposed in a test furnace to temperatures corresponding to the standard time-temperature curve. The specimen must resemble, as closely as possible, the intended construction and include, where appropriate, at least one joint. The standard time-temperature curve is defined by a smooth curve drawn through the following points, starting at ambient temperature:

- (1) At the end of 05 minutes—556 °C (1,033 °F);
- (2) At the end of 10 minutes—659 °C (1,218 °F);
- (3) At the end of 15 minutes—718 °C (1,324 °F);
- (4) At the end of 30 minutes—821 °C (1,509 °F); and
- (5) At the end of 60 minutes—925 °C (1,697 °F).

*Steel or equivalent material* means steel or any noncombustible material that, by itself or due to insulation provided, has structural and integrity properties equivalent to steel at the end of the standard fire test.

*Stepped main vertical zone* means a main vertical zone in which the main vertical zone bulkhead is not in a continuous plane on adjoining decks.

*Survival craft* means a lifeboat, rigid liferaft, inflatable liferaft, life float, inflatable buoyant apparatus, buoyant apparatus, or a small boat carried aboard a vessel in accordance with § 117.200(b) of this subchapter.

*Switchboard* means an electrical panel that receives power from a generator, battery, or other electrical power source and distributes power directly or indirectly to all equipment supplied by the generating plant.

*Trunk* means a vertical shaft or duct for the passage of pipes, wires, or other devices.

*Vehicle space* (11) means a space not on an open deck, for the carriage of motor vehicles with fuel in their tanks, into and from which such vehicles can be driven and to which passengers have access.

*Veneer* means a thin covering of combustible material on bulkheads, bulkhead panels, or furniture.

*Vessel* includes every description of watercraft or other artificial contrivance, used or capable of being used as a means of transportation on water.

*Vessel of the United States* means a vessel documented or numbered under

the laws of the United States, the states of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States.

*Warm water* means water where the monthly mean low water temperature is normally more than 15 degrees Celsius (59 degrees Fahrenheit).

*Watertight* means designed and constructed to withstand a static head of water without any leakage, except that "watertight" for the purposes of electrical equipment means enclosed so that water does not enter the equipment when a stream of water from a hose with a nozzle one inch in diameter that delivers at least 246 liters (65 gallons) per minute is sprayed on the enclosure from any direction from a distance of ten feet for five minutes.

*Weather deck* means a deck that is partially or completely exposed to the weather from above or from at least two sides.

*Weathertight* means that water will not penetrate in any sea condition, except that "weathertight equipment" means equipment constructed or protected so that exposure to a beating rain will not result in the entrance of water.

*Well deck vessel* means a vessel with a weather deck fitted with solid bulwarks that impede the drainage of water over the sides or a vessel with an exposed recess in the weather deck extending more than one-half of the length of the vessel measured over the weather deck.

*Wire* means an individual insulated conductor without an outer protective jacket.

*Work space* means a space, not normally occupied by a passenger, in which a crew member performs work and includes, but is not limited to, a galley, operating station, or machinery space.

#### § 114.540 Equivalents.

(a) The Commandant may approve any arrangement, fitting, appliance, apparatus, equipment, calculation, information, or test, which provides a level of safety equivalent to that established by specific provisions of this subchapter. Requests for approval must be submitted to the Marine Safety Center. If necessary, the Marine Safety Center may require engineering evaluations and tests to demonstrate the equivalence of the substitute.

(b) The Commandant may accept compliance by a high speed craft with the provisions of the pending International Maritime Organization (IMO) "Code of Safety for High Speed

Craft" as an equivalent to compliance with applicable requirements of this subchapter. Requests for a determination of equivalency for a particular vessel must be submitted to the Marine Safety Center.

(c) The Commandant may approve a novel lifesaving appliance or arrangement as an equivalent if it has performance characteristics at least equivalent to the appliance or arrangement required under this part, and:

- (1) Is evaluated and tested under IMO Resolution A.520(13), "Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-Saving Appliances and Arrangements"; or
- (2) Has successfully undergone an evaluation and tests that are substantially equivalent to those recommendations.

#### § 114.550 Special consideration.

In applying the provisions of this subchapter, the OCMI may give special consideration to authorizing departures from the specific requirements when unusual circumstances or arrangements warrant such departures and an equivalent level of safety is provided. The OCMI of each marine inspection zone in which a vessel operates must approve any special consideration granted to the vessel.

#### § 114.560 Appeals.

Any person directly affected by a decision or action taken under this subchapter, by or on behalf of the Coast Guard, may appeal therefrom in accordance with § 1.03 in subchapter A of this chapter.

#### § 114.600 Incorporation by reference.

(a) Certain material is incorporated by reference into this subchapter with the approval of the Director of the Federal Register in accordance with Title 5 United States Code (U.S.C.) 552(a) and Title 1 Code of Federal Regulations (CFR) Part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish a notice of change in the Federal Register and make the material available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700 Washington, DC, and at the U.S. Coast Guard, Standards Evaluation and Development Division (G-MES), 2100 Second Street SW., Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section.

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

*American Boat and Yacht Council (ABYC)*

3069 Solomon's Island Road, Edgewater, MD 21037

- A-1-93—Marine Liquefied Petroleum Gas (LPG) Systems ..... 121.240
- A-3-93—Galley Stoves ..... 121.200
- A-7-70—Boat Heating Systems ..... 121.200
- A-22-93—Marine Compressed Natural Gas (CNG) Systems ..... 121.240
- H-25-94—Portable Gasoline Fuel Systems for Flammable Liquids.... 119.458
- P-1-93—Installation of Exhaust Systems for Propulsion and Auxiliary Engines ..... 116.405; 119.425; 119.430

*American Bureau of Shipping (ABS)*

ABS Plaza, 16855 Northchase Drive, Houston, TX 77060

- Rules for Building and Classing Aluminum Vessels, 1975 ..... 116.300
- Rules for Building and Classing Steel Vessels, 1995 ..... 119.410; 120.360
- Rules for Building and Classing Steel Vessels Under 61 Meters (200 Feet) in Length, 1983 ..... 116.300
- Rules for Building and Classing Steel Vessels for Service on Rivers and Intracoastal Waterways, 1995 ..... 116.300

*American National Standards Institute (ANSI)*

United Engineering Center, 345 East 47th St., New York, NY 10017

- A 17.1-1984, including supplements A 17.1a and b-1985—Safety Code for Elevators and Escalators ..... 120.540
- B 31.1-1986—Code for Pressure Piping, Power Piping ..... 119.710
- Z 26.1-1977, including 1980 supplement—Safety Glazing Materials For Glazing Motor Vehicles Operating on Land Highways ..... 116.1030

*American Society for Testing and Materials (ASTM)*

1916 Race St., Philadelphia, PA 19103

- B-117-73 (Reapproved 1979)—Method of Salt Spray (Fog) Testing ..... 114.400
- D-93-94—Flash Point By Pensky-Martens Closed Cup Tester ..... 114.400
- D-635-91—Rate of Burning and/or Extent and Time of Burning of Self-supporting Plastics in a Horizontal Position ..... 119.440
- D-2863-91—Measuring the Minimum Oxygen Concentration to Support Candle-like Combustion of Plastics (Oxygen Index) ..... 119.440
- E-84-94—Surface Burning Characteristics of Building Materials ..... 114.400; 116.422; 116.423
- E-648-94a—Critical Radiant Flux of Floor-Covering Systems Using a Radiant Heat Energy Source ..... 114.400; 116.423

- E-662-94a—Specific Optical Density of Smoke Generated by Solid Materials ..... 114.400; 116.423

*Institute of Electrical and Electronics Engineers, Inc. (IEEE)*

IEEE Service Center, 445 Hoes Lane, Piscataway, NJ 08854

- Standard 45-1977—Recommended Practice for Electrical Installations on Shipboard ..... 120.340

*International Maritime Organization (IMO)*

International Maritime Organization, 4 Albert Embankment, London SE1 7SR

- Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-Saving Appliances and Arrangements—Resolution A.520(13), dated 17 November 1983 ..... 114.540(c)
- Use and Fitting of Retro-Reflective Materials on Life-Saving Appliances, Resolution A.658(16), dated 20 November 1989 ..... 122.604
- Fire Test Procedures For Ignitability of Bedding Components, Resolution A.688(17) dated 06 November 1991 ..... 116.405(j)
- Symbols Related to Life-Saving Appliances and Arrangements, Resolution A.760(18) dated 17 November 1993 ..... 122.604(g)

*National Fire Protection Association (NFPA)*

1 Batterymarch Park, Quincy, MA 02269-9101

- NFPA 10-1994—Portable Fire Extinguishers ..... 115.810
- NFPA 13-1994—Installation of Sprinkler Systems ..... 116.439
- NFPA 17-1994—Dry Chemical Extinguishing Systems ..... 118.425
- NFPA 17A-1994—Wet Chemical Extinguishing Systems ..... 118.425
- NFPA 70-1993—National Electrical Code (NEC)
  - Section 250-95 ..... 120.370
  - Section 310-13 ..... 120.340
  - Section 310-15 ..... 120.340
  - Article 430 ..... 120.320
  - Article 445 ..... 120.320
- NFPA 92B-1991—Smoke Management Systems in Malls, Atria, and Large Areas ..... 116.440
- NFPA 261-1994—Test For Determining Resistance of Mock-up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes .... 114.400; 116.423
- NFPA 302-1994—Pleasure and Commercial Motor Craft, Chapter 6 ..... 121.200; 121.240
- NFPA 306-1993—Control of Gas Hazards on Vessels ..... 115.710
- NFPA 701-1989—Fire Tests For Flame-Resistant Textiles and Films ..... 116.423
- NFPA 1963-1993—Fire Hose Connections ..... 118.320

*Underwriters Laboratories Inc. (UL)*

12 Laboratory Drive, Research Triangle Park, NC 27709

- UL 19-1992—Lined Fire Hose and Hose Assemblies ..... 118.320
- UL 174-1989, as amended through June 23, 1994—Household Electric Storage Tank Water Heaters ..... 119.320
- UL 486A-1992—Wire Connectors and Soldering Lugs For Use With Copper Conductors ..... 120.340
- UL 489-1995—Molded-Case Circuit Breakers and Circuit Breaker Enclosures ..... 120.380
- UL 595-1991—Marine Type Electric Lighting Fixtures ..... 120.410
- UL 710-1990, as amended through September 16, 1993—Exhaust Hoods For Commercial Cooking Equipment ..... 118.425
- UL 723-1993, as amended through April 20, 1994—Surface Burning Characteristics of Building Materials ..... 114.400; 116.422; 116.423; 116.425
- UL 1056-1989—Fire Test of Upholstered Furniture ..... 116.423
- UL 1058-1989, as amended through April 19, 1994—Halogenated Agent Extinguishing System Units ..... 118.410
- UL 1102-1992—Non integral Marine Fuel Tanks ..... 119.440
- UL 1104-1981, as amended through May 4, 1988—Marine Navigation Lights ..... 120.420
- UL 1110-1988, as amended through May 16, 1994—Marine Combustible Gas Indicators ..... 119.480
- UL 1453-1988, as amended through June 7, 1994—Electric Booster and Commercial Storage Tank Water Heaters ..... 119.320
- UL 1570-1995—Fluorescent Lighting Fixtures ..... 120.410
- UL 1571-1995—Incandescent Lighting Fixtures ..... 120.410
- UL 1572-1995—High Intensity Discharge Lighting Fixtures ..... 120.410
- UL 1573-1995—Stage and Studio Lighting Units ..... 120.410
- UL 1574-1995—Track Lighting Systems ..... 120.410

**§ 114.800 Approved equipment and material.**

(a) Equipment and material that is required by this subchapter to be approved or of an approved type, must have been manufactured and approved in accordance with the design and testing requirements in subchapter Q (Equipment, Construction, and Materials: Specifications and Approval) of this chapter or as otherwise specified by the Commandant.

(b) Notice regarding equipment approvals is published in the Federal Register. Coast Guard publication COMDTINST M16714.3 (Series), "Equipment Lists, Items Approved, Certificated or Accepted under Marine Inspection and Navigation Laws," lists

approved equipment by type and manufacturer. COMDTINST M16714.3 (Series) may be obtained from the Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328.

**§ 114.900 OMB control numbers.**

(a) *Purpose.* This section lists the control numbers assigned to information collection and recordkeeping requirements in this subchapter by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et. seq.*). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f), which requires that agencies display a current control number assigned by the Director of OMB for each approved agency information collection requirement.

(b) *Display.*

46 CFR Section where identified and described	Current OMB Control No.
115.105(a)	2115-0578
115.202	2115-0578
115.204	2115-0578
115.302	2115-0578
115.306	2115-0578
115.310	2115-0578
115.500(a)	2115-0578
115.612	2115-0578
115.700	2115-0578
115.704	2115-0578
115.710	2115-0578
115.810(b)	2115-0578
115.920(c)	2115-0578
115.930	2115-0578
116.202	2115-0578
116.330	2115-0578
116.340	2115-0578
116.520	2115-0578
116.530	2115-0578
116.610(f)	2115-0578
120.220(d)	2115-0578
120.320(d) and (e)	2115-0578
121.420	2115-0578
121.506	2115-0578
122.202	2115-0003
122.206	2115-0003
122.208	2115-0578
122.220	2115-0578
122.230	2115-0578
122.280	2115-0578
122.282	2115-0578
122.340(c)	2115-0578
122.402	2115-0578
122.420	will be displayed when assigned by OMB
122.502	2115-0578
122.503	2115-0578
122.504	2115-0578
122.506	2115-0578
122.510	2115-0578
122.514	2115-0578
122.515	2115-0578
122.516	2115-0578

46 CFR Section where identified and described	Current OMB Control No.
122.518	2115-0578
122.520	will be displayed when assigned by OMB
122.524	will be displayed when assigned by OMB
122.602	2115-0578
122.604	2115-0578
122.606	2115-0578
122.608	2115-0578
122.610	2115-0578
122.612	2115-0578
122.702	2115-0578
122.704(c)	2115-0578
122.728(c)	will be displayed when assigned by OMB

**PART 115—INSPECTION AND CERTIFICATION**

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Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306; 49 U.S.C. App. 1804; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp., p. 743; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

**Subpart A—Certificate of Inspection**

**§ 115.100 When required.**

(a) A vessel to which this subchapter applies may not be operated without having on board a valid U.S. Coast Guard Certificate of Inspection.

(b) Except as noted in § 115.114 of this part, each vessel inspected and certificated under the provisions of this subchapter must, when any passengers are aboard during the tenure of the certificate, be in full compliance with the terms of the certificate.

(c) If necessary to prevent delay of the vessel, a temporary Certificate of Inspection may be issued pending the issuance and delivery of the regular Certificate of Inspection. The temporary certificate must be carried in the same manner as the regular certificate and is considered the same as the regular Certificate of Inspection which it represents.

(d) A vessel on a foreign voyage between a port in the United States and a port in a foreign country, whose Certificate of Inspection expires during the voyage, may lawfully complete the voyage without a valid Certificate of Inspection provided the voyage is completed within 30 days of expiration and the certificate did not expire within 15 days of sailing on the foreign voyage from a U.S. port.

**§ 115.103 Description.**

The Certificate of Inspection issued to a vessel describes the vessel, the route(s) that it may travel, the minimum manning requirements, the survival and rescue craft carried, the minimum fire

extinguishing equipment and lifejackets required to be carried, the maximum number of passengers and total persons that may be carried, the number of passengers the vessel may carry in overnight accommodation spaces, the name of the owner and managing operator, any equivalences accepted or authorized by the Commandant or any Officer in Charge, Marine Inspection (OCMI) in accordance with § 114.540 or 114.550 of this subchapter and such other conditions of operations as may be determined by the cognizant OCMI.

**§ 115.105 How to obtain or renew.**

(a) A Certificate of Inspection is obtained or renewed by making application on Form CG 3752, "Application for Inspection of U.S. Vessel," to the Coast Guard OCMI of the marine inspection zone in which the inspection is to be made. Form CG-3752 may be obtained at any U.S. Coast Guard Marine Safety Office or Marine Inspection Office.

(b) The application for initial inspection of a vessel being newly constructed or converted must be submitted prior to the start of the construction or conversion.

(c) The construction, arrangement, and equipment of each vessel must be acceptable to the cognizant OCMI as a prerequisite of the issuance of the initial Certificate of Inspection. Acceptance is based on the information, specifications, drawings and calculations available to the OCMI, and on the successful completion of an initial inspection for certification.

(d) A Certificate of Inspection is renewed by the issuance of a new Certificate of Inspection.

(e) The condition of the vessel and its equipment must be acceptable to the cognizant OCMI as a prerequisite to the Certificate of Inspection renewal. Acceptance is based on the condition of the vessel as found at the periodic inspection for certification.

**§ 115.107 Period of validity.**

(a) A Certificate of Inspection is issued for a period of three years.

(b) A Certificate of Inspection may be suspended and withdrawn or revoked by the cognizant OCMI at any time for noncompliance with the requirements of this subchapter.

**§ 115.110 Routes permitted.**

(a) The area of operation for each vessel and any necessary operational limits are determined by the cognizant OCMI, and recorded on the vessel's Certificate of Inspection. Each area of operation, referred to as a route, is described on the Certificate of

Inspection under the major headings "Oceans," "Coastwise," "Limited Coastwise," "Great Lakes," "Lakes, Bays, and Sounds," or "Rivers," as applicable. Further limitations imposed or extensions granted are described by reference to bodies of waters, geographical points, distance from geographical points, distances from land, depths of channel, seasonal limitations, and similar factors.

(b) Operation of a vessel on a route of lesser severity than those specifically described or designated on the Certificate of Inspection is permitted unless expressly prohibited on the certificate of Inspection. The general order of severity of routes is: oceans, coastwise, limited coastwise, Great Lakes, lakes, bays, and sounds, and rivers. The cognizant OCMI may prohibit a vessel from operating on a route of lesser severity than the primary route a vessel is authorized to operate on if local conditions necessitate such a restriction.

(c) Non-self-propelled vessels are prohibited from operating on an oceans, coastwise, limited coastwise, or Great Lakes route unless the Commandant approves such a route.

(d) When designating a permitted route or imposing any operational limits on a vessel, the OCMI may consider:

(1) Requirements of this subchapter for which compliance is based on the route of the vessel;

(2) The performance capabilities of the vessel based on design, scantlings, stability, subdivision, propulsion, speed, operating modes, maneuverability, other characteristics; and

(3) The suitability of the vessel for night-time operations and use in all weather conditions.

**§ 115.112 Total persons permitted.**

The cognizant OCMI determines the total number of persons permitted to be carried on a vessel. In determining the total number of persons permitted to be carried, the OCMI may consider stability restrictions and subdivision requirements of the vessel, the vessel's route, general arrangement, means of escape, lifesaving equipment, the minimum manning requirements, and the maximum number of passengers permitted in accordance with § 115.113 of this part.

**§ 115.113 Passengers permitted.**

(a) The maximum number of passengers permitted must be not more than that allowed by the requirements of this section, except as authorized by the OCMI under paragraph (d) of this section.

(b) The maximum number of passengers permitted on any vessel may be the greatest number permitted by the length of rail criterion, deck area criterion, or fixed seating criterion described in this paragraph or a combination of these criteria as allowed by paragraph (c) of this section.

(1) *Length of rail criterion.* One passenger may be permitted for each 760 millimeters (30 inches) of rail space available to the passengers at the periphery of each deck. The following rail space may not be used in determining the maximum number of passengers permitted:

(i) Rail space in congested areas unsafe for passengers, such as near anchor handling equipment or line handling gear, in the way of sail booms, running rigging, or paddle wheels, or along pulpits;

(ii) Rail space on stairways; and

(iii) Rail space where persons standing in the space would block the line of vision of the licensed individual operating the vessel.

(2) *Deck area criterion.* One passenger may be permitted for each 0.9 square meters (10 square feet) of deck area available for the passengers' use. In computing such deck area, the areas occupied by the following must be excluded:

(i) Areas for which the number of persons permitted is determined using the fixed seating criteria;

(ii) Obstructions, including stairway and elevator enclosures, elevated stages, bars, and cashier stands, but not including slot machines, tables, or other room furnishings;

(iii) Toilets and washrooms;

(iv) Spaces occupied by and necessary for handling lifesaving equipment, anchor handling equipment or line handling gear, or in the way of sail booms or running rigging;

(v) Spaces below deck that are unsuitable for passengers or that would not normally be used by passengers;

(vi) Interior passageways less than 840 millimeters (34 inches) wide and passageways on open deck, less than 710 millimeters (28 inches) wide;

(vii) Bow pulpits, swimming platforms and areas that do not have a solid deck, such as netting on multi-hull vessels;

(viii) Deck areas in way of paddle wheels; and

(ix) Aisle area provided in accordance with § 116.820(d) of this chapter.

(3) *Fixed seating criterion.* One passenger may be permitted for each 455 millimeter (18 inches) of width of fixed seating provided by § 116.820 of this chapter. Each sleeping berth in

overnight accommodation spaces shall be counted as only one seat.

(c) Different passenger capacity criteria may be used on each deck of a vessel and added together to determine the total passenger capacity of that vessel. Where seats are provided on part of a deck and not on another, the number of passengers permitted on a vessel may be the sum of the number permitted by the seating criterion for the space having seats and the number permitted by the deck area criterion for the space having no seats. The length of rail criterion may not be combined with either the deck area criterion or the fixed seating criterion when determining the maximum number of passengers permitted on an individual deck.

(d) For a vessel operating on short runs on protected waters such as a ferry, the cognizant OCMI may give special consideration to increases in passenger allowances.

**§ 115.114 Alternative requirements for a vessel operating as other than a small passenger vessel.**

(a) When authorized by the cognizant OCMI by an endorsement of the vessel's Certificate of Inspection, a small passenger vessel carrying six or less passengers, or operating as a commercial fishing vessel or other uninspected vessel, or carrying less than twelve passengers and operating as a recreational vessel, need not meet requirements of:

(1) Subparts C, D, and E, of Part 117 of this chapter if the vessel is in satisfactory compliance with the lifesaving equipment regulations for an uninspected vessel or recreational vessel in similar service;

(2) Subpart C of Part 116 of this chapter and subchapter S of this chapter if the vessel is in satisfactory compliance with applicable regulations for an uninspected vessel or recreational vessel in a similar service or if the owner of the vessel otherwise establishes to the satisfaction of the cognizant OCMI that the vessel is seaworthy for the intended service; and

(3) Sections 121.404, 121.408, and 121.410 of this subchapter providing the vessel is in satisfactory compliance with any navigational equipment requirements for an uninspected or recreational vessel in a similar service.

(b) A vessel operating under the alternative regulations of paragraph (a) of this section must:

(1) Not alter the arrangement of the vessel nor remove any equipment required by the certificate for the intended operation, without the consent of the cognizant OCMI;

(2) Comply with minimum manning specified on the Certificate of Inspection, which may include reduced manning depending on the number of passengers and operation of the vessel;

(3) When carrying from one to six passengers except for a vessel being operated as a recreational vessel, make the announcement required by § 122.506(a) of this subchapter before getting underway; and

(4) If a vessel of more than 15 gross tons, not carry freight for hire.

(c) The endorsement issued under paragraph (a) of this section must indicate the route, maximum number of passengers, and the manning required to operate under the provisions of this section.

**§ 115.120 Certificate of Inspection amendment.**

(a) An amended Certificate of Inspection may be issued at any time by any OCMI. The amended Certificate of Inspection replaces the original, but the expiration date remains the same as that of the original. An amended Certificate of Inspection may be issued to authorize and record a change in the dimensions, gross tonnage, owner, managing operator, manning, persons permitted, route permitted, conditions of operations, or equipment of a vessel, from that specified in the current Certificate of Inspection.

(b) A request for an amended Certificate of Inspection must be made to the cognizant OCMI by the owner or managing operator of the vessel at any time there is a change in the character of a vessel or in its route, equipment, ownership, operation, or other similar factors specified in its current Certificate of Inspection.

(c) The OCMI may require an inspection prior to the issuance of an amended Certificate of Inspection.

**Subpart B—Special Permits and Certificates**

**§ 115.202 Permit to proceed.**

(a) When a vessel is not in compliance with its Certificate of Inspection or fails to comply with a regulation of this subchapter, the cognizant OCMI may permit the vessel to proceed to another port for repair if, in the judgment of the OCMI, the trip can be completed safely, even if the Certificate of Inspection of the vessel has expired or is about to expire.

(b) Form CG-948, "Permit to Proceed to another Port for Repairs," may be issued by the cognizant OCMI to the owner, managing operator, or the master of the vessel stating the conditions under which the vessel may proceed to

another port. The permit may be issued only upon the written application of the owner, managing operator, or master, and after the vessel's Certificate of Inspection is turned over to the OCMI.

(c) A vessel may not carry passengers when operating in accordance with a permit to proceed, unless the cognizant OCMI determines that it is safe to do so.

**§ 115.204 Permit to carry excursion party.**

(a) The cognizant OCMI may permit a vessel to engage in a temporary excursion operation with a greater number of persons or on a more extended route, or both, than permitted by its Certificate of Inspection when, in the opinion of the OCMI, the operation can be undertaken safely.

(b) Upon the written application of the owner or managing operator of the vessel, the cognizant OCMI may issue a Form CG-949, "Permit to Carry Excursion Party," to indicate his or her permission to carry an excursion party. The OCMI will indicate on the permit the conditions under which it is issued, the number of persons the vessel may carry, the crew required, any additional lifesaving or safety equipment required, the route for which the permit is granted, and the dates on which the permit is valid.

(c) The number of passengers normally permitted on an excursion vessel is governed by § 115.113 of this part.

(d) The OCMI will not normally waive applicable minimum safety standards when issuing an excursion permit. In particular, a vessel that is being issued an excursion permit will normally be required to meet the minimum stability, survival craft, life jacket, fire safety, and manning standards applicable to a vessel in the service for which the excursion permit is requested.

(E) The permit acts as a temporary, limited duration supplement to the vessel's Certificate of Inspection and must be carried with the Certificate of Inspection. A vessel operating under a permit to carry an excursion party must be in full compliance with the terms of its Certificate of Inspection as supplemented by the permit.

(f) The OCMI may require an inspection prior to the issuance of a permit to carry an excursion party.

**Subpart C—Posting of Certificates, Permits, and Stability Letters**

**§ 115.302 Certificates and permits.**

The Certificate of Inspection and any SOLAS Certificates must be posted under glass or other suitable transparent material, such that all pages are visible, in a conspicuous place on the vessel

where observation by passengers is likely. If posting is impracticable, such as on open boats, the certificates must be kept on board in a weathertight container readily available for use by the crew and for display to passengers and others on request.

**§ 115.306 Stability letter.**

When, in accordance with § 170.120 in subchapter S of this chapter, a vessel must be provided with a stability letter, the stability letter must be posted under glass or other suitable transparent material, such that all pages are visible, at the operating station of the vessel. If posting is impracticable, the stability letter must be kept on board in a weathertight container readily available for use by the crew and for display to passengers and others on request.

**§ 115.310 Certification expiration date stickers.**

(a) A Certification Expiration Date Sticker indicates the date upon which the vessel's Certificate of Inspection expires and is provided by the cognizant OCMI in the number required, upon issuance or renewal of the Certificate of Inspection.

(b) A vessel that is issued a Certificate of Inspection under the provisions of this subchapter must not be operated without a valid Certification Expiration Date Sticker affixed to the vessel on a place that is:

(1) A glass or other smooth surface from which the sticker may be removed without damage to the vessel;

(2) Readily visible to each passenger prior to boarding the vessel and to patrolling Coast Guard law enforcement personnel; and

(3) Acceptable to the Coast Guard marine inspector.

(c) The Coast Guard marine inspector may require the placement of more than one sticker in order to insure compliance with paragraph (b)(2) of this section.

**Subpart D—Inspection for Certification**

**§ 115.400 General.**

(a) An inspection is required before the issuance of a Certificate of Inspection. Such an inspection for certification is not made until after receipt of the application for inspection required by § 115.105 of this part.

(b) Upon receipt of a written application for inspection, the cognizant OCMI assigns a marine inspector to inspect the vessel for compliance with this subchapter at a time and place mutually agreed upon by the OCMI and the owner, managing operator, or representative thereof.

(c) The owner, managing operator, or a representative thereof shall be present during the inspection.

**§ 115.402 Initial inspection for certification.**

(a) Before construction or conversion of a vessel intended for small passenger vessel service, the owner of the vessel shall submit plans, manuals, and calculations indicating the proposed arrangement, construction, and operations of the vessel, to the Marine Safety Center for approval. The plans, manuals, and calculations required to be submitted and the disposition of these plans are set forth in Part 116, Subpart B of this subchapter.

(b) The initial inspection is conducted to determine that the vessel and its equipment comply with applicable regulations and that the vessel was built or converted in accordance with approved plans, manuals, and calculations. Additionally, during the inspection, the materials, workmanship, and condition of all parts of the vessel and its machinery and equipment may be checked to determine if the vessel is satisfactory in all respects for the service intended.

(c) The owner or managing operator of a vessel shall ensure that the vessel complies with the laws and regulations applicable to the vessel and that the vessel is otherwise satisfactory for the intended service. The initial inspection may include an inspection of the following items:

(1) The arrangement, installation, materials, and scantlings of the structure including the hull and superstructure, yards, masts, spars, rigging, sails, piping, main and auxiliary machinery, pressure vessels, steering apparatus, electrical installations, fire resistant construction materials, lifesaving appliances, fire detecting and extinguishing equipment, pollution prevention equipment, and all other equipment;

(2) Arrangement and means of emergency egress;

(3) Sanitary conditions and fire hazards; and

(4) Certificates and operating manuals, including certificates issued by the Federal Communications Commission.

(d) During an initial inspection for certification the owner or managing operator shall conduct all tests and make the vessel available for all applicable inspections discussed in this paragraph, and in Subpart H of this part, as applicable, to the satisfaction of the cognizant OCMI, including the following:

(1) The installation of each rescue boat, liferaft, inflatable buoyant apparatus, and launching appliance as listed on its Certificate of Approval (Form CGHQ-10030).

(2) The operation of each rescue boat and survival craft launching appliance required by Part 117 of this subchapter.

(3) Machinery, fuel tanks, and pressure vessels required by Part 119 of this subchapter.

(4) A stability test when required by § 170.175 in subchapter S of this chapter.

(5) Watertight bulkheads as required by Subchapter S of this chapter.

(6) Firefighting systems as required by Part 118 of this subchapter.

(7) The operation of all smoke and fire detecting systems, fire alarms and sensors, and fire confining appliances (such as fire screen doors and fire dampers).

**§ 115.404 Subsequent inspections for certification.**

An inspection for renewal of a Certificate of Inspection normally includes inspection and testing of the structure, machinery, equipment, and on a sailing vessel, rigging and sails. The owner or managing operator shall conduct all tests as required by the marine inspector, and make the vessel available for all specific inspections and drills required by Subpart H of this part. In addition, the OCMI may require the vessel to get underway as part of the inspection for certification. The inspection is conducted to determine if the vessel is in satisfactory condition, fit for the service intended, and complies with the applicable regulations in this subchapter.

**Subpart E—Reinspection**

**§ 115.500 When required.**

(a) The owner or managing operator shall make a vessel available for reinspections within 60 days of each anniversary of the date of issuance of the Certificate of Inspection during each triennial inspection period. The owner or managing operator shall contact the cognizant OCMI to arrange for a reinspection to be conducted at a time and place acceptable to the OCMI.

(b) In addition to the requirements of paragraph (a) of this section, a reinspection may be made at such other times as may be required by the cognizant OCMI.

**§ 115.502 Scope.**

In general, the scope of the reinspection is the same as the inspection for certification but in less detail unless it is determined that a

major change has occurred since the last inspection for certification.

### Subpart F—Hull and Tailshaft Examinations

#### § 115.600 Drydock and internal structural examination intervals.

(a) The owner or managing operator shall make a vessel available for drydock examinations and internal structural examinations required by this section.

(b) A vessel making an international voyage must undergo a drydock examination and an internal structural examination at least once every 12 months. If the vessel becomes due for a drydock examination or an internal structural examination during the voyage, it may lawfully complete the voyage prior to the examination if it undergoes the required examination upon completion of the voyage to the United States but not later than 30 days after the examination is due. If the vessel is due for an examination within 15 days of sailing on an international voyage from a United States port, it must undergo the required examination before sailing.

(c) Except as provided in paragraph (d) of this section, a vessel not making an international voyage must undergo a drydock examination and an internal structural examination as follows:

(1) A vessel that is exposed to salt water more than three months in any 12 month period since the last examination must undergo a drydock examination and an internal structural examination at least once every two years; and

(2) A vessel that is exposed to salt water not more than three months in any 12 month period since the last examination must undergo a drydock examination and an internal structural examination at least once every five years.

(d) Whenever damage or deterioration to hull plating or structural members that may affect the seaworthiness of a vessel is discovered or suspected, the cognizant OCMI may conduct an internal structural examination in any affected space, including fuel tanks, and may require the vessel to be drydocked or taken out of service to assess the extent of the damage, and to effect permanent repairs. The OCMI may also decrease the drydock examination intervals to monitor the vessel's structural condition.

#### § 115.610 Scope of drydock and internal structural examinations.

(a) A drydock examination conducted in compliance with § 115.600 of this part must be conducted while the vessel

is hauled out of the water or placed in a drydock or slipway. During the examination all accessible parts of the vessel's underwater body and all through hull fittings, including the hull plating, appendages, propellers, shafts, bearings, rudders, sea chests, sea valves, and sea strainers shall be made available for examination. Sea chests, sea valves, and sea strainers must be opened for examination.

(b) An internal structural examination conducted in compliance with § 115.600 of this part may be conducted while the vessel is afloat or out of the water and consists of a complete examination of the vessel's main strength members, including the major internal framing, the hull plating, voids, and ballast, cargo, and fuel oil tanks. Where the internal framing or plating of the vessel is concealed, sections of the lining, ceiling or insulation may be removed or the parts otherwise probed or exposed so that the inspector may be satisfied as to the condition of the hull structure. Fuel oil tanks need not be cleaned out and internally examined if the marine inspector is able to determine by external examination that the general condition of the tanks is satisfactory.

#### § 115.612 Notice and plans required.

(a) The owner or managing operator shall notify the cognizant OCMI as far in advance as possible whenever a vessel is to be hauled out or placed in a drydock or slipway in compliance with § 115.600 of this part or to undergo repairs or alterations affecting the safety of the vessel, together with the nature of any repairs or alterations contemplated. Hull repairs or alterations that affect the safety of the vessel include but are not limited to the replacement, repair, or refastening of planking, plating, or structural members, including the repair of cracks in the hull.

(b) Whenever a vessel is hauled out or placed in a drydock or slipway in excess of the requirements of this subpart for the purpose of maintenance, such as changing a propeller, painting, or cleaning the hull, no report need be made to the cognizant OCMI.

(c) The owner or managing operator of each vessel that holds a Load Line Certificate shall make plans showing the vessel's scantlings available to the Coast Guard marine inspector whenever the vessel undergoes a drydock examination or internal structural examination or whenever repairs or alterations affecting the safety or seaworthiness of the vessel are made to the vessel's hull.

#### § 115.630 Tailshaft examinations.

(a) The marine inspector may require any part or all of the propeller shafting

to be drawn for examination of the shafting and stern bearing of a vessel whenever the condition of the shafting and bearings are in question.

(b) The marine inspector may conduct a visual examination and may require nondestructive testing of the propeller shafting whenever the condition of shafting is in question.

#### § 115.670 Extension of examination intervals.

The intervals between drydock examinations and internal structural examinations specified in § 115.600 of this part may be extended by the cognizant OCMI or Commandant.

### Subpart G—Repairs and Alterations

#### § 115.700 Permission for repairs and alterations.

(a) Repairs or alterations to the hull, machinery, or equipment that affect the safety of the vessel must not be made without the approval of the cognizant OCMI, except during an emergency. When repairs are made during an emergency, the owner, managing operator, or master shall notify the OCMI as soon as practicable after such repairs or alterations are made. Repairs or alterations that affect the safety of the vessel include, but are not limited to, the: replacement, repair, or refastening of deck or hull planking, plating, and structural members; repair of plate or frame cracks; damage repair or replacement, other than replacement in kind, of electrical wiring, fuel lines, tanks, boilers and other pressure vessels, and steering, propulsion and power supply systems; alterations affecting stability; and repair or alteration of livesaving, fire detecting, or fire extinguishing equipment.

(b) The owner or managing operator shall submit drawings, sketches, or written specifications describing the details of any proposed alterations to the cognizant OCMI. Proposed alterations must be approved by the OCMI before work is started.

(c) Drawings are not required to be submitted for repairs or replacements in kind.

(d) The OCMI may require an inspection and testing whenever a repair or alteration is undertaken.

#### § 115.702 Installation tests and inspections.

Whenever a launching appliance, survival craft, rescue boat, fixed gas fire extinguishing system, machinery, fuel tank, or pressure vessel is installed aboard a vessel after completion of the initial inspection for certification of the vessel, as replacement equipment or as a new installation, the owner or

managing operator shall conduct the tests and make the vessel ready for the inspections required by § 115.402(d) of this part to the satisfaction of the cognizant OCMI.

**§ 115.704 Breaking of safety valve seals.**

The owner, managing operator, or master shall notify the cognizant OCMI as soon as practicable after the seal on a boiler safety valve on a vessel is broken.

**§ 115.710 Inspection and testing prior to hot work.**

(a) An inspection for flammable or combustible gases must be conducted by a certified marine chemist or other person authorized by the cognizant OCMI in accordance with the provisions of National Fire Protection Association (NFPA) 306, "Control of Gas Hazards on Vessels," before alterations, repairs, or other operations involving riveting, welding, burning, or other fire producing actions may be made aboard a vessel:

(1) Within or on the boundaries of fuel tanks; or

(2) To pipelines, heating coils, pumps, fittings, or other appurtenances connected to fuel tanks.

(b) An inspection required by paragraph (a) of this section must be conducted as required by this paragraph.

(1) In ports or places in the United States or its territories and possessions, the inspection must be conducted by a marine chemist certificated by the NFPA. However, if the services of a certified marine chemist are not reasonably available, the cognizant OCMI, upon the recommendation of the vessel owner or managing operator, may authorize another person to inspect the vessel. If the inspection indicates that the operations can be undertaken safely, a certificate setting forth this fact in writing must be issued by the certified marine chemist or the authorized person before the work is started. The certificate must include any requirements necessary to reasonably maintain safe conditions in the spaces certified throughout the operation, including any precautions necessary to eliminate or minimize hazards that may be present from protective coatings or residues from cargoes.

(2) When not in a port or place in the United States or its territories and possessions, and when a marine chemist or person authorized by the cognizant OCMI is not reasonably available, the master shall conduct the inspection and enter the results of the inspection in the vessel's logbook.

(c) The owner, managing operator, or master shall obtain a copy of certificates issued by the certified marine chemist or the other person authorized by the cognizant OCMI, and shall ensure that all conditions on the certificates are observed and that the vessel is maintained in a safe condition. The owner, managing operator, or master shall maintain a safe condition on the vessel by requiring full observance, by persons under his or her control, of all requirements listed in the certificate.

**Subpart H—Material Inspections**

**§ 115.800 Inspection standards.**

(a) A vessel is inspected for compliance with the standards required by this subchapter. Machinery, equipment, materials, and arrangements not covered by standards in this subchapter may be inspected in accordance with standards acceptable to the cognizant OCMI as good marine practice.

(b) In the application of inspection standards due consideration must be given to the hazards involved in the operation permitted by a vessel's Certificate of Inspection. Thus, the standards may vary in accordance with the vessel's area of operation or any other operational restrictions or limitations.

(c) The published standards of classification societies and other recognized safety associations may be used as guides in the inspection of vessels when such standards do not conflict with the requirements of this subchapter.

**§ 115.801 Notice of inspection deficiencies and requirements.**

(a) If during the inspection of a vessel, the vessel or its equipment is found not to conform to the requirements of law or the regulations in this subchapter, the marine inspector will point out deficiencies observed and discuss all requirements with the owner, managing operator, or a representative thereof. Normally, the marine inspector will list all such requirements that have not been completed and present the list to the owner, managing operator, or a representative thereof. However, when a deficiency presents a serious safety hazard to the vessel or its passengers or crew, and exists through negligence or willful noncompliance, the marine inspector may issue a Report of Violation (ROV) to the owner, managing operator, or a representative thereof.

(b) In any case where further clarification of or reconsideration of any requirement placed against the vessel is desired, the owner, managing operator,

or a representative thereof, may discuss the matter with the cognizant OCMI.

**§ 115.802 Hull.**

(a) At each initial and subsequent inspection for certification of a vessel, the owner or managing operator shall be prepared to conduct tests and have the vessel ready for inspections of the hull structure and its appurtenances, including the following:

(1) Inspection of all accessible parts of the exterior and interior of the hull, the watertight bulkheads, and weather decks;

(2) Inspection and operation of all watertight closures in the hull, decks, and bulkheads including through hull fittings and sea valves;

(3) Inspection of the condition of the superstructure, masts, and similar arrangements constructed on the hull, and on a sailing vessel all spars, standing rigging, running rigging, blocks, fittings, and sails;

(4) Inspection of all railings and bulwarks and their attachment to the hull structure;

(5) Inspection to ensure that guards or rails are provided in dangerous places;

(6) Inspection and operation of all weathertight closures above the weather deck and the provisions for drainage of sea water from the exposed decks; and

(7) Inspection of all interior spaces to ensure that they are adequately ventilated and drained, and that means of escape are adequate and properly maintained.

(b) The vessel must be afloat for at least a portion of the inspection as required by the marine inspector.

(c) When required by the marine inspector, a portion of the inspection must be conducted while the vessel is underway so that the working of the hull can be observed.

**§ 115.804 Machinery.**

At each initial and subsequent inspection for certification of a vessel, the owner or managing operator shall be prepared to conduct tests and have the vessel ready for inspections of machinery, fuel, and piping systems, including the following:

(a) Operation of the main propulsion machinery both ahead and astern;

(b) Operational test and inspection of engine control mechanisms including primary and alternate means of starting machinery;

(c) Inspection of all machinery essential to the routine operation of the vessel including generators and cooling systems;

(d) External inspection of fuel tanks and inspection of tank vents, piping, and pipe fittings;

- (e) Inspection of all fuel systems;
- (f) Operational test of all valves in fuel lines by operating locally and at remote operating positions;
- (g) Operational test of all overboard discharge and intake valves and watertight bulkhead pipe penetration valves;
- (h) Operational test of the means provided for pumping bilges; and
- (i) Test of machinery alarms including bilge high level alarms.

#### § 115.806 Electrical.

At each initial and subsequent inspection for certification of a vessel, the owner or managing operator shall be prepared to conduct tests and have the vessel ready for inspection of electrical equipment and systems, including the following:

- (a) Inspection of all cable as far as practicable without undue disturbance of the cable or electrical apparatus;
- (b) Test of circuit breakers by manual operation;
- (c) Inspection of fuses including ensuring the ratings of fuses are suitable for the service intended;
- (d) Inspection of rotating electrical machinery essential to the routine operation of the vessel;
- (e) Inspection of all generators, motors, lighting fixtures and circuit interrupting devices located in spaces or areas that may contain flammable vapors;
- (f) Inspection of batteries for condition and security of stowage;
- (g) Operational test of electrical apparatus, which operates as part of or in conjunction with a fire detection or alarm system installed on board the vessel, by simulating, as closely as practicable, the actual operation in case of fire; and
- (h) Operational test of all emergency electrical systems.

#### § 115.808 Lifesaving.

(a) At each initial and subsequent inspection for certification of a vessel, the owner or managing operator shall be prepared to conduct tests and have the vessel ready for inspection of lifesaving equipment and systems, including the following:

- (1) Tests of each rescue boat and each rescue boat launching appliance and survival craft launching appliance in accordance with § 71.25–15 in subchapter H (Passenger Vessels) of this chapter;
- (2) Inspection of each lifejacket, work vest, and marine buoyant device;
- (3) If used, inspection of the passenger safety orientation cards or pamphlets allowed by § 122.506(b) of this subchapter;

(4) Inspection of each inflatable liferaft and inflatable lifejacket to determine that it has been serviced as required by § 122.730 of this subchapter; and

(5) Inspection of each hydrostatic release unit to determine that it is in compliance with the servicing and usage requirements of § 122.740 of this subchapter.

(b) Each item of lifesaving equipment determined by the marine inspector to not be in serviceable condition must be repaired or replaced.

(c) Each item of lifesaving equipment with an expiration date on it must be replaced if the expiration date has passed.

(d) The owner or managing operator shall destroy, in the presence of the marine inspector, each lifejacket, other personal flotation device, and other lifesaving device found to be defective and incapable of repair.

(e) At each initial and subsequent inspection for certification of a vessel, the vessel must be equipped with an adult size lifejacket for each person authorized. The vessel must also be equipped with child size lifejackets equal to at least:

- (1) 10 percent of the maximum number of passengers permitted to be carried unless children are prohibited from being carried aboard the vessel; or
- (2) 5 percent of the maximum number of passengers permitted to be carried if all extended size lifejackets are provided.

(f) Life jackets, work vests, and marine buoyant devices may be marked with the date and marine inspection zone to indicate that they have been inspected and found to be in serviceable condition by a marine inspector.

(g) At each initial and subsequent inspection for certification, the marine inspector may require that an abandon ship or man overboard drill be held under simulated emergency conditions specified by the inspector.

#### § 115.810 Fire protection.

(a) At each initial and subsequent inspection for certification, the owner or managing operator shall be prepared to conduct tests and have the vessel ready for inspection of its fire protection equipment, including the following:

(1) Inspection of each hand portable fire extinguisher, semiportable fire extinguisher, and fixed gas fire extinguishing system to check for excessive corrosion and general condition;

(2) Inspection of piping, controls, and valves, and the inspection and testing of alarms and ventilation shutdowns, for each fixed gas fire extinguishing system

and detecting system to determine that the system is in operating condition;

(3) Operation of the fire main system and checking of the pressure at the most remote and highest outlets;

(4) Testing of each firehose to a test pressure equivalent to its maximum service pressure;

(5) Checking of each cylinder containing compressed gas to ensure it has been tested and marked in accordance with § 147.60 in subchapter N of this chapter;

(6) Testing or renewal of flexible connections and discharge hoses on semiportable extinguishers and fixed gas extinguishing systems in accordance with § 147.65 in subchapter N of this chapter; and

(7) Inspection and testing of smoke and fire detecting systems (including sensors and alarms) and fire confining appliances (such as fire screen doors and fire dampers).

(b) The owner, managing operator, or a qualified servicing facility as applicable shall conduct the following inspections and tests:

(1) For portable fire extinguishers, the inspections, maintenance procedures and hydrostatic pressure tests required by Chapter 4 of NFPA 10, "Portable Fire Extinguishers," with the frequency specified by NFPA 10. In addition, carbon dioxide and halon portable fire extinguishers must be refilled when the net content weight loss exceeds that specified for fixed systems by Table 115.810(b). The owner or managing operator shall provide satisfactory evidence of the required servicing to the marine inspector. If any of the equipment or records have not been properly maintained, a qualified servicing facility may be required to perform the required inspections, maintenance procedures, and hydrostatic pressure tests. A tag issued by a qualified servicing organization, and attached to each extinguisher, may be accepted as evidence that the necessary maintenance procedures have been conducted.

(2) For semiportable and fixed gas fire extinguishing systems, the inspections and tests required by Table 115.810(b), in addition to the tests required by §§ 147.60 and 147.65 in subchapter N of this chapter. The owner or managing operator shall provide satisfactory evidence of the required servicing to the marine inspector. If any of the equipment or records have not been properly maintained, a qualified servicing facility may be required to perform the required inspections, maintenance procedures, and hydrostatic pressure tests.

TABLE 115.810(b).—SEMI-PORTABLE AND FIXED FIRE EXTINGUISHING SYSTEMS

Type system	Test
Carbon dioxide .....	Weigh cylinders. Recharge if weight loss exceeds 10% of weight of charge. Test time delays, alarms, and ventilation shutdowns with carbon dioxide, nitrogen, or other nonflammable gas as stated in the system manufacturer's instruction manual. Inspection hoses and nozzles to be sure they are clean.
Halon .....	Weigh cylinders. Recharge if weight loss exceeds 5% of weight of charge. If the system has a pressure gauge, also recharge if pressure loss (adjusted for temperature) exceeds 10%. Test time delays, alarms, and ventilation shutdowns with carbon dioxide, nitrogen, or other nonflammable gas as stated in the system manufacturer's instruction manual. Inspect hoses and nozzles to be sure they are clean.
Dry Chemical (cartridge operated).	Examine pressure cartridge and replace if end is punctured or if determined to have leaked or to be in unsuitable condition. Inspect hose and nozzle to see if they are clear. Insert charged cartridge. Ensure dry chemical is free flowing (not caked) and extinguisher contains full charge.
Dry chemical (stored pressure).	See that pressure gauge is in operating range. If not, or if the seal is broken, weigh or otherwise determine that extinguisher is fully charged with dry chemical. Recharge if pressure is low or if dry chemical is needed.
Foam (stored pressure)	See that pressure gauge, if so equipped, is in the operating range. If not, or if the seal is broken, weight or otherwise determine that extinguisher is fully charged with foam. Recharge if pressure is low or if foam is needed. Replace premixed agent every 3 years.
Clean Agents (Halon replacements).	(To be developed).

(c) The owner, managing operator, or master shall destroy, in the presence of the marine inspector, each fire hose found to be defective and incapable of repair.

(d) At each initial and subsequent inspection for certification, the marine inspector may require that a fire drill be held under simulated emergency conditions to be specified by the inspector.

#### § 115.812 Pressure vessels and boilers.

(a) Periodic inspection and testing requirements for pressure vessels are contained in § 61.10 in subchapter F of this chapter.

(b) Periodic inspection and testing requirements for boilers are contained in § 61.05 in subchapter F of this chapter.

#### § 115.814 Steering systems.

At each initial and subsequent inspection for certification the owner or managing operator shall be prepared to test the steering systems of the vessel and make them available for inspection to the extent necessary to determine that they are in suitable condition and fit for the service intended. Servo-type power systems, such as orbitrol systems, must be tested and capable of smooth operation by a single person in the manual mode, with hydraulic pumps secured.

#### § 115.816 Miscellaneous systems and equipment.

At each initial and subsequent inspection for certification the owner or managing operator shall be prepared to test and make available for inspection all items in the ship's outfit, such as ground tackle, navigation lights and equipment, markings, and placards, which are required to be carried by the regulations in this subchapter, as

necessary to determine that they are fit for the service intended.

#### § 115.818 Sanitary inspection.

At each inspection for certification and at every other vessel inspection, quarters, toilet and washing spaces, galleys, serving pantries, lockers, and similar spaces may be examined to determine that they are serviceable and in a sanitary condition.

#### § 115.830 Unsafe practices.

(a) At each inspection for certification and at every other vessel inspection all observed unsafe practices, fire hazards, and other hazardous situations must be corrected and all required guards and protective devices must be in satisfactory condition.

(b) At each inspection for certification and at every other vessel inspection the bilges and other spaces may be examined to see that there is no excessive accumulation of oil, trash, debris, or other matter that might create a fire hazard, clog bilge pumping systems, or block emergency escapes.

#### § 115.840 Additional tests and inspections.

The cognizant OCMI may require that a vessel and its equipment undergo any additional test or inspection deemed reasonable and necessary to determine that the vessel and its equipment are suitable for the service in which they are to be employed.

### Subpart I—International Convention for Safety of Life at Sea, 1974, as Amended (SOLAS)

#### § 115.900 Applicability.

(a) Except as otherwise provided in this subpart, a mechanically propelled vessel of the United States, which carries more than 12 passengers on an international voyage must be in

compliance with the applicable requirements of the International Convention for Safety of Life at Sea, 1974, as Amended (SOLAS), to which the United States Government is currently a party.

(b) SOLAS does not apply to a vessel solely navigating the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd Meridian.

#### § 115.910 Passenger Ship Safety Certificate.

(a) A vessel that carries more than 12 passengers on an international voyage must have a valid SOLAS Passenger Ship Safety Certificate. The Commandant issues the original SOLAS Passenger Ship Safety Certificate after receiving notification from the cognizant OCMI that the vessel complies with the applicable SOLAS regulations. Subsequent SOLAS Passenger Ship Safety Certificates are issued by the cognizant OCMI unless any changes to the vessel or its operations have occurred that changes the information on the certificate, in which case the Commandant will reissue the certificate.

(b) The route specified on the Certificate of Inspection and the SOLAS Passenger Ship Safety Certificate must agree.

(c) A SOLAS Passenger Ship Safety Certificate is issued for a period of not more than 12 months.

(d) The SOLAS Passenger Ship Safety Certificate may be withdrawn, revoked, or suspended at any time when the vessel is not in compliance with applicable SOLAS requirements.

**§ 115.920 Exemptions.**

(a) In accordance with Chapter I (General Provisions) Regulation 4, of SOLAS, the Commandant may exempt a vessel, which is not normally engaged on an international voyage but that in exceptional circumstances is required to undertake a single international voyage, from any of the requirements of SOLAS provided that the vessel complies with safety requirements that are adequate in the Commandant's opinion for the voyage that is to be undertaken.

(b) In accordance with Chapter II-1 (Construction—Subdivision and Stability, Machinery and Electrical Installations) Regulation 1, Chapter II-2 (Construction—Fire Protection, Fire Detection and Fire Extinction) Regulation 1, and Chapter III (Life Saving Appliances and Arrangements) Regulation 2 of SOLAS, the Commandant may exempt a vessel that does not proceed more than 20 miles from the nearest land from any of the specific requirements of Chapters II-1, II-2, and III of SOLAS if the Commandant determines that the sheltered nature and conditions of the voyage are such as to render the application of such requirements unreasonable or unnecessary.

(c) The Commandant may exempt a vessel from requirements of the regulations of SOLAS in accordance with paragraphs (a) and (b) of this section upon a written request from the owner or managing operator submitted to the Commandant via the cognizant OCMI.

(d) When the Commandant grants an exemption to a vessel in accordance with this section, the Commandant will issue the original SOLAS Exemption Certificate describing the exemption. Subsequent SOLAS Exemption Certificates are issued by the cognizant OCMI unless any changes to the vessel or its operations have occurred that changes the information on the SOLAS Exemption or Passenger Ship Safety Certificates, in which case the Commandant shall reissue the certificate. A SOLAS Exemption Certificate is not valid for longer than the period of the SOLAS Passenger Ship Safety Certificate to which it refers.

**§ 115.930 Equivalents.**

In accordance with Chapter I (General Provisions) Regulation 5, of SOLAS, the Commandant may accept an equivalent to a particular fitting, material, appliance, apparatus, or any particular provision required by the SOLAS regulations if satisfied that such equivalent is as least as effective as that required by the regulations. An owner or managing operator of a vessel may

submit a request for the acceptance of an equivalent following the procedures in § 114.540 of this subchapter. The Commandant will indicate the acceptance of an equivalent on the vessel's SOLAS Passenger Ship Safety Certificate.

**PART 116—CONSTRUCTION AND ARRANGEMENT****Subpart A—General Provisions**

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- 116.1200 Ballast.

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

**Subpart A—General Provisions****§ 116.100 General requirements.**

(a) The construction and arrangement of a vessel must allow the safe operation of the vessel in accordance with the terms of its Certificate of Inspection giving consideration to provisions for a seaworthy hull, protection against fire, means of escape in case of a sudden unexpected casualty, guards and rails in hazardous places, ventilation of enclosed spaces, and necessary facilities for passengers and crew.

(b) Vessels to which this subchapter applies must meet the applicable provisions in Subchapter S (Subdivision and Stability) of this chapter, except that the requirements in Subpart K of this part may be met in lieu of the requirements of §§ 171.124 through 171.155 in subchapter S of this chapter.

**§ 116.115 Applicability to existing vessels.**

(a) Except as otherwise required by paragraph (b) of this section, an existing vessel must comply with the construction and arrangement regulations that were applicable to the vessel on March 10, 1996, or, as an alternative, the vessel may comply with the regulations in this part.

(b) Alterations or modifications made to the structure or arrangements of an existing vessel regulated by this part, that are a major conversion, on or after March 11, 1996, must comply with the regulations of this part. Repairs or maintenance conducted on an existing vessel, resulting in no significant changes to the original structure or arrangement of the vessel, must comply with the regulations applicable to the vessel on March 10, 1996, or, as an alternative, with the regulations in this part. However, when outfit items such as furnishings and mattresses are renewed, they must comply with the regulations in this part.

**Subpart B—Plans****§ 116.202 Plans and information required.**

(a) Except as provided in § 116.210 of this part, the owner of a vessel requesting initial inspection for certification shall, prior to the start of construction, submit for approval to the Commanding Officer, U.S. Coast Guard Marine Safety Center (Marine Safety Center), 400 Seventh Street, SW., Washington, DC 20590-0001, three copies of the following plans:

- (1) Outboard profile;
- (2) Inboard profile; and
- (3) Arrangement of decks.

(b) In addition, the owner shall, prior to receiving a Certificate of Inspection, submit for approval to the Marine Safety Center, three copies of the following plans, manuals, analyses, and calculations that are applicable to the vessel as determined by the Commanding Officer, Marine Safety Center:

- (1) Midship section;
- (2) Structural fire protection details;
- (3) Fire load calculations of accommodations and service spaces, if required in § 116.427 of this part;
- (4) Emergency evacuation plan required in § 116.520, of this part with drawings showing embarkation stations, areas of refuge, and escape routes;
- (5) Machinery installation, including but not limited to:
  - (i) Propulsion and propulsion control, including shaft details;
  - (ii) Steering and steering control, including rudder details;
  - (iii) Ventilation diagrams; and
  - (iv) Engine exhaust diagram;
- (6) Electrical installation including, but not limited to:
  - (i) Elementary one-line diagram of the power system;
  - (ii) Cable lists;
  - (iii) Bills of materials;
  - (iv) Type and size of generators and prime movers;
  - (v) Type and size of generator cables, bus-tie cables, feeders, and branch circuit cables;
  - (vi) Power, lighting, and interior communication panelboards with number of circuits and rating of energy consuming devices;
  - (vii) Type and capacity of storage batteries;
  - (viii) Rating of circuit breakers and switches, interrupting capacity of circuit breakers, and rating and setting of overcurrent devices;
  - (ix) Electrical plant load analysis; and
  - (x) For a vessel of more than 19.8 meters (65 feet) in length with overnight accommodations for more than 49 passengers, an overcurrent protective device coordination analysis if the

information required by paragraph (a)(8)(i) through (a)(8)(ix) of this section is not considered adequate by the cognizant OCMI to review the electrical system of the vessel;

(7) Lifesaving equipment locations and installation;

(8) Fire protection equipment installation including, but not limited to:

- (i) Fire main system plans and calculations;
- (ii) Fixed gas fire extinguishing system plans and calculations;
- (iii) Fire detecting system and smoke detecting system plans;
- (iv) Sprinkler system diagram and calculations; and
- (v) Portable fire extinguisher types, sizes and locations;
- (9) Fuel tanks;
- (10) Piping systems including: bilge, ballast, hydraulic, sanitary, compressed air, combustible and flammable liquids, vents, soundings, and overflows;
- (11) Hull penetrations and shell connections;
- (12) Marine sanitation device model number, approval number, connecting wiring and piping;
- (13) Lines and offsets, curves of form, cross curves of stability, and tank capacities including size and location on vessel; and
- (14) On sailing vessels;

(i) Masts, including integration into the ship's structure; and

(ii) Rigging plan showing sail areas and centers of effort as well as the arrangement, dimensions, and connections of the standing rigging.

(c) For a vessel, the construction of which was begun prior to approval of the plans and information required by paragraphs (a) and (b) of this section, the cognizant OCMI may require any additional plans and information, manufacturers' certifications of construction, testing including reasonable destructive testing, and inspections, which the OCMI determines are necessary to verify that the vessel complies with the requirements of this subchapter.

**§ 116.210 Plans for sister vessels.**

(a) Plans are not required for a vessel that is a sister vessel, provided:

- (1) Approved plans for the original vessel are on file at the Marine Safety Center or in the files of the cognizant OCMI;
- (2) The owner of the plans authorizes their use for the new construction of the sister vessel;
- (3) The regulations used for the original plan approval have not changed since the original approval; and
- (4) There are no major modifications to any of the systems to be used.

(b) If approved plans for original vessel are not on file at the Marine Safety Center (MSC) or with the cognizant OCMI, the vessel owner shall submit plans as described in § 116.202 of this part.

**Subpart C—Hull Structure****§ 116.300 Structural design.**

Except as otherwise allowed by this subpart, a vessel must comply with the structural design requirements of one of the standards listed below for the hull material of the vessel.

(a) Steel hull vessels:

(1) Rules and Regulations for the Classification of Yachts and Small Craft, Lloyd's Register of Shipping (Lloyd's); or

(2) Rules for Building and Classing Steel Vessels Under 61 Meters (200 Feet) in Length, American Bureau of Shipping (ABS);

(b) Aluminum hull vessels:

(1) Rules and Regulations for the Classification of Yachts and Small Craft, Lloyd's; or

(i) For a vessel of more than 30.5 meters (100 feet) in length—Rules for Building and Classing Aluminum Vessels, ABS; or

(ii) For a vessel of not more than 30.5 meters (100 feet) in length—Rules for Building and Classing Steel Vessels Under 61 Meters (200 Feet) in Length, ABS, with the appropriate conversions from the ABS Rules for Building and Classing Aluminum Vessels;

(c) Steel hull vessels operating in protected waters—Rules for Building and Classing Steel Vessels for Service on Rivers and Intracoastal Waterways, ABS.

**§ 116.300 Sailing vessels.**

The design, materials, and construction of masts, posts, yards, booms, bowsprits, and standing rigging on a sailing vessel must be suitable for the intended service. The hull structure must be adequately reinforced to ensure sufficient strength and resistance to plate buckling. The cognizant OCMI may require the owner to submit detailed calculations on the strength of the mast, post, yards, booms, bowsprits, and standing rigging.

**§ 116.340 Alternate design considerations.**

The Commanding Officer, Marine Safety Center, may approve the structure of a vessel of novel design, unusual form, or special materials, which does not meet the requirements of § 116.300, if it is shown by systematic analysis based on engineering principles that the vessel structure provides adequate safety and strength. An owner

seeking approval of an alternate design shall submit detailed plans, material component specifications, and design criteria, including the expected operating environment, resulting loads on the vessel, and design limitations for such a vessel, to the Marine Safety Center.

**Subpart D—Fire Protection**

**§ 116.400 Application.**

- (a) This subpart applies to:
  - (1) Vessels carrying more than 150 passengers; or
  - (2) Vessels with overnight accommodations for more than 49 passengers but not more than 150 passengers.
- (b) A vessel with overnight accommodations for more than 150 passengers must comply with § 72.05 in subchapter H of this chapter.

**§ 116.405 General arrangement and outfitting.**

- (a) *Fire hazards to be minimized.* The general construction of the vessel must be such as to minimize fire hazards insofar as it is reasonable and practicable.
- (b) *Combustible materials to be limited.* Limited amounts of combustible materials such as wiring insulation, pipe hanger linings, nonmetallic (plastic) pipe, and cable ties are permitted in concealed spaces except as otherwise prohibited by this subpart.
- (c) *Combustibles insulated from heated surfaces.* Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition must be kept clear of and suitably insulated from combustible material.
- (d) *Separation of machinery and fuel tank spaces from accommodation spaces.* Machinery and fuel tank spaces must be separated from accommodation spaces by boundaries that prevent the passage of vapors.
- (e) *Paint and flammable liquid lockers.* Paint and flammable liquid lockers must be constructed of steel or equivalent material, or wholly lined with steel or equivalent material.
- (f) *Nonmetallic piping in concealed spaces.* The use of short runs of nonmetallic (plastic) pipe within a concealed space in a control space, accommodation space, or service space is permitted in nonvital service only, provided it is not used to carry flammable liquids (including liquors of 80 proof or higher) and:
  - (1) Has flame spread rating of not more than 20 and a smoke developed rating of not more than 50 when filled with water and tested in accordance

with American Society for Testing and Materials (ASTM) E-84 "Test for Surface Burning Characteristics of Building Materials," or Underwriters Laboratories (UL) 723 "Test for Surface Burning Characteristics of Building Materials," by an independent laboratory; or

(2) Has a flame spread rating of not more than 20 and a smoke developed rating of not more than 130 when empty and tested in accordance with ASTM E-84 or UL 723 by an independent laboratory.

(g) *Vapor barriers.* Vapor barriers must be provided where insulation of any type is used in spaces where flammable and combustible liquids or vapors are present, such as machinery spaces and paint lockers.

(h) *Interior finishes.* Combustible interior finishes allowed by § 116.422(d) of this part must not extend into hidden spaces, such as behind linings, above ceilings, or between bulkheads.

(i) *Waste Receptacles.* Unless other means are provided to ensure that a potential waste receptacle fire would be limited to the receptacle, waste receptacles must be constructed of noncombustible materials with no openings in the sides or bottom.

(j) *Mattresses.* All mattresses must comply with either:

(1) The U.S. Department of Commerce Standard for Mattress Flammability (FF 4-72.16), 16 CFR Part 1632, Subpart A and not contain polyurethane foam; or,

(2) International Maritime Organization Resolution A.688(17) "Fire Test Procedures For Ignitability of Bedding Components." Mattresses that are tested to this standard may contain polyurethane foam.

**§ 116.415 Fire control boundaries.**

(a) *Type and construction of fire control bulkheads and decks.*

(1) Major hull structure—The hull, structural bulkheads, columns and stanchions, superstructures, and deckhouses must be composed of steel or equivalent material, except that where C'-Class construction is permitted by Tables 116.415(b) and (c), bulkheads and decks may be constructed of approved noncombustible materials.

(2) Bulkheads and decks—Bulkheads and decks must be classed as A-60, A-30, A-15, A-0, B-15, B-0, C, or C' based on the following:

(i) A-Class bulkheads or decks must be composed of steel or equivalent material, suitably stiffened and made intact with the main structure of the vessel, such as the shell, structural bulkheads, and decks. They must be so constructed that, if subjected to the

standard fire test, they are capable of preventing the passage of smoke and flame for 1 hour. In addition, they must be so insulated with approved structural insulation, bulkhead panels, or deck covering so that, if subjected to the standard fire test for the applicable time period listed below, the average temperature on the unexposed side does not rise more than 139° C (250° F) above the original temperature, nor does the temperature at any one point, including any joint, rise more than 181° C (325° F) above the original temperature:

A-60 Class .....	60 minutes
A-30 Class .....	30 minutes
A-15 Class .....	15 minutes
A-0 Class .....	0 minutes

(ii) Penetrations in A-Class fire control boundaries for electrical cables, pipes, trunks, ducts, etc. must be constructed to prevent the passage of flame and smoke for one hour. In addition, the penetration must be designed or insulated so that it will withstand the same temperature rise limits as the boundary penetrated.

(iii) B-Class bulkheads and decks must be constructed of noncombustible materials and made intact with the main structure of the vessel, such as shell, structural bulkheads, and decks, except that a B-Class bulkhead need not extend above an approved continuous B-Class ceiling. They must be so constructed that, if subjected to the standard fire test, they are capable of preventing the passage of flame for 30 minutes. In addition, their insulation value must be such that, if subjected to the standard fire test for the applicable time period listed below, the average temperature of the unexposed side does not rise more than 139° C (250° F) above the original temperature, nor does the temperature at any one point, including any joint, rise more than 225° C (405° F) above the original temperature:

B-15 Class .....	15 minutes
B-0 Class .....	0 minutes

(iv) Penetrations in B-Class fire control boundaries for electrical cables, pipes, trunks, ducts, etc. must be constructed to prevent the passage of flame for 30 minutes. In addition, the penetration must be designed or insulated so that it will withstand the same temperature rise limits as the boundary penetrated.

(v) C-Class bulkheads and decks must be composed of noncombustible materials.

(vi) C'-Class bulkheads and decks must be constructed of noncombustible materials and made intact with the main structure of the vessel, such as shell,

structural bulkheads, and decks, except that a C'-Class bulkhead need not extend above a continuous B-Class or C'-Class ceiling. C'-Class bulkheads must be constructed to prevent the passage of smoke between adjacent areas. Penetrations in C'-Class

boundaries for electrical cables, pipes, trunks, ducts, etc. must be constructed so as to preserve the smoke-tight integrity of the boundary.

(vii) Any sheathing, furring, or holding pieces incidental to the

securing of structural insulation must be approved noncombustible material.

(b) *Bulkhead requirements.* Bulkheads between various spaces must meet the requirements of Table 116.415(b).

TABLE 116.415(b) BULKHEADS

Spaces	(1)	(2)	(3)	(4)	(5)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Control Space (1) .....	B-0	A-0	A-0	A-0	A-15	A-60	A-0	A-60	A-60	A-60	A-0	A-0
Stairway (2) .....		C	A-0	A-0	A-0	A-60	A-0	A-15	A-15	A-15	A-0	A-0
Corridor (3) .....			C	A-0	B-0	A-0	B-0	A-0	A-0	A-0	A-0	A-0
Embarkation Station (4) .....				C	A-0	A-0	A-0	A-0	A-0	A-0	<sup>1</sup> C	C
Low Risk Accommodation (5) .....					B-0	A-15	<sup>2</sup> B-0	A-15	A-15	A-15	A-0	A-0
High Risk Accommodation (7) .....						A-60	<sup>2</sup> B-0	A-60	A-60	A-60	A-0	A-0
Low risk service spaces (8) .....							C	A-0	A-0	A-0	A-0	A-0
High risk service spaces (9) .....								<sup>3</sup> C	A-0	A-0	A-0	A-0
Machinery spaces (10) .....									C	A-0	A-0	A-0
Cargo spaces (11) .....										A-0	A-0	A-0
Voids, fuel and water tanks (12) .....											<sup>2</sup> C	<sup>2</sup> C
Open decks (not safety areas) (13) .....												C

<sup>1</sup> Boundaries of fuel tanks, auxiliary machinery spaces, and voids that contain a fire load in excess of .025 kPa (0.5 pounds per square foot) must be minimum A-0 Class construction.

<sup>2</sup> Toilet space boundaries may be reduced to C'-Class.

<sup>3</sup> C-Class bulkheads may be used between two similar spaces, such as between two storerooms; however, an A-0 Class bulkhead shall be used between two dissimilar spaces, such as a storeroom and a workshop.

(c) *Deck requirements.* Decks between various spaces must meet the requirements of Table 116.415(c), except

that where linings or bulkhead panels are framed away from the shell or structural bulkheads, the deck within

the void space so formed need only meet A-0 Class requirements.

TABLE 116.416(c).—DECKS

Space above	(1)	(2)	(3)	(4)	(5)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Space below:												
Control Space (1) .....	A-0	A-0	A-15	A-0	A-0	A-30	A-0	A-0	A-0	A-0	A-0	A-0
Stairway (2) .....	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Corridor (3) .....	A-0	A-0	A-0	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0
Embarkation Space (4) .....	A-0	A-0	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	C <sup>1</sup>	C
Low Risk Accommodation (5) .....	A-15	A-15	A-0	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0
High Risk Accommodation (7) .....	A-60	A-60	A-60	A-30	A-15	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Low risk service spaces (8) .....	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
High risk service spaces (9) .....	A-60	A-30	A-30	A-30	A-15	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Machinery spaces (10) .....	A-60	A-60	A-60	A-30	A-15	A-60	A-0	A-0	C	A-0	A-0	A-0
Cargo spaces (11) .....	A-60	A-30	A-30	A-30	A-15	A-60	A-0	A-0	A-0	A-0	A-0	A-0
Voids, fuel tanks and water tanks (12) .....	A-0	A-0	A-0	C <sup>1</sup>	A-0	A-0	A-0	A-0	A-0	A-0	C <sup>1</sup>	A-0
Open decks (not safety areas) (13) .....	A-0	A-0	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0 <sup>1</sup>	C

<sup>1</sup> Boundaries of fuel tanks, auxiliary machinery spaces, and voids that contain a fire load in excess of .025 kPa (0.5 pounds per square foot) must be minimum A-0 Class construction.

(d) *Main vertical zones.*

(1) The hull, superstructure, and deck houses of a vessel, except for a vehicle space on a vehicle ferry, must be subdivided by bulkheads into main vertical zones which:

(i) Are generally not more than 40 meters (131 feet) in mean length on any one deck;

(ii) Must be constructed to:

(A) The greater of A-30 Class or the requirements of paragraph (b) of this section, or;

(B) Minimum A-0 Class where there is a Type 8, 12 or 13 space on either side of the division; and

(iii) May have small horizontal steps, if the steps:

(A) Do not exceed 20% of the mean length of the main vertical zone or 8 meters (26 feet), whichever is smaller; and

(B) Must be constructed to A-60 Class, or minimum A-0 Class where there is a Type 8, 12 or 13 space on either side of the division.

(iv) May be extended to a maximum mean length of 44 meters (144 feet) on each deck by the Commanding Officer, Marine Safety Center provided the maximum distance between the furthestmost points of the bulkheads

bounding the main vertical zone also does not exceed 44 meters (144 feet).

(2) Vehicle decks on a vehicle ferry must be subdivided. Where main vertical zones are impractical due to the vehicle carrying configuration, main horizontal zones may be provided. The decks bounding such a zone must be of at least A-30 construction or meet the requirements of paragraph (c) of this section, whichever is greater.

(e) *Draft stops.* In concealed spaces above ceilings and between linings and the shell of a vessel, draft stops must be fitted not more than 13.7 meters (45 feet) apart in the horizontal direction

and at each deck level in the vertical direction unless otherwise permitted in paragraph (f). Draft stops must be of at least B-Class construction and be fitted in a vertical position.

(f) On vessels with no overnight passenger accommodations, draft stops are not required above/around large public spaces provided all of the following conditions are met:

- (1) The space in question is surrounded by A-Class divisions or extends to the outer shell of the vessel.
- (2) The space in question is open and unobstructed such that a fire in any part of the space will quickly be discovered.
- (3) The area above the ceiling is easily accessible from below for fire fighting purposes.

**§ 116.422 Ceilings, linings, trim, interior finish and decorations.**

(a) Ceilings, linings, and any furring incidental to their installation in control spaces, passageways, stairways, accommodation spaces and service spaces must be of noncombustible material in accordance with § 164.009 in subchapter Q of this chapter, or other standard specified by the Commandant.

(b) Bulkheads, linings and ceilings may be covered by a combustible interior finish provided that such a finish is:

(1) Approved under § 164.012 in subchapter Q of this chapter, or other standard specified by the Commandant; or

(2) Listed by Underwriters Laboratories, does not exceed 20 millimeters (.075 inches) in thickness, and has a flame spread rating of not more than 20 and a smoke developed rating of not more than 10 when tested in accordance with ASTM E-84 or UL 723 by an independent laboratory.

(c) Bulkheads, linings, and ceilings in high risk accommodation spaces may have a combustible veneer trim and decorations that does not meet the requirements of paragraph (b) of this section, provided:

(1) The overall thickness of the combustible veneer does not exceed 20 millimeters (.075 inches); and

(2) The total volume of the combustible face trim, moldings, and decorations, including veneers, in any space does not exceed a volume equivalent to a 2.5 millimeter (0.1 inch) veneer on the combined area of the bulkheads of the space.

(d) Combustible veneers may not be used in passageways, stairway enclosures or in low risk accommodation spaces. Combustible veneers, trim and decorations may not be used in or extend into hidden spaces such as behind linings or ceilings.

(e) Partial bulkheads or decks used to subdivide a space for artistic treatment and privacy must meet the requirements of Class C bulkheads.

(f) Nothing in this subpart may be construed as prohibiting the covering of any surface, including the surfaces of corridors, stairway enclosures, and hidden spaces, with a reasonable number of coats of paint or with a marine finish meeting the requirements of § 164.012 in subchapter Q of this chapter or other standard specified by the Commandant.

**§ 116.423 Furniture and furnishings.**

(a) For the purpose of this subpart, rooms containing "fire resistant furnishings" are considered to be those in which:

(1) Furniture such as chairs, sofas, and similar items are tested and meet the requirements in UL 1056 "Fire Test of Upholstered Furniture," or meet the requirements in § 72.05-55 in subchapter H of this chapter.

(2) Case furniture such as bookshelves, desks, cabinets, counters, beds, or other freestanding furniture are constructed in accordance with the requirements in § 72.05-55 (a)(1) in subchapter H of this chapter

(3) Draperies, curtains and other similar furnishings and decorations are flame resistant. These materials must be tested in accordance with National Fire Protection Association (NFPA) 701 "Fire Tests for Flame Resistant Textiles and Films," and must comply with either the small or large scale tests.

(4) Rugs and carpet may be used in addition to deck coverings. Rugs and carpets must be constructed of 100 percent wool or equivalent as determined by a flame spread rating not exceeding 75 and a smoke developed rating not exceeding 100 when tested according to ASTM E-84 or have a critical radiant flux not less than 0.8 watts per square centimeter (18 BTU's per hour per square inch) when tested according to ASTM E-648 "Critical Radiant Flux of Floor-Covering Systems Using a Radiant Heat Energy Source," and with a specific optical density not to exceed 450 in both flaming and nonflaming modes when tested according to ASTM E-662 "Specific Optical Density of Smoke generated by Solid Materials." Also:

(i) Rugs and carpets shall not extend up bulkheads or vertical surfaces more than 10 centimeters (4 inches) above the deck.

(ii) Rugs and carpets are not permitted in machinery spaces, high risk service spaces, or areas where the spillage or leakage of flammable or combustible liquids is possible including areas

immediately adjacent to bar service areas.

(b) Passageways and stairway enclosures shall contain only fire resistant furnishings. In addition, all upholstered chairs, sofas, etc., in these areas, shall be tested and meet the requirements in UL 1056 or have padding and upholstery of approved fire resistant materials.

**§ 116.425 Deck coverings.**

(a) Except as provided in this section, deck coverings used for leveling or finishing purposes in control spaces, stairway enclosures, passageways, accommodation spaces and service spaces must be noncombustible.

(1) Materials approved under § 164.006 in subchapter Q of this chapter may be used in thicknesses not to exceed the approved thickness.

(2) Combustible deck leveling and finishing materials which are not approved under § 164.006 in subchapter Q of this chapter may be used in a thickness not to exceed 9.5 millimeters (.375 inches).

**§ 116.427 Fire load of accommodation and service spaces.**

(a) Fire load calculations must be submitted by the owner for review to the Marine Safety Center when:

(1) A space is designated as a low risk accommodation or low risk service space by the owner; or

(2) The cognizant OCMI determines, based on the quantity of combustibles, that the fire load present in a high risk accommodations space may exceed 37.5 kg (7.5 pounds) of combustibles per square meter (square foot) of deck area.

(b) When required under paragraph (a) of this section, fire load calculations must include all combustible construction and outfitting materials in addition to all loose or freestanding combustibles intended for use or stowage in the space. This includes but is not limited to: furniture, furnishings, carpets, rugs, combustible deck coverings, draperies, combustible interior finish, veneers, trim, and decorations, electrical cable insulation, plastic piping, light diffusers, mattresses, bedding, lifesaving equipment, and similar materials. The maximum fire load of a low risk accommodation or low risk service space as determined by fire load calculations must not exceed 15.0 kg (3 pounds) of combustibles per square meter (square foot) of deck area. The maximum fire load of a high risk accommodation space as determined by fire load calculations must not exceed 37.5 kg (7.5 pounds) of combustibles per square meter (square foot) of deck area.

**§ 116.430 Insulation other than for structural fire protection.**

(a) Combustible insulation may be used for pipe and machinery covering or lagging within a machinery space, or used in an individual refrigerator box if the refrigerator box was purchased with the insulation already installed.

(b) Except as allowed by paragraph (a) of this section, any insulation installed for purposes other than structural fire protection and all material incidental to its installation must be noncombustible or approved under § 164.009 in subchapter Q of this chapter. Surfacing material applied to such insulation must be noncombustible or may meet the requirements of § 116.422(c) of this part.

**§ 116.433 Windows and air ports in fire control boundaries.**

(a) Windows or air ports must be of tempered or laminated glass of at least 6.5 millimeters (0.25 inches) in thickness. The use of other glazing material such as polycarbonate sheets may be approved by the Commandant for specific installations.

(b) Windows or air ports in bulkheads adjacent to passageways must not extend below a point 910 millimeters (36 inches) above the deck unless storm rails, that are structurally independent of the glass, are fitted in the passageway.

(c) Windows or air ports in A-Class bulkheads must be fitted with frames of steel or equivalent material. Glazing beads or angles of steel or equivalent material must be installed to hold glass in place in windows or air ports in a fire control boundary in event of a fire if:

(1) Where a steel frame is used, it is not arranged to retain the glass in place; or

(2) A frame of aluminum or other material with low melting point is used.

(d) A window or air port that is adjacent to an embarkation station, escape route, or survival craft stowage must be:

(1) Of A-Class construction; or

(2) Fitted with shutters, operable from outside the space, of steel or equivalent material.

(e) A window installed in an internal fire control boundary must comply with the requirements of § 72.05-30 in subchapter H of this chapter, except that fire window frames and glazing material listed by Underwriters Laboratories may be used in B-Class bulkheads.

(f) Windows in doors in fire control boundaries must comply with the requirements of paragraphs (a) through (e) of this section.

**§ 116.435 Doors.**

(a) A door, other than a watertight door, must meet the requirements of this section.

(b) A door in a fire control boundary must meet the following requirements:

(1) A door in an accommodation space, stairway, stairtower, or corridor must be oriented vertically;

(2) A door must be capable of operation from either side by one person;

(3) With the exception of staterooms, a door in an accommodation space, stairway, stairtower, passageway, or control space must open in the direction of escape, where practicable;

(4) Combustible veneers may be used on doors subject to the same restrictions as the fire control boundary in which the doors are fitted;

(5) Door frames must be of rigid construction and provide at least a 12.7 millimeter (0.5 inch) overlap at the sides and top, except:

(i) Double doors capable of independent operation and latching may have a clearance between the doors of not more than 3.2 millimeters (0.125 inches). However, if one door must always be closed first, means shall be provided to ensure that the doors close in the proper order; and

(ii) A double swing door, may have a clearance of not more than 3.2 millimeters (0.125 inches) at the top and sides;

(6) The maximum width of an individual door must not exceed 1200 millimeters (48 inches); and

(7) Hose ports, if fitted, must be in the lower corner of the door opposite the hinge so a hose may pass through the doorway when the door is open and still allow the door to close over the hose. The hose port should be approximately 152 millimeters (6 inches) square. A self-closing hinged or pivoted steel or equivalent material cover must be fitted in the opening.

(c) Doors in A-Class fire control boundaries must meet the following additional requirements:

(1) A door in a bulkhead required to be A-60, A-30, or A-15 Class must be of hollow steel or equivalent material construction, solidly filled with approved structural insulation, and capable of meeting the requirements of an A-15 Class bulkhead;

(2) A door in a bulkhead required to be A-0 Class must be of solid or hollow steel or equivalent material construction, a capable of meeting the requirements of an A-0 Class bulkhead;

(3) A door must have a latch with a minimum throw of 20 millimeters (0.75 inches);

(4) A door must not have vent grilles or louvers;

(5) A door must not be undercut more than 12.7 millimeters (0.5 inches) above the door sill or deck covering. Rugs and

carpets must not pass through doorways, but linoleum and similar deck coverings may;

(6) A door in a stairtower, stairway, and main vertical zone bulkhead must meet the following additional requirements:

(i) A door must be of the self-closing type capable of closing against a 3.5 list of the vessel; and

(ii) Holdback hooks are not allowed. If installed, a hold back mechanism for a door must allow the door to be released:

(A) Locally;

(B) Upon a signal from a control space; and

(C) Upon disruption of the power system.

(7) Horizontal doors (doors installed in decks) are allowed only for access to spaces that are accessible only to crew members and are used only by crew members, subject to the following requirements:

(i) The door must be self-closing with a closure time of not less than 5 seconds and not more than 10 seconds, and be capable of closing against a 3.5 list of the vessel;

(ii) Holdback hooks are not allowed. If installed, a holdback mechanism for a door must allow the door to be released:

(A) Locally;

(B) Upon a signal from a control space; and

(C) Upon disruption of the power system.

(iii) The forces required to fully open the door must not exceed 17.8 Newtons (5 pounds) to release the latch, 44.5 Newtons (10 pounds) to set the door in motion, and 17.8 Newtons (5 pounds) to open the door to the width of the stairway; and

(iv) The door latch must be capable of keeping the door closed when a pressure of 0.07 kPa (0.01 psi) is applied to the underside of the door.

(8) Double swing doors must not be used in any bulkhead except between a food preparation space, such as a galley or pantry, and a messroom or dining room; and

(9) A door opening onto weather decks must meet the requirements of paragraphs (c)(1) or (c)(2) of this section or may be composed of hardwood of not less than 45 millimeters (1.75 inches) in thickness.

(d) Doors in B-Class fire control boundaries must meet the following requirements in addition to those in paragraph (b) of this section:

(1) A door must be of solid or hollow steel or equivalent material construction, or must be of noncombustible material and be

specifically approved by the Commandant;

(2) A door must have a latch with a minimum throw of 9.5 millimeters (0.375 inches); and

(3) A door must not be undercut more than 25 millimeters (1 inch) above the door sill or deck covering. Rugs and carpets must not pass through doorways but linoleum and similar coverings may.

(e) A door in a C-Class bulkhead must be of noncombustible material.

(f) A door used for decorative purposes, and that is not required to comply with paragraphs (b) through (e) of this section, must be constructed of noncombustible material or hardwood, must not interfere with the normal operation of the required doors, and must open in the same direction as the required doors. Decorative doors must not be used in stairways or stairtowers.

**§ 116.438 Stairtowers, stairways, ladders, and elevators.**

(a) *Materials.*

(1) Stairways, stairtowers, ladders, elevators, and landings must be designed with sufficient strength to sustain a load of 4.8 kPa (100 pounds per square foot) with a safety factor of 4, based on ultimate strength of the material;

(2) All stairways, ladders, elevators, and landings within machinery spaces and cargo holds must be composed of steel; and

(3) All stringers, treads, and all platforms and landings of all stairways shall be composed of steel, and risers must be of approved incombustible material, except that:

(i) Stairways, ladders, elevators, stringers, treads, platforms, and landings protected from potential fire exposure by being in either exterior locations or within protective enclosure bulkheads, decks and doors as described in the requirements of paragraph (j), may be constructed of approved incombustible material; and

(ii) All stairways, ladders, elevators, stringers, treads, platforms, and landings subject to potential fire exposure and not within a protective enclosure must be composed of steel unless their failure will not hinder fire fighter access or debarkation.

(b) A stairway or stairtower must be fitted with handrails on both sides at a vertical height above the tread at its nosing of between 840 and 910 millimeters (33 and 36 inches). A stairway or stairtower of more than 1,680 millimeters (66 inches) in width must also be fitted with a center handrail.

(c) A handrail fitted in a stairtower, stairway, landing, ladder, or elevator

must be constructed of noncombustible material.

(d) A stairway or stairtower must be clear of all obstructions other than handrails.

(e) Curved, spiral, or winding stairways are permitted only with the specific approval of the Commandant.

(f) Differences in the depth of tread or height of riser of stairs in different flights of stairs in a stairway or stairtower must be minimized. In an individual flight of stairs in a stairway or stairtower, the depth of the tread and the height of riser shall not have a variance exceeding 5 millimeters (0.375 inches).

(g) In a stairway or stairtower, the sum of the riser height and tread depth must be at least 432 millimeters (17 inches) and not more than 455 millimeters (18 inches). A stairway or stairtower having treads less than 254 millimeters (10 inches) in depth must have a nosing of 12.7 millimeters (0.5 inches) in width.

(h) Landings for stairways and stairtowers must meet the following requirements:

(1) A clear landing having an area at least equal to the square of the tread width must be provided at the top and bottom of each stairway; and

(2) Any interruption or change of direction in a stairway must be accomplished by means of an intermediate landing of a width and length at least equal to the tread width of the stairway.

(i) A stairway or stairtower must not have an angle of inclination from the horizontal of more than 40 degrees. However, stairways accessing spaces visited solely by crew members must not have an angle of inclination from the horizontal of more than 50 degrees. The Commanding Officer, Marine Safety Center may approve higher angles of inclination for spaces with severe space constraints.

(j) Where a continuous vertical deck penetration for a stairway or elevator exceeds one deck, the integrity of all decks must be assured by enclosure bulkheads and decks meeting the requirements of §§ 116.415(b) and 116.415(c) of this part. Doors meeting the requirements of §§ 116.435(b) and 116.435(c) of this part must be fitted in the enclosure at each deck serviced.

(k) Where a vertical deck penetration for a stairway or elevator involves only one deck, the integrity of the deck must be assured as required by paragraph (j) of this section. Alternatively the integrity of the deck may be maintained at one level only by means of bulkheads of the same fire control boundary rating as the deck penetrated. A door meeting the requirements of §§ 116.435(b) and

116.435(c) of this part must be fitted in the enclosure. In spaces containing a balcony, the integrity of the balcony deck in the way of stairways or elevators need not be assured. However, such stairways must not be considered to be a means of escape.

(1) *Arrangements.* (1) Each main vertical zone with more than two deck levels, each having enclosed or partially enclosed accommodation spaces, other than washroom or toilet spaces and open decks, must be served by at least one stairtower, so that a person may escape from any accommodation space or any other space where persons may be normally quartered or employed, to all other decks having any such spaces within the same main vertical zone, without coming out of the stairtower enclosure. Where a stairtower is accessible from two main vertical zones, it may be considered as the required stairtower for both main vertical zones provided all boundaries of the stairtower meet main vertical zone boundary requirements contained in § 116.415 of this part.

(2) Each stairtower must give access to the embarkation deck, or an area of refuge identified in the emergency escape plan required by § 116.520 of this part.

(3) Insofar as is reasonable and practicable, stairtowers shall not give direct access to cabins, service lockers, service spaces, machinery spaces, or other enclosed spaces in which a fire is likely to originate.

(4) A stairtower is not required to extend below deck to serve spaces in which a fire is likely to originate if one of the means of escape is:

(i) A stairway that leads directly to a weather deck; or

(ii) A stairway leading to a stairtower enclosure that includes self closing fire doors at both the top and bottom; or

(iii) An alternative stairtower arrangement providing an equivalent level of safety is acceptable to the Commanding Officer, Marine Safety Center.

(5) The Commanding Officer, Marine Safety Center may accept other means of escape in combination with a stairtower provided the exits open directly to weather or through a main vertical zone bulkhead.

(6) For vessels in which a stairtower is not required, a stairway must provide a satisfactory means of vertical escape for each deck of the main vertical zone.

(m) The minimum tread width of a stairway or stairtower must be 8.4 millimeters (0.333 inches) for each person served, but must not be less than 910 millimeters (36 inches). However, in stairways accessing spaces utilized

solely by crew members, the minimum tread width must be 8.4 millimeters (0.333 inches) for each person served, but not less than 710 millimeters (28 inches).

(1) The minimum tread width of a stairway or staitower must be determined for each deck considering only those persons on that deck, except as provided in paragraph (m)(3) of this section. Once a minimum tread width has been established at any deck, it must not be decreased in the direction of escape.

(2) In determining the number of persons served, a space must be considered to contain at least the number of persons as follows:

(i) Passenger overnight accommodation spaces: Designed capacity;

(ii) Accommodation spaces having fixed seating for passengers: Maximum seating capacity;

(iii) Public spaces, including spaces such as casinos, restaurants, club rooms, and cinemas, and public accommodation spaces as defined in § 114.400 of this subchapter, except overnight accommodation spaces: One person for each 0.9 square meters (10 square feet) of deck area. In computing such deck area, the following areas must be excluded:

(A) Areas for which the number of persons permitted is determined using the fixed seating criterion;

(B) Obstructions, including stairway and elevator enclosures, elevated stages, bars, and cashier stands, but not including slot machines, tables, or other room furnishings;

(C) Toilets and washrooms;

(D) Interior passageways less than 850 millimeters (34 inches) wide and passageways on open deck less than 710 millimeters (28 inches) wide;

(E) Spaces necessary for handling lifesaving equipment, anchor handling equipment, or line handling gear, or in way of sail booms or running rigging; and

(F) Bow pulpits, swimming platforms, and areas that do not have a solid deck, such as netting on multi hull vessels;

(iv) Crew overnight accommodation spaces: Two-thirds designed capacity; and

(v) Work spaces: Occupancy under normal operating conditions.

(3) If a stairway forms part of a normal embarkation or debarkation route, or egress route to an area of refuge, the number of persons using the stairway for that purpose must be used in determining the minimum tread width. The Commanding Officer, Marine Safety Center, may approve a narrower stairway width of a narrower stairway

will not unreasonably impede the flow of persons out of the space requiring egress or from an area of refuge to an embarkation station. Specific consideration can be given by the Marine Safety Center to the arrangement of landing area in excess of that required by paragraph (h) of this section when considering the approval of a narrower stairway width. However, the stairway width must be at least 910 millimeters (36 inches) unless the stairway is utilized solely by crew members, in which case the minimum tread width must be at least 710 millimeters (28 inches).

(4) If more than one staitower serves a main vertical zone, the number of persons in that main vertical zone may be distributed among the staitowers.

#### § 116.439 Balconies.

(a) An accommodation space containing a balcony must meet the requirements of this section.

(b) Each level of a space containing a balcony must have two independent means of escape that meet the requirements of § 116.500 of this part.

(c) For the purpose of main vertical zone bulkhead spacing requirements, the length of the space to which the balcony opens is considered to be increased by an amount equal to the gross area of the balcony divided by the average width of the space. If this equivalent main vertical zone length exceeds 40 meters (131 feet), the space must meet the requirements of paragraph (d) of this section. The actual length of the space may not exceed 40 meters (131 feet).

(d) If the equivalent main vertical zone length under paragraph (c) of this section exceeds 40 meters (131 feet), both decks connected by the balcony must be protected with an automatic sprinkler system meeting the requirements of § 76.25 in subchapter H of this chapter.

(e) If the unobstructed balcony area is less than 93 square meters (1,000 square feet), the opening must be protected in accordance with paragraph 4-5.3.4 of NFPA 13 "Installation of Sprinkler Systems," or other standard specified by the Commandant. The horizontal projection area of stairs, escalators, statues, etc. shall be subtracted from the total balcony area for purposes of computation of unobstructed balcony area.

#### § 116.440 Atriums.

(a) The atrium opening area must be a minimum of 93 square meters (1000 square feet) or 20% of the gross deck area of the largest deck within the

accommodation space containing the atrium, whichever is smaller.

(1) Each side of an atrium opening must be a minimum of 6.1 meters (20 feet) in length. If the opening is circular or ellipsoid, it must measure at least 6.1 meters (20 feet) across in any direction.

(2) Any deck opening within an atrium must fit wholly within the horizontal projection of any deck opening of an upper deck.

(3) The horizontal projection area of stairs, escalators, statues, etc. within the atrium shall not be included for purposes of computation of atrium opening area.

(b) The entire main vertical zone containing an atrium must be protected throughout with a smoke detection system of an approved type which is installed in accordance with § 76.33 in subchapter H of this chapter. However, on vessels with no overnight passenger accommodations, smoke detectors may be omitted from the accommodation space containing the atrium.

(c) The entire main vertical zone containing an atrium must be protected with an automatic sprinkler system meeting the requirements of § 76.25 in subchapter H of this chapter.

(d) The atrium must be provided with a smoke extraction system that complies with either:

(1) The smoke extraction system must be capable of exhausting the entire volume of the space within 10 minutes. The smoke extraction system must be capable of being activated by both the smoke detection system and by manual control, and designed with sufficient plenum air openings to prevent excessive negative air pressure in the atrium; or,

(2) The smoke extraction system may be designed in accordance with the principles of NFPA 92B "Smoke Management Systems in Malls, Atria, and Large Areas."

(e) Each level within the atrium must have two independent means of escape that comply with § 116.500 of this part. At least one of the means of escape must be a staitower.

#### Subpart E—Escape and Embarkation Station Requirements

##### § 116.500 Means of escape.

(a) Except as otherwise provided in this section, each space accessible to passengers or used by the crew on a regular basis, must have at least two means of escape, one of which must not be a watertight door.

(b) The two required means of escape must be widely separated and, if possible, at opposite ends or sides of the space to minimize the possibility of one incident blocking both escapes.

(c) Subject to the restrictions of this section, means of escape may include normal exits and emergency exits, passageways, stairways, ladders, deck scuttles, and windows.

(d) The number and dimensions of the means of escape from each space must be sufficient for rapid evacuation in an emergency for the number of persons served as determined using § 116.438(m)(2) of this part.

(e) The dimensions of a means of escape must be such as to allow easy movement of persons when wearing life jackets. There must be no protrusions in means of escape that could cause injury, ensnare clothing, or damage life jackets.

(f) The minimum clear opening of a door or passageway used as a means of escape must not be less than 810 millimeters (32 inches) in width, however, doors or passageways used solely by crew members must have a clear opening not less than 710 millimeters (28 inches). The sum of the width of all doors and passageways used as means of escape from a space must not be less than 8.4 millimeters (0.333 inches) multiplied by the number of passengers for which the space is designed.

(g) A dead end passageway, or the equivalent, of more than 6.1 meters (20 feet) in length is prohibited.

(h) The maximum allowable travel distance from the most remote point in a space to the nearest means of escape must not be more than 46 meters (150 feet).

(i) Each door, hatch, or scuttle, used as a means of escape, must be capable of being opened by one person, from either side, in both light and dark conditions. The method of opening a means of escape must be obvious, rapid, and of adequate strength. Handles and securing devices must be permanently installed and not capable of being easily removed. With the exception of individual staterooms, a door, hatch or scuttle must open towards the expected direction of escape from the space served.

(j) A mean of escape that is not readily apparent to a person from both inside and outside the space must be adequately marked in accordance with § 122.606 of this subchapter.

(k) A ladder leading to a deck scuttle may not be used as a means of escaped except:

(l) On a vessel of not more than 19.8 meters (65 feet) in length, a vertical ladder and a deck scuttle may be used as not more than one of the means of escape from a passenger accommodation space; and

(2) As not more than one of the means of escape from any crew accommodation space or work space.

(1) Each ladder used as a means of escape must be mounted at least 180 millimeters (7 inches) from the nearest permanent object in back of the ladder. Rungs must be:

(1) At least 405 millimeters (16 inches) in width; and

(2) Not more than 305 millimeters (12 inches) apart, and uniformly spaced for the length of the ladder with at least 113 millimeters (4.5 inches) clearance above each rung.

(m) When a deck scuttle serves as a means of escape, it must not be less than 455 millimeters (18 inches) in diameter and must be fitted with a quick acting release and a holdback device to hold the scuttle in an open position.

(n) Footholds, handholds, ladders, and similar means provided to aid escape, must be suitable for use in emergency conditions, of rigid construction, and permanently fixed in position, unless they can be folded, yet brought into immediate service in an emergency.

(o) On a vessel of not more than 19.8 meters (65 feet) in length, a window or windshield of sufficient size and proper accessibility may be used as one of the required means of escape from an enclosed space, provided it:

(1) Does not lead directly overboard;

(2) Can be opened or it designated to be kicked or pushed out; and

(3) Is suitably marked.

(p) Only one means of escape is required from a space where:

(1) The maximum dimension (length, breadth, or depth) of a space is less than 3.6 meters (12 feet);

(2) There is no stove, heater, or other source of fire in the space;

(3) The means of escape is located as far as possible from a machinery space or fuel tank; and

(4) If an accommodation space, the single means of escape does not include a deck scuttle or a ladder.

(q) Alternative means of escape from spaces may be provided if acceptable to the Commanding Officer, Marine Safety Center.

#### § 116.510 Embarkation stations.

(a) A vessel must have a least two designated embarkation stations on the embarkation deck of each main vertical zone, and at least one on each side of the vessel.

(b) Embarkation stations and approaches thereto must:

(1) Be areas that are easily traversed;

(2) Be provided with handholds; and

(3) Be well illuminated.

(c) Each embarkation station must be arranged to allow the safe boarding of

survival craft. They must not be located in areas where rolling of the vessel could cause contact between the propeller(s) and survival craft. Bulwarks, handrails, and lifelines must be fitted with openings that are normally closed but that may be opened while survival craft are being boarded, allowing passengers to pass through rather than climb over.

#### § 116.520 Emergency evacuation plan.

The owner or managing operator shall prepare an evacuation plan that must:

(a) Identify possible casualties involving fires or flooding, including a fire in the largest capacity passenger space in each main vertical zone;

(b) Provide procedures for evacuating all affected spaces in the event of possible fire or flooding in the largest capacity passenger space in each main vertical zone, without abandoning the vessel, including:

(1) Identify readily accessible areas of refuge for the maximum number of persons allowed aboard the vessel. The capacity for an area of refuge may not exceed the number of persons specified in § 116.438(m)(2) of this part, except that one person may be permitted for each 0.28 square meters (3 square feet) of deck area; and

(2) Identify at least two means of escape complying with § 114.400 from the space being evacuated; and

(c) Include procedures to evacuate passengers from the vessel using an abandon ship plan, considering the number of passengers and the vessel's route. The abandon ship plan must identify at least one escape route from each area of refuge to each embarkation station required by § 116.510 of this part.

#### § 116.530 Fire control plan.

A fire control plan must be posted on the vessel in a location that is accessible and visible to all passengers. The plan must show escape routes, areas of refuge, embarkation stations, the location of fire protection/emergency equipment, compartment titles and hazard classification of accommodation and service spaces, and structural fire protection boundaries.

#### Subpart F—Ventilation

##### § 116.600 Ventilation of enclosed and partially enclosed spaces.

(a) An enclosed or partially enclosed space within a vessel must be adequately ventilated in a manner suitable for the purpose of the space.

(b) A power ventilation system must be capable of being shut down from the pilot house.

(c) An enclosed crew accommodation space and any other space occupied by a crew member on a regular basis must be ventilated by a power ventilation system unless natural ventilation in all ordinary weather conditions is satisfactory to the OCMI.

(d) An exhaust duct over a frying vat or a grill must be at least 11 U.S. Standard Gauge (USSG) steel.

**§ 116.610 Ventilation ducts.**

(a) For the purposes of this section, a ventilation duct includes any type of piping, chamber, or conduit used for ventilation.

(b) A ventilation duct, and materials incidental to its installation, must be made of noncombustible material.

(c) Combustibles and other foreign materials are not allowed within ventilation ducts. However, metal piping and electrical wiring installed in a metal protective enclosure may be installed within ventilation ducts, provided that the piping or the wiring does not interfere with the operation of fire dampers. Electrical wiring and piping may not be installed in an exhaust duct over a frying vat or grill.

(d) Suitable means, such as a manual damper, automatic damper, or vent cover, must be provided in an accessible location outside the space served by the ventilation duct for shutting off the passage of air through the ventilation duct in the event of fire.

(e) A ventilation duct must not serve more than one main vertical zone; penetrations of main vertical zones must be minimized.

(f) A ventilation duct penetrating an A-Class or B-Class fire control boundary must meet the following requirements:

(1) A ventilation duct must meet the same requirements relative to the passage of smoke and flame as the fire control boundary penetrated;

(2) A steel duct penetrating an A-Class fire control boundary must be of at least 11 USSG, and a steel duct penetrating a B-Class bulkhead or deck must be of at least 16 USSG;

(3) A duct that is not steel must be fitted with a steel sleeve at each A-Class or B-Class fire control boundary penetrated. The sleeves must extend at least 455 millimeters (18 inches) on each side of the penetration and be of the same thickness required for steel ducts;

(4) A duct penetrating a main vertical zone bulkhead must be fitted with an automatic fire damper at the main vertical zone bulkhead;

(5) A duct penetrating an A-Class fire control boundary and opening into a space formed by that boundary must be equipped with a fire damper;

(6) A steel duct that penetrates an A-Class fire control boundary other than a main vertical zone bulkhead, and does not open within the space formed by the boundary need not be fitted with a fire damper provided the duct is at least 11 USSG throughout that space;

(7) A duct penetrating an insulated fire control boundary must be fitted with insulation of the same type and thickness as the boundary penetrated for a distance of at least 305 millimeters (12 inches) on the insulated side of the boundary. A fire damper blade need not be insulated; and

(8) Ducts serving cargo spaces, machinery spaces, or vehicles spaces must be fitted with automatic fire dampers.

(g) Fire dampers, where required by this section, must comply with the following requirements;

(1) A fire damper and casing must be at least 11 USSG and not more than 3.2 millimeters (0.125 inch) gap between the blade and casing;

(2) A fire damper must close against the draft in the duct and be accessible for periodic inspection by means of a hinged or bolted plate in the duct and surrounding bulkhead or deck, if fitted;

(3) Fire damper springs, blades, and hinges must be of stainless steel construction or of steel suitably coated to prevent corrosion;

(4) Fire dampers must be capable of manual operation from outside the space served, be fitted with an indicator showing whether the damper is open or closed, and be marked with red letters of at least 12.7 millimeters (0.5 inches) in height stating "VENTILATION FIRE DAMPER"; and

(5) An automatic fire damper must meet the above requirements and must be designed to operate at 74°C (165°F) for normal locations and approximately 100°C (212°F) for locations such as galleys.

(h) A ventilation duct serving a stairtower must not serve another space.

(i) A stairway or a stairtower must not serve as an air return for another space.

(j) A duct in a bulkhead or overhead designed for the passage of air from one space to another (i.e., a "jumper duct") is prohibited.

(k) The use of concealed spaces as return ventilation plenums or ducts is prohibited. Ventilation air return must be by ducts.

**§ 116.620 Ventilation of machinery and fuel tank spaces.**

In addition to the requirements of this subpart, ventilation systems for spaces containing machinery or fuel tanks must comply with the requirements of Part 119 of this chapter.

**Subpart G—Crew Spaces**

**§ 116.700 General requirements.**

(a) A crew accommodation space and a work space must be of sufficient size, adequate construction, and with suitable equipment to provide for the safe operation of the vessel and the protection and accommodation of the crew in a manner practicable for the size, facilities, service, route, speed, and modes of operation of the vessel.

(b) The deck above a crew accommodation space must be located above the deepest load waterline.

**§ 116.710 Overnight accommodations.**

Overnight accommodations must be provided for all crew members if the vessel is operated more than 12 hours in a 24 hour period, unless the crew is put ashore and the vessel is provided with a new crew.

**§ 116.730 Crew accommodations on vessels of more than 19.8 meters (65 feet) in length with overnight accommodations for more than 49 passengers.**

A crew accommodation space on a vessel of more than 19.8 meters (65 feet) in length with overnight accommodations for more than 49 passengers must comply with §§ 72.20–10(a), (b), (d), and (e); 72.20–15; 72.20–20(c)(1); 72.20–25 (a) and (d) 72.20–30; 72.20–35; 72.20–45; 72.20–50; and 72.20–55 in subchapter H of this chapter.

**Subpart H—Passenger Accommodations**

**§ 116.800 General requirements.**

(a) All passenger accommodations must be arranged and equipped to provide for the safety of the passengers in consideration of the route, modes of operation, and speed of the vessel.

(b) The height of ceilings in a passenger accommodation space, including aisles and passageways, must be at least 1880 millimeters (74 inches), but may be reduced at the sides of a space to allow for camber, wiring, ventilation ducts, and piping.

(c) A passenger accommodation space must be maintained to minimize fire and safety hazards and to preserve sanitary conditions. Aisles must be kept clear of obstructions.

(d) A passenger accommodation space must not contain:

(1) Electrical generation equipment or transformers, high temperature parts, pipelines, rotating assemblies, or any other item that could injure a passenger, unless such an item is adequately shielded or isolated; or

(2) A control for operating the vessel, unless the control is so protected and

located that operation of the vessel by a crew member will not be impeded by a passenger during normal or emergency operations.

(e) The deck above a passenger accommodation space must be located above the deepest load waterline.

(f) A variation from a requirement of this subpart may be authorized by the Commanding Officer, Marine Safety Center for an unusual arrangement or design provided there is no significant reduction of space, accessibility, safety, or sanitation.

#### **§ 116.810 Overnight accommodations.**

(a) A berth must be provided for each passenger authorized to be carried in overnight accommodation spaces. Each berth must measure at least 1880 millimeters (74 inches) by 610 millimeters (24 inches) and have at least 610 millimeters (24 inches) of clear space above.

(b) Berths must not be located more than three high and must be constructed of wood, fiber reinforced plastic, or metal. A berth located more than 1,525 millimeter (60 inches) above the deck must be fitted with a suitable aid for access.

(c) The construction and arrangement of berths and other furniture must allow free and unobstructed access to each berth. Each berth must be immediately adjacent to an aisle leading to a means of escape from the accommodation space. As aisle alongside a berth must be at least 610 millimeters (24 inches) wide. An aisle joining two or more aisles in an overnight accommodation space must be at least 1,065 (42 inches) wide.

#### **§ 116.820 Seating.**

(a) A seat must be provided for each passenger permitted in a space for which the fixed seating criterion in § 115.113(b)(3) of this subchapter has been used to determine the number of passengers permitted.

(b) A seat must be constructed to minimize the possibility of injury and avoid trapping occupants.

(c) Installation of seats must provide for ready escape.

(d) Seats, including fixed, temporary, or portable seats, must be arranged as follows:

(1) An aisle of not more than 3.8 meter (15 feet) in overall length must be not less than 610 millimeters (24 inches) in width.

(2) An aisle of more than 3.8 meter (15 feet) in overall length must be not less than 760 millimeters (30 inches) in width.

(3) Where seats are in rows, the distance from seat front to seat front

must be not less than 760 millimeters (30 inches) and the seats must be secured to a deck or bulkhead.

(4) Seats used to determined the number of passengers permitted, in accordance with § 115.113(b)(3) of this subchapter, must be secured to the deck, bulkhead, or bulwark.

### **Subpart I—Rails and Guards**

#### **§ 116.900 Deck rails.**

(a) Except as otherwise provided in this section, rails or equivalent protection must be installed near the periphery of all decks of a vessel accessible to passengers or crew. Equivalent protection may include lifelines, wire rope, chains, and bulwarks, that provide strength and support equivalent to fixed rails. Deck rails must include a top rail with the minimum height required by this section, and lower courses or equivalent protection as required by this section.

(b) Deck rails must be designed and constructed to withstand a point load of 91 kilograms (200 pounds) applies at any point in any direction, and a uniform load of 74 kilograms per meter (50 pounds per foot) applied to the top rail in any direction. The point and uniform loads do not need to be applied simultaneously.

(c) Where space limitations make deck rails impractical for areas designed for crew use only, such as at narrow catwalks in way of deckhouse sides, hand grabs may be substituted.

(d) The height of top rails required by paragraph (a) of this section must be as follows:

(1) Rails on passenger decks of a ferry or a vessel engaged in excursion trips, including but not limited to sightseeing trips, dinner and party cruises, and overnight cruises, must be at least 1,000 millimeters (39.5 inches) high.

(2) Rails on a vessel subject to the 1966 International Convention on Load Lines must be at least 1,000 millimeters (39.5 inches) high.

(3) All other rails must be at least 910 millimeters (36 inches) high.

(e) A sailing vessel, an open boat, or any other vessel not specifically covered elsewhere in this section, must have rails of a minimum height or equivalent protection as considered necessary by the cognizant OCMI, based on the vessel's operation, route, and seating arrangement.

(f) Rail courses or an equivalent must be installed between a top rail required by paragraph (a) of this section and the deck so that no open space exists that is more than 305 millimeters (12 inches) high, except:

(1) On passenger decks of a ferry or of a vessel on an excursion trip one of the following must be installed:

(i) Bulwarks;

(ii) Chain link fencing or wire mesh that has openings of not more than 100 millimeters (4 inches) in diameter; or

(iii) Bars, slats, rail courses, or an equivalent spaced at intervals of not more than 100 millimeters (4 inches).

(2) On a vessel subject to the 1966 International Convention on Load Lines, rail courses, or an equivalent, must be installed so that there is not an open space higher than 230 millimeters (9 inches) from the deck to the first rail course or equivalent.

(g) Rails must be permanently installed except that the following rails may be removable:

(1) Rails in way of embarkation stations and boarding locations; and

(2) Rails on a vessel when the service of the vessel is routinely changed, as determined by the cognizant OCMI, and the required top rail height varies depending on the service of the vessel at a particular time.

#### **§ 116.920 Storm rails.**

Suitable storm rails or hand grabs must be installed where necessary in passageways, at deckhouse sides, and at ladders and hatches.

#### **§ 116.940 Guards in vehicle spaces.**

On a vessel authorized to carry one or more vehicles, suitable chains, cables, or other barriers must be installed at the end of each vehicle runway. In addition, temporary rails or equivalent protection must be installed in way of each vehicle ramp, in compliance with § 116.900 of this part, when the vessel is underway.

#### **§ 116.960 Guards for exposed hazards.**

An exposed hazard, such as gears or rotating machinery, must be protected by a cover, guard, or rail.

#### **§ 116.970 Protection against hot piping.**

Piping, including valves, pipe fittings and flanges, conveying vapor, gas, or liquid, the temperature of which exceeds 65.5° C (150° F), must be insulated where necessary to prevent injuries.

### **Subpart J—Window Construction and Visibility**

#### **§ 116.1010 Safety glazing materials.**

Glass and other glazing material used in windows must be of material that will not break into dangerous fragments if fractured.

#### **§ 116.1020 Strength.**

Each window, port hole, and its means of attachment to the hull or deck

house, must be capable of withstanding the maximum load from wave and wind conditions expected due to its location on the vessel and the authorized route of the vessel.

**§ 116.1030 Operating station visibility.**

(a) Windows and other openings at the operating station must be of sufficient size and properly located to provide an adequate view for safe navigation in all operating conditions.

(b) Glass or other glazing material used in windows at the operating station must have a light transmission of not less than 70 percent according to Test 2 of American National Standards Institute (ANSI) Z 26.1 "Safety Glazing Materials For Motor Vehicles Operating on Land Highways," and must comply with Test 15 of ANSI Z 26.1 for Class I Optical Deviation.

**Subpart K—Drainage and Watertight Integrity of Weather Decks**

**§ 116.1110 Drainage of flush deck vessels.**

(a) Except as provided in paragraph (b) of this section, the weather deck on a flush deck vessel must be watertight and have no obstruction to overboard drainage.

(b) Each flush deck vessel may have solid bulwarks in the forward one-third length of the vessel if:

- (1) The bulwarks do not form a well enclosed on all sides; and
- (2) The foredeck of the vessel has sufficient sheer to ensure drainage aft.

**§ 116.1120 Drainage of cockpit vessels, well deck vessels, and open boats.**

Drainage of cockpit vessels, well deck vessels, and open boats must meet the applicable requirements of §§ 178.420, 178.430, 178.440, 178.450 in subchapter T of this chapter.

**§ 116.1160 Watertight integrity.**

(a) A hatch exposed to the weather must be watertight, except that the following hatches may be weathertight:

- (1) A hatch on a watertight trunk that extends at least 305 millimeters (12 inches) above the weather deck;
- (2) A hatch in a cabin top; and
- (3) A hatch on a vessel that operates only on protected waters.

(b) A hatch cover must:

- (1) Have securing devices; and
- (2) Be attached to the hatch frame or coaming by hinges, captive chains, or other devices of substantial strength to prevent its loss.

(c) A hatch cover that provides access to accommodation spaces must be operable from either side.

(d) A weathertight door must be provided for each opening located in a deck house or companionway.

Permanent watertight coamings must be provided as follows:

(1) On a vessel on an exposed or partially protected route, a watertight coaming with a height of at least 150 millimeters (6 inches) must be provided under each weathertight door in a cockpit or a well, or on the main deck of a flush deck vessel.

(2) On a vessel on a protected route, a watertight coaming with a height of at least 75 millimeters (3 inches) must be provided under each weathertight door in a cockpit or a well.

(3) The height of the watertight coaming for a hinged watertight door, need only be sufficient to accommodate the door.

**Subpart L—Ballast Systems**

**§ 116.1200 Ballast.**

(a) Any solid fixed ballast used to comply with the requirements of Parts 170 and 171 in subchapter S of this chapter must be:

- (1) Stowed in a manner that prevents shifting of the ballast; and
- (2) Installed to the satisfaction of the cognizant OCMI.

(b) Solid fixed ballast may not be located forward of the collision bulkhead unless the installation and arrangement of the ballast and the collision bulkhead minimizes the risk of the ballast penetrating the bulkhead in a collision.

(c) Solid fixed ballast may not be removed from a vessel or relocated unless approved by the cognizant OCMI except that ballast may be temporarily moved for a vessel examination or repair if it is replaced to the satisfaction of the OCMI.

(d) Water ballast, either as an active system or permanent, must be approved by the Commanding Officer, Marine Safety Center.

**PART 117—LIFESAVING EQUIPMENT AND ARRANGEMENTS**

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

**Subpart A—General Provisions**

**§ 117.10 Applicability to vessels on an international voyage.**

A vessel on an international voyage must meet the requirements in subchapter H of this chapter for passenger vessels.

**§ 117.15 Applicability to existing vessels.**

An existing vessel must comply with the requirements of this part except as otherwise specified by this section.

(a) Before March 11, 2001, or 10 years after the vessel's keel was laid or the vessel was at a similar stage of construction, whichever is later, an existing vessel may comply with the requirements in effect for the vessel prior to March 11, 1996, for the number and type of survival craft, stowage arrangements, and launching appliances for survival craft.

(b) On or before March 11, 2001, or 10 years after the vessel's keel was laid or the vessel was at a similar stage of construction, whichever is later, an existing vessel must:

(1) Be equipped with the number of survival craft required for its route under §§ 117.202, 117.204, 117.205, 117.206, 117.207, or 117.208 of this part, as applicable; and

(2) Comply with the stowage and launching appliance requirements for survival craft in §§ 117.130 through 117.150 of this part, inclusive.

(c) Each inflatable liferaft, inflatable buoyant apparatus, life float, and buoyant apparatus on the vessel on March 11, 1996, may be used to meet the requirements of this part as long as

the survival craft is in good and serviceable condition.

(d) When any lifesaving equipment on a vessel is replaced or a vessel undergoes repairs, alterations, or modifications of a major character involving replacement of, or any addition to, the existing lifesaving equipment, each new piece of lifesaving equipment must meet this part.

(e) A combination flare and smoke distress signal approved in accordance with § 160.023 in subchapter Q of this chapter, may be used on an existing vessel until the expiration date of the distress signal but no later than March 11, 1999, as one of the distress signals required by § 117.68 of this part.

(f) Until February 1, 1999, a Coast Guard approved 121.5/243 MHz Class A Emergency Position Indicating Radiobeacon (EPIRB) may be used to meet the requirement for an EPIRB under § 117.64 of this part, if the EPIRB:

- (1) Is operable;
- (2) Is installed to automatically float-free and activate;
- (3) Was manufactured on or after October 1, 1988; and
- (4) Was installed on the vessel on or before March 11, 1996.

(g) Until February 1, 1999, a Federal Communications Commission (FCC) Type Accepted VHF-FM Class C EPIRB may be used to meet the requirement for an EPIRB on a vessel operating on a Great Lakes route under § 117.64 of this part, if the EPIRB:

- (1) Is operable; and
- (2) Was installed on the vessel on or before March 11, 1996.

(h) Until March 11, 1997 an existing vessel on a limited coastwise route need not comply with § 117.64 of this part.

(i) An existing vessel need not comply with § 117.78(a)(4) of this part.

(j) An existing vessel must comply with either § 117.210 of this part or with the regulations for rescue boats that were in effect for the vessel prior to March 11, 1996.

#### § 117.25 Additional requirements.

(a) Each item of lifesaving equipment carried on board a vessel but not required under this part, must be of an approved type meeting the specifications for lifesaving equipment in subchapter Q of this chapter, or other standard specified by the Commandant.

(b) The cognizant Officer in Charge, Marine Inspection (OCMI) may require a vessel to carry specialized or additional lifesaving equipment if:

- (1) The OCMI determines the conditions of the voyage render the requirements of this part inadequate; or
- (2) The vessel is operated in Arctic, Antarctic, or other severe conditions not covered under this part.

### Subpart B—Emergency Communications

#### § 117.64 Emergency Position Indicating Radiobeacons (EPIRB).

Each vessel that operates on the high seas, or that operators beyond three miles from the coastline of the Great Lakes, must have on board a FCC Type Accepted Category 1, 406 MHz EPIRB, installed to automatically float free and activate.

#### § 117.68 Distress flares and smoke signals.

(a) *Oceans, coastwise, and Great Lakes routes.* A vessel on an oceans, coastwise, or Great Lakes route must carry:

(1) Six hand red flare distress signals approved in accordance with § 160.021 in subchapter Q of this chapter, or other standard specified by the Commandant; and

(2) Six hand orange smoke distress signals approved in accordance with § 160.037 in subchapter Q of this chapter, or other standard specified by the Commandant.

(b) *Lakes, bays, and sounds, and rivers routes.* A vessel on a lakes, bays, and sounds, or rivers route must carry:

(1) Three hand red flare distress signals approved in accordance with § 160.021 in subchapter Q of this chapter, or other standard specified by the Commandant; and

(2) Three hand orange smoke distress signals approved in accordance with § 160.037 in subchapter Q of this chapter, or other standard specified by the Commandant.

(c) *Substitutions.* (1) A rocket parachute flare approved in accordance with § 160.036 in subchapter Q of this chapter, or other standard specified by the Commandant, may be substituted for any of the hand red flare distress signals required under paragraph (a) or (b) of this section.

(2) One of the following may be substituted for any of the hand orange smoke distress signals required under paragraph (a) or (b) of this section:

(i) A rocket parachute flare approved in accordance with § 160.036 in subchapter Q of this chapter, or other standard specified by the Commandant.

(ii) A hand red flare distress signal approved in accordance with § 160.021 in subchapter Q of this chapter, or other standard specified by the Commandant.

(iii) A floating orange smoke distress signal approved in accordance with § 160.022 in subchapter Q of this chapter, or other standard specified by the Commandant.

(d) *Exemption for vessels on short runs.* A vessel operating on short runs

limited to approximately 30 minutes away from the dock is not required to carry distress flares and smoke signals under this section.

(e) *Stowage.* Each flare carried to meet this section must be stowed in one of the following:

(1) A portable watertight container carried at the operating station, and marked as required by § 122.614 of this subchapter; or

(2) A pyrotechnic locker secured above the freeboard deck, away from heat, in the vicinity of the operating station.

### Subpart C—Life Buoys and Life jackets

#### § 117.70 Ring life buoys.

(a) A vessel must have one or more ring life buoys as follows:

(1) A vessel of not more than 7.9 meters (26 feet) in length must carry a minimum of one life buoy of not less than 510 millimeters (20 inches) in diameter;

(2) A vessel of more than 7.9 meters (26 feet) in length, but not more than 19.8 meters (65 feet), must carry a minimum of one life buoy of not less than 610 millimeters (24 inches) in diameter; and

(3) A vessel of more than 19.8 meters (65 feet) in length must carry a minimum of three life buoys of not less than 610 millimeters (24 inches) in diameter.

(b) Each ring life buoy on a vessel must:

(1) Be approved in accordance with § 160.050 in subchapter Q of this chapter, or other standard specified by the Commandant;

(2) Be readily accessible;

(3) Be stowed in a way that it can be rapidly cast loose;

(4) Not be permanently secured in any way; and

(5) If on a vessel on an oceans or coastwise route, be orange in color.

(c) At least one ring life buoy must be fitted with a lifeline. If more than one ring life buoy is carried, at least one must not have a lifeline attached. Each lifeline on a ring life buoy must:

(1) Be buoyant;

(2) Be at least 18.3 meters (60 feet) in length;

(3) Be non-kinking;

(4) Have a diameter of at least 7.9 millimeters (5/16-inch);

(5) Have a breaking strength of at least 510 kilograms (1,124 pounds); and

(6) Be of a dark color if synthetic, or of a type certified to be resistant to deterioration from ultraviolet light.

(d) At least one ring buoy must be fitted with a floating waterlight, unless the vessel is limited to daytime

operation, in that case no floating waterlight is required.

(1) Each floating waterlight must be approved in accordance with § 161.010 in subchapter Q of this chapter, or other standard specified by the Commandant.

(2) Each ring life buoy with a floating waterlight must have a lanyard of at least 910 millimeters (3 feet) in length, but not more than 1,830 millimeters (6 feet), securing the waterlight around the body of the ring life buoy.

(3) Each floating waterlight installed after March 11, 1997, on a vessel carrying only one ring life buoy, must be attached to a lanyard with a corrosion-resistant clip. The clip must have a strength of at least 22.7 kilograms (50 pounds) and allow the waterlight to be quickly disconnected from the ring life buoy.

#### § 117.71 Life jackets.

(a) An adult life jacket must be provided for each person carried on board a vessel.

(b) In addition, a number of child-size life jackets equal to at least 10% of the number of the persons permitted on board must be provided, or such greater number as necessary to provide a life jacket for each person being carried that is smaller than the lower size limit of the adult life jackets provided to meet this section, except that:

(1) Child-size life jackets are not required if the vessel's Certificate of Inspection is endorsed for the carriage of adults only, or

(2) When all "extended size" life preservers (those with a lower size limit for persons of 1,195 millimeters (47 inches) in height or weighing 20.4 kilograms (45 pounds)) are carried on board, a minimum of only 5% additional child size devices need be carried.

(c) Except as allowed by paragraph (d) of this section, each life jacket must be approved in accordance with either §§ 160.002, 160.005, or 160.055 in subchapter Q of this chapter, or other standard specified by the Commandant.

(d) Cork and balsa wood lifejackets previously approved in accordance with §§ 106.003, or 160.004 in subchapter Q of this chapter, on board an existing vessel prior to March 11, 1996, may continue to be used to meet the requirements of this section until March 11, 1999 provided the lifejackets are maintained in good and serviceable condition.

#### § 117.72 Personal flotation devices carried in addition to life jackets.

(a) Equipment carried under this section is not acceptable in lieu of any portion of the required number of

approved life jackets and must not be substituted for the approved life jackets required to be worn during drills and emergencies.

(b) Wearable marine buoyant devices that include "ski vests," "boating vests," and "fishing vests," approved in accordance with § 160.064 in subchapter Q of this chapter, or other standard specified by the Commandant, may be carried as additional equipment.

(c) Buoyant work vests approved in accordance with § 160.053 in subchapter Q of this chapter, or other standard specified by the Commandant, may be carried as additional equipment for use of persons working near or over the water.

(d) Commercial hybrid personal flotation devices (PFD) approved in accordance with § 160.077 in subchapter Q of this chapter, or other standard specified by the Commandant, may be carried as additional equipment for use of persons working near or over the water. Each commercial hybrid PFD must be:

(1) Used, stowed, and maintained in accordance with the procedures set out in the manual required for these devices under § 160.077-29 in subchapter Q of this chapter and any limitation(s) marked on them; and

(2) Of the same or smaller design and have the same method of operation as each other hybrid PFD carried on board.

#### § 117.75 Life jacket lights.

(a) Each life jacket carried on a vessel on an oceans, coastwise, or Great Lakes route, must have a life jacket light approved in accordance with Subpart 161.012 of this chapter. Each life jacket light must be securely attached to the front shoulder area of the life jacket.

(b) Notwithstanding the requirements of paragraph (a) of this section, life jacket lights are not required for life jackets on:

(1) Ferries; and

(2) Vessels with Certificates of Inspection endorsed only for routes that do not extend more than 20 miles from a harbor of safe refuge.

#### § 117.78 Stowage of life jackets.

(a) *General.* Unless otherwise stated in this section, life jackets must be stored in convenient places distributed throughout accommodation spaces.

(1) Each stowage container for life jackets must not be capable of being locked. If practicable, the container must be designed to allow the life jackets to float free.

(2) Each life jacket kept in a stowage container must be readily available.

(3) Each life jacket stowed overhead must be supported in a manner that allows quick release for distribution.

(4) If life jackets are stowed more than 2,130 millimeters (7 feet) above the deck, a means for quick release must be provided and must be capable of operation by a person standing on the deck.

(5) Each child size life jacket must be stowed in a location that is appropriately marked and separated from adult life jackets so the child size life jackets are not mistaken for adult life jackets.

(b) *Additional personal flotation devices.* The stowage locations of the personal flotation devices carried in addition to life jackets under § 117.72 must be separate from the life jackets, and such as not to be easily confused with that of the life jackets.

#### Subpart D—Survival Craft Arrangements and Equipment

##### § 117.130 Stowage of survival craft.

(a) Each survival craft must be:

(1) Secured to the vessel by a painter with a float-free link permanently attached to the vessel except that a float-free link is not required if the vessel operates only on waters not as deep as the length of the painter;

(2) stowed so that when the vessel sinks the survival craft floats free and, if inflatable, inflates automatically;

(3) Stowed in a position that is readily accessible to crew members for launching, or else provided with a remotely operated device that releases the survival craft into launching position or into the water;

(4) Stowed in a way that permits manual release from its securing arrangements;

(5) Ready for immediate use so that crew members can carry out preparations for embarkation and launching in less than 5 minutes;

(6) Provided with means to prevent shifting;

(7) Stowed in a way that neither the survival craft nor its stowage arrangements will interfere with the embarkation and operation of any other survival craft at any other launching station;

(8) Stowed in a way that any protective covers will not interfere with launching and embarkation;

(9) Fully equipped as required under this part; and

(10) Stowed, as far as practicable, in a position sheltered from breaking seas and protected from damage by fire.

(b) A hydrostatic release unit when used in a float-free arrangement must be approved in accordance with § 160.062 in subchapter Q of this chapter, or other standard specified by the Commandant.

(c) A mechanical, manually operated device to assist in launching a survival craft must be provided if:

- (1) The survival craft weighs more than 90.7 kilograms (200 pounds); and
- (2) The survival craft requires lifting more than 300 vertical millimeters (one vertical foot) to be launched.

**§ 117.137 Stowage of life floats and buoyant apparatus.**

(a) In addition to meeting § 117.130, each life float and buoyant apparatus must be stowed as required under this section.

(b) The float-free link required by § 117.130(a)(1) must be:

- (1) Certified to meet § 160.073 in subchapter Q of this chapter, or other standard specified by the Commandant;
- (2) Of proper strength for the size of the life float or buoyant apparatus as indicated on its identification tag; and
- (3) Secured to the painter at one end and to the vessel on the other end.

(c) The means used to attach the float-free link to the vessel must:

(1) Have a breaking strength of at least the breaking strength of the painter;

(2) If synthetic, be of a dark color or of a type certified to be resistant to deterioration from ultraviolet light; and

(3) If metal, be corrosion resistant.

(d) If the life float or buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line which:

- (1) Encircles the body of the device;
- (2) Will not slip off;
- (3) Has a breaking strength that is at least the strength of the painter; and
- (4) If synthetic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(e) If the vessel carries more than the one life float or buoyant apparatus in a group with each group secured by a single painter:

(1) The combined weight of each group of life floats and buoyant apparatus must not exceed 181 kilograms (400 pounds);

(2) Each group of life floats and buoyant apparatus is considered a single survival craft for the purposes of § 117.130(c) of this part;

(3) Each life float and buoyant apparatus must be individually attached to the painter by a line meeting § 117.175(e)(3)(ii), (iii), and (iv) of this part and long enough that each life float or buoyant apparatus can float without contacting any other life float or buoyant apparatus in the group; and

(4) The strength of the float-free link under paragraph (b)(2) of this section and the strength of the painter under

§ 117.175(e)(3)(ii) of this part must be determined by the combined capacity of the group of life floats and buoyant apparatus.

(f) Life floats and buoyant apparatus must not be stowed in tiers more than 1,220 millimeters (4 feet) high. When stowed in tiers, the separate units must be kept apart by spacers.

**§ 117.150 Survival craft embarkation arrangements.**

(a) A launching appliance approved in accordance with § 160.032 in subchapter Q of this chapter, or other standard specified by the Commandant, must be provided for each inflatable liferaft and inflatable buoyant apparatus when either:

(1) The embarkation station for the survival craft is on a deck more than 4.5 meters (15 feet) above the waterline; or

(2) The inflatable liferaft or inflatable buoyant apparatus will be boarded prior to being placed in the water.

(b) An embarkation ladder, approved in accordance with § 160.017 in subchapter Q of this chapter, or other standard specified by the Commandant, must be at each embarkation station if the distance from the embarkation deck to the vessel's lightest operating waterline is more than 3,050 millimeters (10 feet).

**§ 117.175 Survival craft equipment.**

(a) *General.* Each item of survival craft equipment must be of good quality, and efficient for the purpose it is intended to serve. Unless otherwise stated in this section, each item of equipment carried, whether required under this section or not, must be secured by lashings, stored in lockers, compartments, brackets, or have equivalent mounting or storage arrangements that do not:

- (1) Reduce survival craft capacity;
- (2) Reduce space available to the occupants;
- (3) Interfere with launching, recovery, or rescue operations; or
- (4) Adversely affect seaworthiness of the survival craft.

(b) *Inflatable liferafts.* Each inflatable liferaft must have one of the following equipment packs as shown by the markings on its container:

- (1) Safety of Life at Sea (SOLAS) B Pack; or
- (2) SOLAS A Pack.

(c) *Life floats.* Each life float must be fitted with a lifeline, pendants, two paddles, a painter, and a light.

(d) *Buoyant apparatus.* Each buoyant apparatus must be fitted with a lifeline, pendants, a painter, and a light.

(e) *Equipment specifications for life floats and buoyant apparatus.* The equipment required for lifefloats and

buoyant apparatus must meet the following specifications:

(1) *Lifeline and pendants.* The lifeline and pendants must be as furnished by the manufacturer with the approved life float or buoyant apparatus. Replacement lifelines and pendants must meet the requirements in § 160.010 in subchapter Q of this chapter, or other standard specified by the Commandant.

(2) *Paddle.* Each paddle must be of at least 1,220 millimeters (4 feet) in length, lashed to the life float to which they belong, and buoyant.

(3) *Painter.* The painter must:

(i) Be of at least 30.5 meters (100 feet) in length, but not less than three times the distance between the deck where the life float or buoyant apparatus it serves is stowed and the lightship waterline of the vessel;

(ii) Have a breaking strength of at least 680 kilograms (1,500 pounds), except that if the capacity of the life float or buoyant apparatus is 50 persons or more, the breaking strength must be at least 1,360 kilograms (3,000 pounds);

(iii) Be of a dark color if synthetic, or of a type certified to be resistant to deterioration from ultraviolet light; and

(iv) Be stowed in such a way that it runs out freely when the life float or buoyant apparatus floats away from a sinking vessel.

(4) *Light.* The light must be a floating waterlight approved in accordance with § 161.010 in subchapter Q of this chapter, or other standard specified by the Commandant. The floating waterlight must be attached around the body of the life float or buoyant apparatus by a 12-thread manila, or equivalent, lanyard of at least 5.5 meters (18 feet) in length.

(f) *Other survival craft.* If survival craft other than inflatable liferafts, life floats, inflatable buoyant apparatus, and buoyant apparatus are carried on the vessel, such as lifeboats or rigid liferafts, they must be installed, arranged, and equipped as required in subchapter H (Passenger Vessels) of this chapter for passenger vessels on the same route.

**Subpart E—Number and Type of Survival Craft**

**§ 117.200 Survival craft—general.**

(a) Each survival craft required on a vessel by this part must meet one of the following:

(1) For an inflatable liferaft—Subpart 160.151 in subchapter Q of this chapter, or other standard specified by the Commandant, with the applicable equipment pack, as determined by the cognizant OCMI. Each inflatable liferaft required on a vessel by this part must have a capacity of 6 persons or more.

Inflatable liferafts may be substituted for inflatable buoyant apparatus or life floats required under this section.

(2) For a life float—Subpart 160.027 in subchapter Q of this chapter, or other standard specified by the Commandant. Buoyant apparatus may be used to meet requirements for life floats if the buoyant apparatus was installed on board the vessel on or before March 11, 1996, and if the buoyant apparatus remains in good and serviceable condition.

(3) For an inflatable buoyant apparatus—Subpart 160.010 in

subchapter Q of this chapter, or other standard specified by the Commandant. Inflatable buoyant apparatus may be substituted for life floats required under this section.

(4) For a buoyant apparatus—Subpart 160.010 in subchapter Q of this chapter, or other standard specified by the Commandant. An existing buoyant apparatus may not be used to satisfy the requirements for life floats on existing vessels wishing to upgrade the total number of passengers carried on an oceans route.

(b) If the vessel carries a small boat or boats, the capacity of these boats may be counted toward the buoyant apparatus or life float capacity required by this subpart. Such boats must meet the requirements for safe loading and flotation in 33 CFR Part 183, and must meet the stowage, launching and equipment requirements in this part for the survival craft they replace.

(c) A summary of survival craft requirements is provided in Table 117.200(c). The citations in brackets identify the sections of this part that contain the specific requirements.

TABLE 117.200(c)

Route	Survival Craft Required
Oceans .....	(a) cold water <sup>1</sup> —100% ILR <sup>2</sup> —§ 117.202(a) (b) warm water <sup>3</sup> (i) w/overnight accommodations—100% IBA <sup>5</sup> —§ 117.204(c) (ii) w/o overnight accommodations—67% IBA <sup>4</sup> —§ 117.202(e)
Coastwise .....	(a) w/overnight accommodations—100% IBA <sup>5</sup> —§ 117.204(a) (b) w/o overnight accommodations (i) cold water—67% IBA—§ 117.204(c)(1) (ii) warm water—100% LF—§ 117.204(c)(2) (iii) within three miles of shore w/float free 406 MHz EPIRB 50% LF—§ 117.204(d)
Limited coastwise (Not more than 20 miles from a harbor of safe refuge).	(a) w/overnight accommodations—100% IBA <sup>5</sup> —§ 117.205(a)  (b) w/o overnight accommodations (i) cold water—67% IBA <sup>6</sup> —§ 117.205(a) (ii) warm water—50% LF—§ 117.205(c) (iii) within three miles of shore w/float free 406 MHz EPIRB (A) cold water—50% LF—§ 117.205(a) (B) warm water—NONE—§ 117.205(d)
Great Lakes .....	(a) same as limited coastwise (a) & (b)—§ 117.206(a) (b) within one mile of shore—NONE <sup>7</sup> —§ 117.206(b)
Lakes, bays, and sounds <sup>8,9</sup> .	(a) w/overnight accommodations—67% IBA <sup>5</sup> —§ 117.207(a) (b) w/o overnight accommodations (i) cold water—100% LF—§ 117.207(b)(1) & (c)(1) (ii) warm water—50% LF—§ 117.207(b)(2) & (c)(2) (iii) within one mile of shore—NONE—§ 117.207(d)
Rivers <sup>9,10</sup> .....	(a) cold water (i) 50% LF—§ 117.208(a) (ii) within one mile of shore—NONE—§ 117.208(c) (b) Warm water—NONE—§ 117.208(b)

Abbreviations used:

ILR = Inflatable liferaft

IBA = Inflatable Buoyant apparatus

LF = Life Float. As allowed by § 117.15(c), any buoyant apparatus in use on an existing vessel on March 11, 1996, may be used to meet the requirements for LF as long as the buoyant apparatus is in good and serviceable condition.

Footnotes:

<sup>1</sup> Cold water means the cognizant OCMI has determined the monthly mean low temperature of the water is ≤ 15° C (59° F)

<sup>2</sup> Vessels operating less than 50 miles from shore may carry 100% IBA in lieu of ILR—§ 117.202(b)

<sup>3</sup> Warm water means the cognizant OCMI has determined the monthly mean low temperature of the water is > 15° C (59° F)

<sup>4</sup> Vessels operating in warm water may substitute 100% LF in lieu of 67% IBA—§ 117.202(c)

<sup>5</sup> IBA for total number of overnight passengers allowed. Additional primary lifesaving may be required—§ 117.204(b), § 117.205(a), § 117.206(a), and § 117.207(b)

<sup>6</sup> Certain vessel operations may substitute 100% LF in lieu of IBA—§ 117.205(b)

<sup>7</sup> OCMI may reduce primary lifesaving for seasonal or ferry type operations on the Great Lakes—§ 117.206(b)

<sup>8</sup> Shallow water exception—§ 117.207(d)

<sup>9</sup> OCMI may reduce survival craft requirements based upon the route, communications schedule and participation in VTS—§ 117.207(e) and § 117.208(e)

<sup>10</sup> Shallow water exception—§ 117.208(d)

**§ 117.202 Survival craft—vessels operating on oceans routes.**

(a) Except as allowed by paragraph (b) of this section, each vessel certificated to operate on an oceans route in cold

water must be provided with inflatable liferafts of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board.

(b) Each vessel certificated to operate on an oceans route not more than 50 nautical miles offshore in cold water must be provided with inflatable buoyant apparatus of an aggregate

capacity that will accommodate at least 100% of the total number of persons permitted on board.

(c) Each vessel with overnight accommodations certificated to operate on an oceans route in warm water must be provided with inflatable buoyant apparatus of an aggregate capacity that will accommodate at least 100% of the total number of overnight persons permitted on board.

(d) Where the total number of persons allowed on the COI exceeds the total number of overnight persons allowed, the survival craft requirements contained in paragraph (e) of this section apply when not engaged in an overnight voyage.

(e) Each vessel certificated to operate on an oceans route in warm water must be provided with either:

(i) inflatable buoyant apparatus of an aggregate capacity that will accommodate at least 67% of the total number of persons permitted on board; or

(ii) life floats of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board.

**§ 117.204 Survival craft—vessels operating on coastwise routes.**

(a) Each vessel with overnight accommodations certificated to operate on a coastwise route must be provided with inflatable buoyant apparatus of an aggregate capacity that will accommodate at least 100% of the total number of overnight persons permitted on board.

(b) Where the total number of persons allowed on the COI exceeds the total number of overnight persons allowed, the following survival craft requirements apply when not engaged in an overnight voyage:

(1) Except as allowed by paragraph (d) of this section, if operated in cold water, be provided with inflatable buoyant apparatus of an aggregate capacity that will accommodate at least 67% of the total number of persons permitted on board; or

(2) Except as allowed by paragraph (d) of this section, if operated in warm water, be provided with life floats of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board.

(c) Each vessel without overnight accommodations certificated to operate on a coastwise route, must:

(1) Except as allowed by paragraph (d) of this section, if operated in cold water, be provided with inflatable buoyant apparatus of an aggregate capacity that will accommodate at least 67% of the

total number of persons permitted on board; or

(2) Except as allowed by paragraph (d) of this section, if operated in warm water, be provided with life floats of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board.

(d) Each vessel certificated to operate on a coastwise route within three miles of land, and equipped with an FCC type accepted Category 1 406 MHz EPIRB installed to float free and automatically activate, may be provided with life floats of an aggregate capacity that will accommodate at least 50% of the total number of persons permitted on board.

**§ 117.205 Survival craft—vessels operating on limited coastwise routes.**

(a) Except as allowed by paragraphs (b), (c) and (d) of this section, each vessel certificated to operate on a limited coastwise route shall be provided with the survival craft required by §§ 117.204 (a) through (d) of this part, as applicable.

(b) Each vessel without overnight accommodations operating in cold water, between two points, with a set schedule on a specific route that maintains a 15 minute radio communications schedule with an operation base, may be provided with life floats of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board.

(c) Each vessel operating in warm water may be provided with life floats of an aggregate capacity that will accommodate at least 50% of the total number of persons permitted on board.

(d) Each vessel certificated to operate on a limited coastwise route within three miles of land in warm water, and is equipped with an FCC type accepted Category 1 406 MHz EPIRB installed to float free and automatically activate, is not required to carry survival craft.

**§ 117.206 Survival craft—vessels operating on Great Lakes routes.**

(a) Except as allowed by paragraph (b) of this section, each vessel certificated to operate on a Great Lakes route must be provided with the survival craft required by §§ 117.205 (a) through (d) of this part as applicable.

(b) Each vessel certificated to operate on a Great Lakes route within one mile of land is not required to carry survival craft if the OCMi determines that it is safe not to do so, taking into consideration the vessel's scope of operation, hazards of the route, and availability of assistance.

**§ 117.207 Survival craft—vessels operating on lakes, bays, and sounds routes.**

(a) Each vessel with overnight accommodations certificated to operate on a lakes, bays, and sounds route must be provided with inflatable buoyant apparatus of an aggregate capacity that will accommodate at least 67% of the total number of overnight persons permitted on board.

(b) Where the total number of persons allowed on the COI exceeds the total number of overnight persons allowed, the following survival craft requirements apply when not engaged in an overnight voyage:

(1) If operated in cold water, be provided with life floats of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board; or

(2) If operated in warm water, be provided with life floats of an aggregate capacity that will accommodate at least 50% of the total number of persons permitted on board.

(c) Except as allowed by paragraphs (d), (e), and (f) of this section, each vessel without overnight accommodations certificated to operate on a lakes, bays, and sounds route must:

(1) If operated in cold water, be provided with life floats of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board; or

(2) If operated in warm water, be provided with life floats of an aggregate capacity that will accommodate at least 50% of the total number of persons permitted on board.

(d) Each vessel certificated to operate on a lakes, bays, and sounds route within one mile of land is not required to carry survival craft.

(e) For a vessel certificated to operate on a lakes, bays, and sounds route in shallow water where the vessel can not sink deep enough to submerge the topmost passenger deck or where survivors can wade ashore, the cognizant OCMi may waive a requirement for survival craft, if the OCMi determines that it is safe to do so, taking into consideration the vessel's scope of operation, hazards of the route, and availability of assistance.

(f) Each vessel operating with a set schedule on a specific route that does not take it more than 20 nautical miles from a harbor of safe refuge, and that maintains a 15 minute radio communications schedule with an operations base, or participates in a Vessel Traffic Service (VTS), may be granted a reduction in the survival craft requirements of this section if the

cognizant OCMI is satisfied that a sufficient level of safety exists.

**§ 117.208 Survival craft—vessels operating on rivers routes.**

(a) Except as allowed by paragraph (c), (d), or (e) of this section, each vessel certificated to operate on a rivers route in cold water must be provided with life floats of an aggregate capacity that will accommodate at least 50% of the total number of persons permitted on board.

(b) Each vessel certificated to operate on a rivers route in warm water is not required to carry survival craft.

(c) Each vessel certificated to operate on a rivers route within one mile of land is not required to carry survival craft.

(d) For a vessel certificated to operate on a rivers route in shallow water where the vessel can not sink deep enough to submerge the topmost passenger deck or where survivors can wade ashore, the cognizant OCMI may waive a requirement for life floats, if the OCMI determines that it is safe to do so, taking into consideration the vessel's scope of operation, hazards of the route, and availability of assistance.

(e) Each vessel operating with a set schedule on a specific route that maintains a 15 minute radio communications schedule with an operations base, or participates in a Vessel Traffic Service (VTS), may be granted a reduction in the survival craft requirements of this section if the cognizant OCMI is satisfied that a sufficient level of safety exists.

**§ 117.210 Rescue boats.**

(a) Each vessel must carry at least one rescue boat unless the cognizant OCMI determines that:

(1) The vessel is sufficiently maneuverable, arranged, and equipped to allow the crew to recover a helpless person from the water;

(2) Recovery of a helpless person can be observed from the operating station; and

(3) The vessel does not regularly engage in operations that restrict its maneuverability.

(b) On a vessel of more than 19.8 meters (65 feet) in length, a required rescue boat and its installation must meet the requirements in subchapter H (Passenger Vessels) of this chapter for a rescue boat on a passenger vessel having the same route. On a vessel of not more than 19.8 meters (65 feet) in length, a required rescue boat must be acceptable to the cognizant OCMI.

**PART 118—FIRE PROTECTION EQUIPMENT**

**Subpart A—General Provisions**

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

**Subpart A—General Provisions**

**§ 118.115 Applicability to existing vessels.**

(a) Except as otherwise required by paragraphs (b) and (c) of this section, an existing vessel must comply with the fire protection equipment regulations applicable to the vessel on March 10, 1996, or, as an alternative, the vessel may comply with the regulation in this part.

(b) An existing vessel with a hull, or a machinery space boundary bulkhead or deck, composed of wood or fiber reinforced plastic, or sheathed on the interior in fiber reinforced plastic, must comply with the requirements of § 118.400 of this part on or before March 11, 1999.

(c) New installations of fire protection equipment on an existing vessel, which are completed to the satisfaction of the cognizant Officer in Charge, Marine Inspection (OCMI) on or after March 11, 1996, must comply with the regulations of this part. Replacement of existing equipment installed on the vessel prior to March 11, 1996, need not comply with the regulations in this part.

**§ 118.120 Equipment installed but not required.**

Fire extinguishing and detecting equipment installed on a vessel in excess of the requirements of §§ 118.400 and 118.500 of this part must be

designed, constructed, installed and maintained in a manner acceptable to the Commandant.

**Subpart B—Reserved**

**Subpart C—Fire Main System**

**§ 118.300 Fire pumps.**

(a) A self priming, power driven fire pump must be installed on each vessel.

(b) On a vessel without overnight accommodations, or with overnight accommodations for not more than 49 passengers, the fire pump must be capable of delivering a single hose stream from the highest hydrant, through the hose and nozzle required by § 118.320 of this part, at a pitot tube pressure of 345 kPa (50 psi).

(c) On a vessel with overnight accommodations for more than 49 passengers, the fire pump must meet the fire pump requirements in § 76.10-5 in subchapter H of this chapter.

(d) A fire pump may be driven by a propulsion engine. A fire pump must be permanently connected to the fire main and may be connected to the bilge system to meet the requirements of § 119.520 of this subchapter.

(e) A fire pump must be capable of both remote operation from the operating station and local, manual operation at the pump.

**§ 118.310 Fire main and hydrants.**

(a) A vessel must have a sufficient number of fire hydrants to reach any part of the vessel using a single length of fire hose.

(b) Piping, valves, and fittings in a fire main system must comply with Part 119, Subpart G of this subchapter.

**§ 118.320 Fire hoses and nozzles.**

(a) A fire hose with a nozzle must be attached to each fire hydrant at all times. For fire stations located an open decks or cargo decks, where no protection is provided, hoses may be temporarily removed during heavy weather or cargo handling operations, respectively. Hoses to be removed must be stored in nearby accessible locations.

(b) Each hose must:

(1) Be lined commercial fire hose that conforms to Underwriters Laboratory (UL) 19 "Lined Fire Hose and Hose Assemblies," or hose that is listed and labeled by an independent laboratory recognized by the Commandant as being equivalent in performance;

(2) Be 15.25 meters (50 feet) in length and 40 millimeters (1.5 inches) in diameter; and

(3) Have fittings of brass or other suitable corrosion-resistant material that comply with National Fire Protection

Association (NFPA) 1963 "Fire Hose Connections," or other standard specified by the Commandant.

(c) Each nozzle must either:

- (1) Be of a type approved in accordance with § 160.027 in subchapter Q of this chapter; or
- (2) Be of type recognized by the Commandant as being equivalent in performance.

#### Subpart D—Fixed Fire Extinguishing and Detecting Systems

##### § 118.400 Where required.

(a) The following spaces must be equipped with a fixed gas fire extinguishing system, in compliance with § 118.410 of this part, or other fixed fire extinguishing system specifically approved by the Commandant, except as otherwise allowed by paragraph (b) of this section:

- (1) A space containing propulsion machinery;
- (2) A space containing an internal combustion engine of more than 50 hp;
- (3) A space containing an oil fired boiler;
- (4) A space containing combustible cargo or ship's stores inaccessible during the voyage (a carbon dioxide system must be installed in such a space, and Halon systems are not allowed);
- (5) A paint locker; and
- (6) A storeroom containing flammable liquids (including liquors of 80 proof or higher where liquor is packaged in individual containers of 9.5 liters (2.5 gallons) capacity or greater).

(b) Alternative system types and exceptions to the requirements of paragraph (a) of this section are:

- (1) A fixed gas fire extinguishing system, which is capable of automatic discharge upon heat detection, may only be installed in a normally unoccupied space with a gross volume of not more than 170 cubic meters (6,000 cubic feet);
- (2) A pre-engineered fixed gas extinguishing system must be in compliance with § 118.420 of this part and may only be installed in a normally unoccupied machinery space, a paint locker, or a storeroom containing flammable liquids (including liquors of 80 proof or higher where liquor is packaged in individual containers of 9.5 liters (2.5 gallons) capacity or greater), with a gross volume of not more than 57 cubic meters (2,000 cubic feet);
- (3) A B-II portable fire extinguisher installed outside the space may be substituted for a fixed gas fire extinguishing system in a storeroom containing flammable liquids (including liquors of 80 proof or higher where liquor is packaged in individual

containers of 9.5 liters (2.5 gallons) capacity or greater) or a paint locker, with a volume of not more than 5.7 cubic meters (200 cubic feet);

(4) A space that is so open to the atmosphere that a fixed gas fire extinguishing system would be ineffective, as determined by the cognizant OCMI, is not required to have a fixed gas fire extinguishing system; and

(5) Where the amount of carbon dioxide gas required in a fixed fire extinguishing system can be supplied by one portable extinguisher or a semi-portable extinguisher, such an extinguisher may be used subject to the following:

- (i) Cylinders shall be installed in a fixed position outside the space protected;
- (ii) The applicator shall be installed in a fixed position so as to discharge into the space protected; and
- (iii) Controls shall be installed in an accessible location outside the space protected.

(c) The following spaces must be equipped with a fire detecting system of an approved type that is installed in accordance with § 76.27 in subchapter H of this chapter, except when a fixed gas fire extinguishing system that is capable of automatic discharge upon heat detection is installed or when the space is manned:

- (1) A space containing propulsion machinery;
- (2) A space containing an internal combustion engine of more than 37.3 kW (50 hp); and
- (3) A space containing an oil fired boiler.

(d) All grills, broilers, and deep fat fryers must be fitted with a grease extraction hood that complies with § 118.425 of this part.

(e) Except as allowed by paragraph (f), each accommodation space, control space, and service space must be fitted with the following systems:

- (1) A smoke actuated fire detecting system of a type approved by the Commandant that is installed in accordance with § 76.27 in subchapter H of this chapter; and
- (2) A manual alarm system that meets the requirements in § 76.35 in subchapter H of this chapter.

(f) On vessels with no overnight accommodation; public spaces that may be assumed to be occupied by a large number of persons when passengers are on board need only be served by a manual alarm system that meets the requirements in § 76.35 in subchapter H of this chapter. The alarm boxes must be located in the vicinity of each required exit, and easily seen in case of need.

(g) An enclosed vehicle space must be fitted with an automatic sprinkler system that meets the requirements of § 76.25 in subchapter H of this chapter; and

(1) A fire detecting system of a type approved by the Commandant that is installed in accordance with § 76.27 in subchapter H of this chapter; or

(2) A smoke detecting system of a type approved by the Commandant that is installed in accordance with § 76.33 in subchapter H of this chapter.

(h) A partially enclosed vehicle space must be fitted with a manual sprinkler system that meets the requirements of § 76.23 in subchapter H of this chapter.

##### § 118.410 Fixed gas fire extinguishing systems.

(a) *General.* (1) A fixed gas fire extinguishing system aboard a vessel must be approved by the Commandant, and be custom engineered to meet the requirements of this section unless the system meets the requirements of § 118.420 of this part.

(2) System components must be listed and labeled by an independent laboratory. A component from a different system, even if from the same manufacturer, must not be used unless included in the approval of the installed system.

(3) System design and installation must be in accordance with the Marine Design, Installation, Operation, and Maintenance Manual approved for the system by the Commandant.

(4) A fixed gas fire extinguishing system may protect more than one space. The quantity of extinguishing agent must be at least sufficient for the space requiring the greatest quantity as determined by the requirements of paragraphs (f)(4) or (g)(2) of this section.

(b) *Controls.* (1) Controls and valves for operation of a fixed gas fire extinguishing system must be:

- (i) Located outside the space protected by the system; and
- (ii) Not located in a space that might be inaccessible in the event of fire in the space protected by the system.

(2) Except as provided in paragraph (c)(2) of this section, release of an extinguishing agent into a space must require two distinct operations.

(3) A system must have local manual controls at the storage cylinders capable of releasing the extinguishing agent. In addition, a normally manned space must have remote controls for releasing the extinguishing agent immediately outside the primary exit from the space.

(4) Remote controls must be located in a breakglass enclosure to preclude accidental discharge.

(5) Valves and controls must be of a type approved by the Commandant and

protected from damage or accidental activation. A pull cable used to activate the system controls must be enclosed in conduit.

(6) A system protecting more than one space must have a manifold with a normally closed stop valve for each space protected.

(7) A gas actuated valve or device must be capable of manual override at the valve or device.

(8) A system, which has more than one storage cylinder for the extinguishing agent and that relies on pilot cylinders to activate the primary storage cylinders, must have at least two pilot cylinders. Local manual controls in compliance with paragraph (b)(3) of this section must be provided to operate the pilot cylinders but are not required for the primary storage cylinders.

(9) A system protecting a manned space must be fitted with a time delay and alarm of a type approved by the Commandant, arranged to require the alarm to sound for at least 20 seconds or the time necessary to escape from the space, whichever is greater, before the agent is released into the space. Alarms must be conspicuously and centrally located. The alarm must be powered by the extinguishing agent.

(10) A device must be provided to automatically shut down power ventilation serving the protected space and engines that draw intake air from the protected space prior to release of the extinguishing agent into the space.

(11) Controls and storage cylinders must not be in a locked space unless the key is in a breakglass type box conspicuously located adjacent to the space.

(c) *Storage space.* (1) Except as provided in paragraph (c)(2) of this section, a storage cylinder for a fixed gas extinguishing system must be:

(i) Located outside the space protected by the system; and

(ii) Not located in a space that might be inaccessible in the event of a fire in the space protected by the system.

(2) A normally unoccupied space of less than 170 cubic meters (6,000 cubic feet) may have the storage cylinders located within the space protected. When the storage cylinders are located in the space:

(i) The system must be capable of automatic operation by a heat actuator within the space; and

(ii) Have manual controls in compliance with paragraph (b) of this section except for paragraphs (b)(2) and (b)(3).

(3) A space containing a storage cylinder must be maintained at a temperature within the range from  $-30^{\circ}\text{C}$  ( $-20^{\circ}\text{F}$ ) to  $55^{\circ}\text{C}$  ( $130^{\circ}\text{F}$ ) or at

another temperature as listed by the independent laboratory and stated in the manufacturer's approval manual.

(4) A storage cylinder must be securely fastened, supported, and protected against damage.

(5) A storage cylinder must be accessible and capable of easy removal for recharging and inspection. Provisions must be available for weighing each storage cylinder in place.

(6) Where subject to moisture, a storage cylinder must be installed to provide a space of at least 51 millimeters (2 inches) between the deck and the bottom of the storage cylinder.

(7) A Halon 1301 storage cylinder must be stowed in an upright position unless otherwise listed by the independent laboratory. A carbon dioxide cylinder may be inclined not more than  $30^{\circ}$  from the vertical, unless fitted with flexible or bent siphon tubes, in which case they may be inclined not more than  $80^{\circ}$  from the vertical.

(8) Where a check valve is not fitted on an independent storage cylinder discharge outlet, a plug or cap must be provided for closing the outlet resulting from storage cylinder removal.

(9) Each storage cylinder must meet the requirements of § 147.60 in subchapter N of this chapter, or other standard specified by the Commandant.

(10) A storage cylinder space must have doors that open outwards or be fitted with kickout panels installed in each door.

(d) *Piping.* (1) A pipe, valve, or fitting or ferrous material must be protected inside and outside against corrosion unless otherwise approved by the Commandant. Aluminum or other low melting material must not be used for a component of a fixed gas fire extinguishing system except as specifically approved by the Commandant.

(2) A distribution line must extend at least 51 millimeters (2 inches) beyond the last orifice and be closed with a cap or plug.

(3) Piping, valves, and fittings must be securely supported, and where necessary, protected against damage.

(4) Drains and dirt traps must be fitted where necessary to prevent the accumulation of dirt or moisture and located in accessible locations.

(5) Piping must be used for no other purpose except that it may be incorporated with the fire detecting system.

(6) Piping passing through accommodation spaces must not be fitted with drains or other openings within such spaces.

(7) The distribution piping of a carbon dioxide fixed gas extinguishing system

must be tested as required by this paragraph, upon completion of the piping installation, using only carbon dioxide, compressed air, or nitrogen gas.

(i) Piping between a storage cylinder and a stop valve in the manifold must be subjected to a pressure of 6,894 kPa (1,000 psi), except as permitted in paragraph (d)(7)(iii) of this section. Without additional gas being introduced to the system, the pressure drop must not exceed 2,068 kPa (300 psi) after two minutes.

(ii) A distribution line to a space protected by the system must be subjected to a test pressure of 4,136 kPa (600 psi). For the purpose of this test, the distribution piping must be capped within the space protected at the first joint between the nozzles and the storage cylinders.

(iii) A small independent system protecting a space such as a paint locker may be tested by blowing out the piping with air at a pressure of not less than 689 kPa (100 psi).

(8) The distribution piping of a Halon 1301 fixed gas extinguishing system must be tested, as required by this paragraph, upon completion of the piping installation, using only carbon dioxide, compressed air, or nitrogen.

(i) When pressurizing the piping, pressure must be increased in small increments. Each joint must be subjected to a soap bubble leak test, and all joints must be leak free.

(ii) Piping between the storage cylinders and the manifold stop valve must be subjected to a leak test conducted as a pressure of 4,136 kPa (600 psi). Without additional gas being added to the system, there must be no loss of pressure over a two minute period after thermal equilibrium is reached.

(iii) Distribution piping between the manifold stop valve and the first nozzle in the system must be capped and pneumatically tested for a period of 10 minutes at 1,034 kPa (150 psi). At the end of 10 minutes, the pressure drop must not exceed 10% of the test pressure.

(e) *Pressure relief.* When required by the cognizant OCMI, spaces that are protected by a fixed gas fire extinguishing system and that are relatively airtight, such as refrigeration spaces, paint lockers, etc., must be provided with suitable means for relieving excessive pressure within the space when the agent is released.

(f) *Specific requirements for carbon dioxide systems.* A custom engineered fixed gas fire extinguishing system, which uses carbon dioxide as the

extinguishing agent, must meet the requirements of this paragraph.

(1) Piping, valves, and fittings must have a bursting pressure of not less than 41,360 kPa (6,000 psi). Piping, in nominal sizes of not more than 19 millimeters (0.75 inches), must be at least Schedule 40 (standard weight), and in nominal sizes of over 19 millimeter (0.75 inches), must be at least Schedule 80 (extra heavy).

(2) A pressure relief valve or equivalent set to relieve at between

16,550 and 19,300 kPa (2,400 and 2,800 psi) must be installed in the distribution manifold to protect the piping from overpressurization.

(3) Nozzles must be approved by the Commandant.

(4) When installed in a machinery space, paint locker, a space containing flammable liquid stores, or a space with a fuel tank, a fixed carbon dioxide system must meet the following requirements.

(i) The quantity of carbon dioxide in kilograms (pounds) that the system must

be capable of providing to a space must not be less than the gross volume of the space divided by the appropriate factor given in Table 118.410(f)(4)(i). If fuel can drain from a space being protected to an adjacent space or if the spaces are not entirely separate, the volume of both spaces must be used to determine the quantity of carbon dioxide required. The carbon dioxide must be arranged to discharge into both such spaces simultaneously.

TABLE 118.410(f)(4)(i)

Factor	Gross volume of space in cubic meters (feet)	
	over	Not Over
0.94 (15)	.....	14 (500)
1.0 (16)	14 (500)	45 (1,600)
1.1 (18)	45 (1,600)	125 (4,500)
1.2 (20)	125 (4,500)	1,400 (50,000)
1.4 (22)	1,400 (50,000)	.....

(ii) The minimum size of a branch line to a space must be as noted in Table 118.410(f)(4)(ii).

TABLE 118.410(f)(4)(ii)

Maximum quantity of carbon dioxide required kg (lbs)	Minimum nominal pipe size mm (inches)	Maximum quantity of carbon dioxide required kg (lbs)	Minimum nominal pipe size mm (inches)
45.4 (100)	12.7 (0.5)	1,134 (2,500)	65 (2.5)
102 (225)	19 (0.75)	2,018 (4,450)	75 (3.0)
136 (300)	25 (1.0)	3,220 (7,100)	90 (3.5)
272 (600)	30 (1.25)	4,739 (10,450)	100 (4.0)
454 (1,000)	40 (1.5)	6,802 (15,000)	113 (4.5)
1,111 (2,450)	50 (2.0)	.....	.....

(iii) Distribution piping within a space must be proportioned from the distribution line to give proper supply to the outlets without throttling.

(iv) The number, type, and location of discharge outlets must provide uniform distribution of carbon dioxide throughout a space.

(v) The area of each discharge outlet must not exceed 85 percent nor be less than 35 percent of the nominal cylinder outlet area or the area of the supply pipe, whichever is smaller. The nominal cylinder outlet area in square millimeters is determined by multiplying the factor 0.015 (0.0022 if using square inches) by the total capacity in kilograms of all carbon dioxide cylinders in the system, except in no case must the outlet area be of less than 71 square millimeters (0.110 square inches).

(vi) The discharge of at least 85 percent of the required amount of

carbon dioxide must be completed within two minutes.

(5) When installed in an enclosed ventilation system for rotating electrical propulsion equipment a fixed carbon dioxide system must meet the following requirements.

(i) The quantity of carbon dioxide in kilograms must be sufficient for initial and delayed discharges as required by this paragraph. The initial discharge must be equal to the gross volume of the system divided by 160 (10 if using pounds) for ventilation systems having a volume of less than 57 cubic meters (2,000 cubic feet), or divided by 192 (12 if using pounds) for ventilation systems having a volume of at least 57 cubic meters (2,000 cubic feet). In addition, there must be sufficient carbon dioxide available to permit delayed discharges to maintain at least a 25 percent concentration until the equipment can be stopped. If the initial discharge

achieves this concentration, a delayed discharge is not required.

(ii) The piping sizes for the initial discharge must be in accordance with Table 118.410(f)(4)(ii) and the discharge of the required amount must be completed within two minutes.

(iii) Piping for the delayed discharge must not be less than 12.7 millimeters (0.5 inches) nominal pipe size, and need not meet specific requirement for discharge rate.

(iv) Piping for the delayed discharge may be incorporated with the initial discharge piping.

(6) When installed in a cargo space a fixed carbon dioxide system must meet the following requirements.

(i) The number of kilograms (pounds) of carbon dioxide required for each space in cubic meters (feet) must be equal to the gross volume of the space in cubic meters (feet) divided by 480 (30 if using pounds).

(ii) System piping must be of at least 19 millimeters (0.75 inches).

(iii) No specific discharge rate is required.

(g) *Specific requirements for Halon 1301 systems.* (1) A custom engineered fixed gas fire extinguishing system that uses Halon 1301, must comply with the applicable sections of UL 1058 "Halogenated Agent Extinguishing System Units," and the requirements of this paragraph.

(2) The Halon 1301 quantity and discharge requirements of UL 1058 apply, with the exception that the Halon 1301 design concentration must be 6 percent at the lowest ambient temperature expected in the space. If the lowest temperature is not known, a temperature of -18° C (0° F) must be assumed.

(3) Each storage cylinder in a system must have the same pressure and volume.

(4) Computer programs used in designing systems must be approved by an independent laboratory recognized by the Commandant.

Note to § 118.410(g): As of Jan. 1, 1994, the United States banned the production of Halon. The Environmental Protection Agency placed significant restrictions on the servicing and maintenance of systems containing Halon. Vessels operating on an

international voyage, subject to SOLAS requirements, are prohibited from installing fixed gas fire extinguishing systems containing Halon.

**§ 118.420 Pre-engineered fixed gas fire extinguishing systems.**

(a) A pre-engineered fixed gas fire extinguishing system must:

(1) Be approved by the Commandant;

(2) Be capable of manual actuation from outside the space in addition to automatic actuation by a heat detector;

(3) Automatically shut down all power ventilation systems and all engines that draw intake air from within the protection space; and

(4) Be installed in accordance with manufacturer's instructions.

(b) A vessel on which a pre-engineered fixed gas fire extinguishing system is installed must have the following equipment at the operating station:

(1) A light to indicate discharge;

(2) An audible alarm that sounds upon discharge; and

(3) A means to reset devices used to automatically shut down ventilation systems and engines as required by paragraph (a)(3) of this section.

(c) Only one pre-engineered fixed gas fire extinguishing system is allowed to be installed in each space protected by such a system.

**§ 118.425 Galley hood fire extinguishing systems.**

(a) A grease extraction hood required by § 118.400 of this part must meet UL 710 "Exhaust Hoods for Commercial Cooking Equipment," or other standard specified by the Commandant.

(b) A grease extraction hood must be equipped with a dry or wet chemical fire extinguishing system meeting the applicable sections of NFPA 17 "Dry Chemical Extinguishing Systems," 17A "Wet Chemical Extinguishing Systems," or other standard specified by the Commandant, and must be listed by an independent laboratory recognized by the Commandant.

**Subpart E—Portable Fire Extinguishers**

**§ 118.500 Required number, type, and location.**

(a) Each portable fire extinguisher on a vessel must be of a type approved by the Commandant. The minimum number of portable fire extinguishers required on a vessel must be acceptable to the cognizant OCMI, but must be not less than the minimum number required by Table 118.500(a) and other provisions of this section.

TABLE 118.500(a)

Space protected	Minimum number required	Type extinguisher permitted		
		CG class	Medium	Min. size
Operating station .....	1 .....	B-I, C-I .....	Halon .....	1.1 kg (2.5 lb)
			CO <sub>2</sub> .....	1.8 kg (4 lb)
			Dry chemical .....	0.9 kg (2 lb)
Machinery space .....	1 .....	B-II, C-II located just outside exit.	Halon .....	4.5 kg (10 lb)
			CO <sub>2</sub> .....	6.8 kg (15 lb)
			Dry chemical .....	4.5 kg (10 lb)
Open vehicle deck .....	1 for every 10 vehicles .....	B-II .....	Foam .....	9.5 L (2.5 gal)
			Halon .....	4.5 kg (10 lb)
			CO <sub>2</sub> .....	6.8 kg (15 lb)
			Dry chemical .....	4.5 kg (10 lb)
Accommodation space .....	1 for each 232.3 square meters (2,500 square feet) or fraction thereof.	A-II .....	Foam .....	9.5 L (2.5 gal)
			Dry chemical .....	2.3 kg (5 lb)
Galley, pantry, concession stand.	1 .....	A-II .....	Foam .....	9.5 L (2.5 gal)
		B-II .....	Dry chemical .....	4.5 kg (10 lb)

(b) A vehicle deck without a fixed sprinkler system and exposed to weather must have one B-II portable fire extinguisher for every five vehicles, located near an entrance to the space.

(c) The cognizant OCMI may permit the use of a larger portable fire extinguisher, or a semiportable fire extinguisher, in lieu of those required by this section.

(d) The frame or support of each B-V fire extinguisher permitted by paragraph (c) of this section must be welded or otherwise permanently attached to a bulkhead or deck.

**§ 118.520 Installation and location.**

Portable fire extinguishers must be located so that they are clearly visible and readily accessible from the space

being protected. The installation and location must be to the satisfaction of the cognizant OCMI.

**Subpart F—Additional Equipment**

**§ 118.600 Fire axe.**

A vessel of more than 19.8 meters (65 feet) in length must have at least one fire

axe located in or adjacent to the primary operating station.

## PART 119—MACHINERY INSTALLATION

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

### Subpart A—General Provisions

#### § 119.100 Intent.

This part contains requirements for the design, construction, installation, and operation of propulsion and auxiliary machinery, piping and pressure systems steering apparatus, and associated safety systems. Machinery and equipment installed on each vessel must be suitable for the vessel and its operation and for the

purpose intended. All machinery and equipment must be installed and maintained in such a manner as to afford adequate protection from causing fire, explosion, machinery failure, and personnel injury.

#### § 119.115 Applicability to existing vessels.

(a) Except as otherwise required by paragraphs (b) and (c) of this section, an existing vessel must comply with the regulations on machinery, bilge and ballast system equipment, steering apparatus, and piping systems or components that were applicable to the vessel on March 10, 1996, or, as an alternative, the vessel may comply with the regulations in this part.

(b) New installations of machinery, bilge and ballast system equipment, steering equipment, and piping systems or components on an existing vessel, which are completed to the satisfaction of the cognizant Office in Charge, Marine Inspection (OCMI) on or after March 11, 1996, must comply with the regulations of this part. Replacement of existing equipment installed on the vessel prior to March 11, 1996, need not comply with the regulations in this part.

(c) On or before March 11, 1999, an existing vessel must comply with the bilge high level alarm requirements in § 119.530 of this section.

### Subpart B—Propulsion Machinery

#### § 119.200 General.

(a) Propulsion machinery must be suitable in type and design for propulsion requirements of the hull in which it is installed and capable of operating at constant marine load under such requirements without exceeding its designed limitations.

(b) All engines must have at least two means for stopping the engine(s) under any operating conditions. The fuel oil shutoff required at the engine by § 119.455(b)(3) of this part will satisfy one means of stopping the engine.

#### § 119.220 Installations.

(a) The installation requirements for machinery and boilers for steam and electrically propelled vessels are contained in applicable regulations in subchapter F (Marine Engineering) and subchapter J (Electrical Engineering) of this chapter.

(b) Installation of propulsion machinery of an unusual type for small passenger vessels must be given separate consideration and must be subject to such requirements as determined necessary by the cognizant OCMI. Unusual types of propulsion machinery include:

- (1) Gas turbine machinery installations;

- (2) Air screws;
- (3) Hydraulic jets; and
- (4) Machinery installations using lift devices.

### Subpart C—Auxiliary Machinery

#### § 119.310 Installations.

(a) Auxiliary machinery of the internal combustion piston type must comply with the provisions of this part.

(b) Auxiliary machinery of the steam or gas turbine type will be given separate consideration and must meet the applicable requirements of subchapter F (Marine Engineering) of this chapter as determined necessary by the cognizant OCMI.

(c) Auxiliary boilers and heating boilers and their associated piping and fittings will be given separate consideration and must meet the applicable requirements of subchapter F (Marine Engineering) of this chapter as determined necessary by the cognizant OCMI, except that heating boilers must be tested or examined every three years.

#### § 119.320 Water heaters.

(a) A water heater must meet the requirements of Parts 52 and 63 in subchapter F of this chapter if rated at more than 689 kPa (100 psig) or 121° C (250° F).

(b) A water heater must meet the requirements of Parts 53 and 63 in subchapter F of this chapter if rated at not more than 689 kPa (100 psig) and 121° C (250° F), except that an electric water heater is also acceptable if it:

- (1) Has a capacity of not more than 454 liters (120 gallons);
- (2) Has a heat input of not more than 58.6 kilowatts (200,000 Btu per hour);
- (3) Is listed by Underwriters Laboratories (UL) under UL 174, "Household Electric Storage Tank Water Heaters," UL 1453, "Electric Booster and Commercial Storage Tank Water Heaters," or other standard specified by the Commandant; and
- (4) Is protected by a pressure-temperature relief device.

(c) A water heater must be installed and secured from rolling by straps or other devices to the satisfaction of the cognizant OCMI.

#### § 119.330 Pressure vessels.

All unfired pressure vessels must be installed to the satisfaction of the cognizant OCMI. The design, construction, and original testing of such unfired pressure vessels must meet the applicable requirements of subchapter F (Marine Engineering) of this chapter.

## Subpart D—Specific Machinery Requirements

### § 119.400 Applicability.

(a) This subpart applies to all propulsion and auxiliary machinery installations of the internal combustion piston type.

(b) Where no specific fuel designation exists, the requirements of this subpart are applicable to all types of fuels and machinery.

### § 119.405 Fuel restrictions.

The use of a fuel, other than diesel fuel, as an alternative fuel for an internal combustion engine, except gasoline when used as a fuel for outboard motors as allowed by § 119.458 of this part, will be reviewed on a case-by-case basis by Commandant.

### § 119.410 General requirements.

(a) Each starting motor, generator, and spark producing device must be mounted as high above the bilges as practicable.

(b) Gauges to indicate engine revolutions per minute (RPM), jacket water discharge temperature, and lubricating oil pressure must be provided for all propulsion engines installed in the vessel. The gauges must be readily visible at the operating station.

(c) In systems and applications where flexible hoses are permitted to be clamped:

(1) Double hose clamping is required on each end of the hose, where practicable, except that one hose clamp can be used if the pipe ends are expanded or beaded to provide a positive stop against hose slippage;

(2) The clamps must be of a corrosion resistant metallic material; and

(3) The clamps must not depend on spring tension for their holding power.

### § 119.420 Engine cooling.

(a) Except as otherwise provided in paragraph (b) of this section, all engines must be water cooled and meet the requirements of this paragraph.

(1) The engine head, block, and exhaust manifold must be water jacketed and cooled by water from a pump that operates whenever the engine is operating.

(2) A suitable hull strainer must be installed in the circulating raw water intake line of an engine cooling water system.

(3) A closed fresh water system may be used to cool the engine.

(b) A propulsion or auxiliary diesel engine may be air cooled or employ an air cooled jacket water radiator when:

(1) Installed on an open deck and sufficient ventilation for machinery cooling is available; or

(2) Installed in an enclosed or partially enclosed space for which ventilation for machinery cooling that complies with the requirement of § 119.465(b) of this part is provided, and other necessary safeguards are taken so as not to endanger the vessel.

### § 119.422 Keel and grid cooler installations.

(a) A keel or grid cooler installation used for engine cooling must be designed to prevent flooding.

(b) Except as provided in paragraph (e), a shutoff valve must be located where the cooler piping penetrates the shell, as near the shell as practicable, except where the penetration is forward of the collision bulkhead.

(c) The thickness of the inlet and discharge connections, outboard of the shutoff valves required by paragraph (b) of this section, must be at least Schedule 80.

(d) Short lengths of approved nonmetallic flexible hose, fixed by two hose clamps at each end of the hose, may be used at machinery connections for a keel cooler installation.

(e) Shutoff valves are not required for keel and grid coolers that are integral to the hull. A keel cooler is considered integral to the hull if the following conditions are satisfied:

(1) The cooler structure is fabricated from material of the same thickness and quality as the hull;

(2) The flexible connections are located well above the deepest subdivision draft;

(3) The end of the structure is faired to the hull with a slope no greater than 4 to 1; and

(4) Full penetration welds are employed in the fabrication of the structure and its attachment to the hull.

### § 119.425 Engine exhaust cooling.

(a) Except as otherwise provided in this paragraph, all engine exhaust pipes must be water cooled.

(1) Vertical dry exhaust pipes are permissible if installed in compliance with §§ 116.405(c) and 116.970 of this chapter.

(2) Horizontal dry exhaust pipes are permitted only if:

(i) They do not pass through living or berthing spaces;

(ii) They terminate above the deepest load waterline;

(iii) They are so arranged as to prevent entry of cold water from rough or boarding seas;

(iv) They are constructed of corrosion resisting material at the hull penetration; and

(v) They are installed in compliance with §§ 116.405(c) and 116.970 of this chapter.

(b) The exhaust pipe cooling water system must comply with the requirements of this paragraph.

(1) Water for cooling the exhaust pipe must be obtained from the engine cooling water system or a separate engine driven pump.

(2) Water for cooling an exhaust pipe, other than a vertical exhaust, must be injected into the exhaust system as near to the engine manifold as practicable. The water must pass through the entire length of the exhaust pipe.

(3) The part of the exhaust system between the point of cooling water injection and the engine manifold must be water-jacketed or effectively insulated and protected in compliance with §§ 116.400(b) and 116.970 of this chapter.

(4) Each vertical exhaust pipe must be water-jacketed or suitably insulated between the engine manifold and the spark arrester required by § 119.430(g) of this part.

(5) When the exhaust cooling water system is separate from the engine cooling water system, a suitable warning device, visual or audible, must be installed at the operating station to indicate any reduction in normal water flow in the exhaust cooling system.

(6) A suitable hull strainer must be installed in the circulating raw water intake line for the exhaust cooling system.

(c) Engine exhaust cooling systems built in accordance with the requirements of American Boat and Yacht Council (ABYC) P-1, "Installation of Exhaust Systems for Propulsion and Auxiliary Engines," will be considered as meeting the requirements of this section.

### § 119.430 Engine exhaust pipe installation.

(a) The design of all exhaust systems must ensure minimum risk of injury to personnel. Protection must be provided in compliance with § 116.970 of this chapter at such locations where persons or equipment might come in contact with an exhaust pipe.

(b) Exhaust gas must not leak from the piping or any connections. The piping must be properly supported by noncombustible hangers or blocks.

(c) The exhaust piping must be so arranged as to prevent backflow of water from reaching engine exhaust ports under normal conditions.

(d) An exhaust pipe discharge located less than 75 millimeters (3 inches) above the deepest load waterline must be installed with a means to prevent the entrance of water.

(e) Pipes used for wet exhaust lines must be at least Schedule 80 or corrosion resistant material and adequately protected from mechanical damage.

(f) Where flexibility is necessary, a section of flexible metallic hose may be used. Nonmetallic hose may be used for wet exhaust systems provided it is especially adapted to resist the action of oil, acid, and heat, and has a wall thickness sufficient to prevent collapsing or panting, and is double clamped where practicable.

(g) Where an exhaust pipe passes through a watertight bulkhead, the watertight integrity of the bulkhead must be maintained. Noncombustible packing must be used in bulkhead penetration glands for dry exhaust systems. A wet exhaust pipe may be welded to a steel or equivalent bulkhead in way of a penetration if suitable arrangements are provided to relieve the stresses resulting from the expansion of the exhaust piping.

(h) A dry exhaust pipe must:

(1) If it passes through a combustible bulkhead or partition, be kept clear of,

and suitably insulated or shielded from, combustible material.

(2) Be provided with noncombustible hangers and blocks for support.

(i) An exhaust pipe discharge terminating in a transom must be located as far outboard as practicable so that exhaust gases cannot reenter the vessel.

(j) Arrangements must be made to provide access to allow complete inspection of the exhaust piping throughout its length.

(k) An exhaust installation subject to pressures in excess of 105 kPa (15 psig) or having exhaust pipes passing through living or working spaces must meet the material requirements of Part 56 of subchapter F (Marine Engineering) of this chapter.

(1) Engine exhaust installations built in accordance with the requirements of ABYC P-1 will be considered as meeting the requirements of this section.

**§ 119.435 integral fuel tanks.**

(a) Diesel fuel tanks may not be built integral with the hull of a vessel unless the hull is made of steel or aluminum.

(b) During the initial inspection for certification of a vessel, integral fuel tanks must withstand a hydrostatic pressure test of 35 kPa (5 psig), or the maximum pressure head to which they may be subjected in service, whichever is greater. A standpipe of 3.5 meters (11.5 feet) in height attached to the tank may be filled with water to accomplish the 35 kPa (5 psig) test.

**§ 119.440 Independent fuel tanks.**

(a) *Materials and construction.* Independent fuel tanks must be designed and constructed of materials in compliance with the requirements of this paragraph.

(1) The material used and the minimum thickness allowed must be as indicated in Table 119.440(a)(1), except that other materials which provide equivalent safety may be approved for use under paragraph (a)(3) of this section. Tanks having a capacity of more than 570 liters (150 gallons) must be designed to withstand the maximum head to which they may be subjected in service, but in no case may the thickness be less than that specified in Table 119.440(a)(1).

TABLE 119.440(a)(1)

Material	ASTM Specification (latest edition)	Thickness in millimeters (inches) & [gage number] <sup>1</sup> vs. tank capacities for:		
		4 to 300 liter (1 to 80 gal) tanks	More than 300 liter (80 gal) and not more than 570 liter (150 gal) tanks	Over 570 liter (150 gal) <sup>2</sup> tanks
Nickel-copper	B127, hot rolled sheet or plate.	0.94 (0.037) [USSG 20] <sup>3</sup> .....	1.27 (0.050) [USSG 18] .....	2.72 (0.107) [USSG 12]
Copper-nickel <sup>4</sup> .	B122, UNS alloy C71500.	1.14 (0.045) [AWG 17] .....	1.45 (0.057) [AWG 15] .....	3.25 (0.128) [AWG 8]
Copper <sup>4</sup> .....	B152, UNS alloy C11000.	1.45 (0.057) [AWG 15] .....	2.06 (0.081) [AWG 12] .....	4.62 (0.182) [AWG 5]
Copper-silicon <sup>4</sup> .	B97, alloys A, B, and C.	1.29 (0.051) [AWG 16] .....	1.63 (0.064) [AWG 14] .....	3.66 (0.144) [AWG 7]
Steel or iron <sup>5</sup> .	.....	1.90 (0.0747) [MSG 14] .....	2.66 (0.1046) [MSG 12] .....	4.55 (0.1793) [MSG 7]
Aluminum <sup>7</sup> ....	B209, alloy 5052, 5083, 5086.	6.35 (0.250) [USSG 3] .....	6.35 (0.250) [USSG 3] .....	6.35 (0.250) [USSG 3]
Fiber reinforced plastic.	.....	as required <sup>8</sup> .....	as required <sup>8</sup> .....	as required <sup>8</sup>

<sup>1</sup> The gage numbers used in this table may be found in many standard engineering reference books. The letters "USSG" stand for "U.S. Standard Gage," which was established by the act of March 3, 1892 (15 U.S.C. 206), for sheet and plate iron and steel. The letters "AWG" stand for "American Wire Gage" (or Brown and Sharpe Gage) for nonferrous sheet thicknesses. The letters "MSG" stand for "Manufacturers' Standard Gage" for sheet steel thickness.

<sup>2</sup> Tanks over 1514 liters (400 gallons) shall be designed with a factor of safety of four on the ultimate strength of the material used with a design held of not less than 1220 millimeters (4 feet) of liquid above the top of the tank.

<sup>3</sup> Nickel-copper not less than 0.79 millimeter (0.031 inch) [USSG 22] may be used for tanks up to 114-liter (30-gallon) capacity.

<sup>4</sup> Acceptable only for gasoline service.

<sup>5</sup> Gasoline fuel tanks constructed of iron or steel, which are less than 5 millimeter (0.1875 inch) thick, shall be galvanized inside and outside by the hot dip process. Tanks intended for use with diesel oil shall not be internally galvanized.

<sup>6</sup> Stainless steel tanks are not included in this category.

<sup>7</sup> Anodic to most common metals. Avoid dissimilar metal contact with tank body.

<sup>8</sup> The requirements of § 119.440(a)(2) apply.

(2) Fiber reinforced plastic may be used for diesel fuel tanks under the following provisions:

(i) The materials must be fire retardant. Flammability of the material must be determined by the standard test methods in American Society for

Testing and Materials (ASTM) D635, "Rate of Burning and/or Extent and Time of Burning of Self-Supporting Plastics in a Horizontal Position," and

ASTM D2863, "Measuring the Minimum Oxygen Concentration to Support Candle-like Combustion of Plastics (Oxygen Index)," or other standard specified by the Commandant. The results of these tests must show that the average extent of burning is less than 10 millimeters (0.394 inches), the average time of burning is less than 50 seconds, and the limiting oxygen index is greater than 21.

(ii) Tanks must meet UL 1102, "Non integral Marine Fuel Tanks," or other standard specified by the Commandant. Testing may be accomplished by an independent laboratory or by the fabricator to the satisfaction of the cognizant OCMI.

(iii) Tanks must be designed to withstand the maximum head to which they may be subjected to in service.

(iv) Installation of nozzles, flanges or other fittings for pipe connections to the tanks must be acceptable to the cognizant OCMI.

(v) Baffle plates, if installed, must be of the same material and not less than the minimum thickness of the tank walls. Limber holes at the bottom and air holes at the top of all baffles must be provided. Baffle plates must be installed at the time the tests required by UL 1102, or other standard specified by the Commandant, are conducted.

(3) Materials other than those listed in Table 119.440(a)(1) must be approved by the Commandant. An independent tank using material approved by the Commandant under this paragraph must meet the testing requirements of UL 1102, or other standard specified by the Commandant. Testing may be accomplished by an independent laboratory or by the fabricator to the satisfaction of the OCMI.

(4) Tanks with flanged-up top edges that may trap and hold moisture are prohibited.

(5) Openings for fill pipes, vent pipes, and machinery fuel supply pipes, and openings for fuel level gauges, where used, must be on the topmost surfaces of tanks. Tanks may not have any openings in bottoms, sides, or ends, except for:

(i) An opening fitted with a threaded plug or cap installed for tank cleaning purposes; and

(ii) In a diesel fuel tank, openings for supply piping and tubular gauge glasses.

(6) All tank joints must be welded or brazed. Lap joints may not be used.

(7) Nozzles, flanges, or other fittings for pipe connections to a metal tank must be welded or brazed to the tank. Tank openings in way of pipe connections must be properly reinforced where necessary. Where fuel level gauges are used on a metal tank, the

flanges to which gauge fittings are attached must be welded or brazed to the tank. Tubular gauge glasses, if fitted to diesel fuel tanks, must be of heat resistant materials, adequately protected from mechanical damage, and provided at the tank connections with devices that will automatically close in the event of rupture of the gauge or gauge lines.

(8) A metal tank exceeding 760 millimeters (30 inches) in any horizontal dimension must:

(i) Be fitted with vertical baffle plates, which meet paragraph (a)(9) of this section, at intervals not exceeding 760 millimeters (30 inches) to provide strength and to control the excessive surge of fuel; or

(ii) The owner shall submit calculations to the Commanding Officer, Marine Safety Center demonstrating the structural adequacy of the tank in a fully loaded static condition and in a worst case dynamic (sloshing) condition.

(9) Baffle plates, where required in metal tanks, must be of the same material and not less than the minimum thickness required in the tank walls and must be connected to the tank walls by welding or brazing. Limber holes at the bottom and air holes at the top of all baffles must be provided.

(10) Iron or steel diesel fuel tanks must not be galvanized on the interior. Galvanizing, paint, or other suitable coating must be used to protect the outside of iron and steel diesel fuel tanks.

(b) *Location and installation.* Independent fuel tanks must be located and installed in compliance with the requirements of this paragraph.

(1) Fuel tanks must be located in, or as close as practicable to, machinery spaces.

(2) Fuel tanks and fittings must be so installed as to permit examination, testing, or removal for cleaning with minimum disturbance to the hull structure.

(3) Fuel tanks must be adequately supported and braced to prevent movement. The supports and braces must be insulated from contact with the tank surfaces with a nonabrasive and nonabsorbent material.

(4) All fuel tanks must be electrically bonded to a common ground.

(c) *Tests.* Independent fuel tanks must be tested in compliance with the requirements of this part prior to being used to carry fuel.

(1) Prior to installation, tanks vented to the atmosphere must be hydrostatically tested to, and must withstand, a pressure of 35 kPa (5 psig) or 1.5 times the maximum pressure head to which they may be subjected in

service, whichever is greater. A standpipe of 3.5 meters (11.5 feet) in height attached to the tank may be filled with water to accomplish the 35 kPa (5 psig) test. Permanent deformation of the tank will not be cause for rejection unless accompanied by leakage.

(2) After installation of the fuel tank on a vessel, the complete installation must be tested in the presence of a marine inspector, or an individual specified by the cognizant OCMI, to a head not less than that to which the tank may be subjected in service. Fuel may be used as the testing medium.

(3) All tanks not vented to the atmosphere must be constructed and tested in accordance with § 119.330 of this part.

#### § 119.445 Fill and sounding pipes for fuel tanks.

(a) Fill pipes for fuel tanks must be not less than 40 millimeters (1.5 inches) nominal pipe size.

(b) There must be a means of accurately determining the amount of fuel in each fuel tank either by sounding, through a separate sounding pipe or a fill pipe, or by an installed marine type fuel gauge.

(c) Where sounding pipes are used, each opening must be at least as high as the opening of the fill pipe and they must be kept closed at all times except during sounding.

(d) Full pipes and sounding pipes must be so arranged that overflow of liquid or vapor cannot escape to the inside of the vessel.

(e) Fill pipes and sounding pipes must run as directly as possible, preferably in a straight line, from the deck connection to the top of the tank. Such pipes must terminate on the weather deck and must be fitted with shutoff valves, watertight deck plates, or screw caps, suitably marked for identification. Diesel fill pipes and sounding pipes may terminate at the top of the tank.

(f) Where a flexible fill pipe section is necessary, suitable flexible tubing or hose having high resistance to salt water, petroleum oils, heat and vibration, may be used. Such hose must overlap metallic pipe ends at least 1.5 times the pipe diameter and must be secured at each end by clamps. The flexible section must be accessible and as near the upper end of the fill pipe as practicable. When the flexible section is a nonconductor of electricity, the metallic sections of the fill pipe separated thereby must be joined by a conductor for protection against generation of a static charge when filling with fuel.

**§ 119.450 Vent pipes for fuel tanks.**

(a) Each unpressurized fuel tank must be fitted with a pipe connected to the highest point of the tank.

(b) The minimum net cross sectional area of the vent pipe for diesel fuel tanks must be as follows:

(1) Not less than the cross sectional area of 16 millimeters (0.625 inches) outer diameter (O.D.) tubing (0.9 millimeter (0.035 inch) wall thickness, 20 gauge), if the fill pipe terminates at the top of the tank;

(2) Not less than the cross sectional area of 19 millimeters (0.75 inches) O.D. tubing (9.8 millimeter (0.035) inch) wall thickness, 20 gauge), if the fill pipe extends into the tank; and

(3) Not less than the cross sectional area of the fill pipe if the tank is filled under pressure.

(c) The discharge ends of fuel tank vent pipes must terminate on the hull exterior as high above the waterline as practicable and remote from any hull openings, or they must terminate in U-bends as high above the weather deck as practicable and as far as practicable from opening into any enclosed spaces. Vent pipes terminating on the hull exterior must be installed or equipped to prevent the accidental contamination of the fuel by water under normal operating conditions.

(d) The discharge ends of fuel tank vent pipes must be fitted with removable flame screens or flame arresters. The flame screens must consist of a single screen of corrosion resistant wire of at least 30x30 mesh. The flame screens or flame arresters must be of such size and design as to prevent reduction in the net cross sectional area of the vent pipe and permit cleaning or renewal of the flame screens or arrester elements.

(e) Where a flexible vent pipe section is necessary, suitable flexible tubing or hose having high resistance to salt water, petroleum oils, heat and vibration, may be used. Such hose must overlap metallic pipe ends at least 1.5 times the pipe diameter and must be secured at each end by clamps. The flexible section must be accessible and as near the upper end of the vent pipe as practicable.

(f) Fuel tank vent pipes shall be installed to gradient upward to prevent fuel from being trapped in the line.

**§ 119.455 Fuel piping.**

(a) *Materials and workmanship.* The materials and construction of fuel lines, including pipe, tube, and hose, must comply with the requirements of this paragraph.

(1) Fuel lines must be annealed tubing of copper, nickel-copper, or copper-

nickel having a minimum wall thickness of 0.9 millimeters (0.35 inches) except that:

(i) Diesel fuel piping of other materials, such as seamless steel pipe or tubing, which provide equivalent safety may be used;

(ii) Diesel fuel piping of aluminum is acceptable on aluminum hull vessels provided it is at least Schedule 80; and

(iii) When used, flexible hose must meet the requirements of § 56.60-25 in subchapter F of this chapter.

(2) Tubing connections and fittings must be of nonferrous drawn or forged metal of the flared type except that flareless fittings of the nonbite type may be used when the tubing system is of nickel-copper or copper-nickel. When making tube connections, the tubing must be cut square and flared by suitable tools. Tube ends must be annealed before flaring.

(3) Cocks are prohibited except for the solid bottom type with tapered plugs and union bonnets.

(b) *Installation.* The installation of fuel lines, including pipe, tube, and hose, must comply with the requirements of this paragraph.

(1) Diesel fuel lines may be connected to the fuel tank at or near the bottom of the tank.

(2) Fuel lines must be accessible, protected from mechanical injury, and effectively secured against excessive movement and vibration by the use of soft nonferrous metal straps that have no sharp edges and are insulated to protect against corrosion. Where passing through bulkheads, fuel lines must be protected by close fitting ferrules or stuffing boxes. All fuel lines and fittings must be accessible for inspection.

(3) Shutoff valves, installed so as to close against the fuel flow, must be fitted in the fuel supply lines, one at the tank connection and one at the engine end of the fuel line to stop fuel flow when servicing accessories. The shutoff valve at the tank must be manually operable from outside the compartment in which the valve is located, preferably from an accessible position on the weather dock. If the handle to the shutoff valve at the tank is located inside the tank compartment, it must be located so that the operator does not have to reach more than 300 millimeters (12 inches) into the compartment and the valve handle must be shielded from flames by the same material the hull is constructed of, or some noncombustible material. Electric solenoid valves must not be used, unless used in addition to the manual valve.

(4) A loop of copper tubing or a short length of flexible hose must be installed in the fuel supply line at or near the

engines. The flexible hose must meet the requirements of § 56.60-25 in subchapter F of this chapter.

(5) A suitable metal marine type strainer, meeting the requirements of the engine manufacturer, must be fitted in the fuel supply line in the engine compartment. Strainers must be leak free. Strainers must be of the type opening on top for cleaning screens. Fuel filter and strainer bowls must be highly resistant to shattering due to mechanical impact and resistant to failure due to thermal shock. Fuel filters fitted with bowls of other than steel construction must be approved by the Commandant and be protected from mechanical damage. Approval of bowls of other than steel construction will specify if a flame shield is required.

(6) All accessories installed in the fuel line must be independently supported.

(7) Valves for removing water or impurities from diesel fuel in water traps or strainers are permitted. These valves must be provided with caps or plugs to prevent fuel leakage.

**§ 119.458 Portable fuel systems.**

(a) Portable fuel systems, including portable tanks and related fuel lines and accessories, are prohibited except where used for outboard motor installations.

(b) The design, construction and stowage of portable tanks and related fuel lines and accessories must meet the requirements of ABYC H-25, "Portable Gasoline Fuel Systems for Flammable Liquids," or other standard specified by the Commandant.

**§ 119.465 Ventilation of spaces containing diesel machinery.**

(a) A space containing diesel machinery must be fitted with adequate means, such as dripproof ventilators, ducts, or louvers, to provide sufficient air for proper operation of main engines and auxiliary engines.

(b) Air-cooled propulsion and auxiliary diesel engines installed below deck, as permitted by § 119.420 of this part, must be fitted with air supply ducts or piping from the weather deck. The ducts or piping must be so arranged and supported to be capable of safely sustaining stresses induced by weight and engine vibration and to minimize transfer of vibration to the supporting structure. Prior to installation of ventilation system for such engines, plans or sketches showing machinery arrangement including air supplies, exhaust stack, method of attachment of ventilation ducts to the engine, location of spark arresting mufflers and capacity of ventilation blowers must be submitted to the cognizant OCMI for approval.

(c) A space containing diesel machinery must be fitted with at least two ducts to furnish natural or powered supply and exhaust ventilation. The total inlet area and the total outlet area of each ventilation duct may not be less than one square inch for each foot of beam of the vessel. These minimum areas must be increased as necessary when the ducts are considered as part of the air supply to the engines.

(d) A duct must be of rigid permanent construction, which does not allow any appreciable vapor flow except through normal openings, and made of the same material as the hull or of noncombustible material. The duct must lead as directly as possible from its intake opening to its terminus and be securely fastened and supported.

(e) A supply duct must be provided with a cowl or scoop having a free area not less than twice the required duct area. When the cowl or scoop is screened, the mouth area must be increased to compensate for the area of the screen wire. A cowl or scoop must be kept open at all times except when the weather is such as to endanger the vessel if the openings are not temporarily closed.

(f) Dampers may not be fitted in a supply duct.

(g) A duct opening may not be located where the natural flow of air is unduly obstructed, adjacent to possible sources of vapor ignition, or where exhaust air may be taken into a supply duct.

(h) Provision must be made for closing all supply duct cowls or scoops and exhaust duct discharge openings for a space protected by a fixed gas extinguishing system. All closure devices must be readily available and mounted in the vicinity of the vent.

#### **§ 119.470 Ventilation of spaces containing diesel fuel tanks.**

(a) Unless provided with ventilation that complies with § 119.465 of this part, a space containing a diesel fuel tank and no machinery must meet one of the following requirements:

- (1) A space of 14 cubic meters (500 cubic feet) or more in volume must have a gooseneck vent of not less than 65 millimeters (2.5 inches) in diameter; or
- (2) A space of less than 14 cubic meters (500 cubic feet) in volume must have a gooseneck vent of not less than 40 millimeters (1.5 inches) in diameter.

(b) Vent openings may not be located adjacent to possible sources of vapor ignition.

#### **Subpart E—Bilge and Ballast Systems**

##### **§ 119.500 General.**

(a) A vessel must be provided with a satisfactory arrangement for draining

any watertight compartment, other than small buoyancy compartments, under all practicable conditions. Sluice valves are not permitted in watertight bulkheads.

(b) Special consideration may be given to vessels, such as high speed craft, which have a high degree of subdivision and utilize numerous small buoyancy compartments. Where the probability of flooding of the space is limited to external hull damage, compartment drainage may be omitted provided it can be shown by stability calculations, submitted to the cognizant OCMI, that the safety of the vessel will not be impaired.

##### **§ 119.510 Bilge piping system.**

A vessel must be provided with a piping system that meets § 56.50–50 in subchapter F of this chapter, with the following exceptions:

(a) The space forward of the collision bulkhead need not be fitted with a bilge suction line when the arrangement of the vessel is such that ordinary leakage may be removed from this compartment by the use of a hand portable bilge pump or other equipment, and such equipment is provided; and

(b) The vessel need not comply with § 56.50–50(f) in subchapter F of this chapter.

##### **§ 119.520 Bilge pumps.**

(a) Each vessel must be provided with bilge pumps in accordance with § 56.50–55 in subchapter F of this chapter, with the following exceptions:

(1) Note 1 in Table 56.50–55(a) is not applicable and should be disregarded; and

(2) A non-self-propelled vessel must comply with § 56.50–55(a) in subchapter F of this chapter instead of § 56.50–55(b).

(b) In addition to the requirements of paragraph (a) of this section, a vessel of not more than 19.8 meters (65 feet) in length must have a portable hand bilge pump that must be:

- (1) Capable of pumping water, but not necessarily simultaneously, from all watertight compartments; and
- (2) Provided with suitable suction and discharge hoses capable of reaching the bilges of each watertight compartment, and discharging overboard.

(c) A second power pump is an acceptable alternative to a hand pump if it is supplied by a source independent of the first power bilge pump.

##### **§ 119.530 Bilge high level alarms.**

(a) Each vessel must be provided with a visual and audible alarms at the operating station to indicate a high water level in each of the following normally unmanned spaces:

(1) A space with a through-hull fitting below the deepest load waterline, such as a lazarette;

(2) A machinery space bilge, bilge well, shaft alley bilge, or other spaces subject to flooding from sea water piping within the space; and

(3) A space with a non-watertight closure, such as a space with a non-watertight hatch on the main deck.

(b) A visual indicator must be provided at the operating station to indicate when any automatic bilge pump is operating.

##### **§ 119.540 Ballast systems.**

Solid and water ballast must comply with the requirements of Subpart L of Part 116 of this subchapter.

#### **Subpart F—Steering Systems.**

##### **§ 119.600 General.**

A self-propelled vessel must meet the applicable requirements for main and auxiliary steering apparatus in subchapters F (Marine Engineering) and J (Electrical Engineering) of this chapter.

#### **Subpart G—Piping Systems**

##### **§ 119.700 General.**

Materials used in piping systems must meet the requirements of this subpart and be otherwise acceptable to the cognizant OCMI.

##### **§ 119.710 Piping for vital systems.**

(a) Vital systems are those systems that are vital to a vessel's survivability and safety. For the purpose of this part the following are vital systems:

- (1) Fuel systems;
- (2) Fire main;
- (3) CO<sub>2</sub> and Halon systems;
- (4) Bilge system;
- (5) Steering system;
- (6) Propulsion system and its necessary auxiliaries and controls;
- (7) Ship's service and emergency electrical generation system and its necessary auxiliaries; and
- (8) A marine engineering system identified by the cognizant OCMI as being crucial to the survival of the vessel or to the protection of the personnel on board.

(b) For the purpose of this part, a system not identified in paragraph (a) of this section is a non-vital system.

(c) Piping used in a vital system must meet § 56.60 in subchapter F of this chapter, except that § 119.730 of this part replaces § 56.60–20 in subchapter F of this chapter.

##### **§ 119.715 Piping subject to more than 1,034 kPa (150 psig) in non-vital systems.**

Piping subject to more than 1034 kPa (150 psig) in a non-vital system must be

designed, fabricated, and inspected in accordance with the principles of American National Standards Institute (ANSI) B 31.1 "American National Standard Code for Pressure Piping, Power Piping," or other standard specified by the Commandant.

**§ 119.720 Nonmetallic piping materials.**

Nonmetallic piping materials, including nonmetallic flexible hose assemblies, must meet the requirements of § 56.60–25 in subchapter F of this chapter.

**§ 119.730 Nonferrous metallic piping materials.**

(a) Nonferrous metallic piping materials are acceptable for use in the following:

- (1) Non-vital systems;
- (2) Aluminum fuel piping on an aluminum hulled vessel, if at least Schedule 80;
- (3) Aluminum bilge, ballast, and firemain piping on an aluminum hulled vessel;
- (4) If acceptable to the cognizant OCMI, nonferrous metallic piping with a melting temperature above 927° C (1,700° F) may be used in vital systems that are deemed to be galvanically compatible; and
- (5) Other uses specifically accepted by the cognizant OCMI.

(b) Where nonferrous metallic material is permitted for use in piping systems by this subpart, the restrictions in this paragraph apply:

- (1) Provisions must be made to protect piping systems using aluminum alloys in high risk fire areas due to the low melting point of aluminum alloys;
- (2) Provisions must be made to prevent or mitigate the effect of galvanic corrosion due to the relative solution potentials of copper, aluminum, and alloys of copper and aluminum, which are used in conjunction with each other, steel, or other metals and their alloys;
- (3) A suitable thread compound must be used in making up threaded joints in aluminum pipe to prevent seizing. Pipe in the annealed temper must not be threaded;
- (4) The use of aluminum alloys with a copper content exceeding 0.6 percent is prohibited; and
- (5) The use of cast aluminum alloys in hydraulic fluid power systems must be in accordance with the requirements of § 58.30–15(f) in subchapter F of this chapter.

**PART 120—ELECTRICAL INSTALLATION**

**Subpart A—General Provisions**

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- 120.520 Lifeboat winches.  
120.530 Hazardous areas.  
120.540 Elevators.  
120.550 General alarm systems.  
Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

**Subpart A—General Provisions**

**§ 120.100 Intent.**

This part contains requirements for the design, construction, installation, and operation of electrical equipment and systems including power sources, lighting, motors, miscellaneous equipment, and safety systems.

**§ 120.115 Applicability to existing vessels.**

(a) Except as otherwise required by paragraphs (b) and (c) of this section, an existing vessel must comply with the

regulations on electrical installations, equipment, and material that were applicable to the vessel on March 10, 1996, or, as an alternative, the vessel may comply with the regulations in this part.

(b) An existing vessel must comply with the requirements of §§ 120.420 and 120.430 of this part.

(c) New installations of electrical equipment and material, and the repair or replacement of wire and cable, on an existing vessel, which are completed to the satisfaction of the cognizant Officer in Charge, Marine Inspection (OCMI) on or after March 11, 1996, must comply with this part. Replacement of existing equipment, not including wire or cable, installed on the vessel prior to March 11, 1996, need not comply with the regulations in this part.

**Subpart B—General Requirements**

**§ 120.200 General design, installation, and maintenance requirements.**

Electrical equipment on a vessel must be installed and maintained to:

- (a) Provide services necessary for safety under normal and emergency conditions;
- (b) Protect passengers, crew, other persons, and the vessel from electrical hazards, including fire, caused by or originating in electrical equipment, and electrical shock;
- (c) Minimize accidental personnel contact with energized parts; and
- (d) Prevent electrical ignition of flammable vapors.

**§ 120.210 Protection from wet and corrosive environments.**

(a) Electrical equipment used in the following locations must be dripproof:

- (1) A machinery space;
- (2) A location normally exposed to splashing, water washdown, or other wet conditions within a galley, a laundry, or a public washroom or toilet room that has a bath or shower; or
- (3) Another space with a similar moisture level.

(b) Electrical equipment exposed to the weather must be watertight.

(c) Electrical equipment exposed to corrosive environments must be of suitable construction and corrosion-resistant.

**§ 120.220 General safety provisions.**

(a) Electrical equipment and installations must be suitable for the roll, pitch, and vibration of the vessel underway.

(b) All equipment, including switches, fuses, lampholders, etc., must be suitable for the voltage and current utilized.

(c) Receptacle outlets of the type providing a grounded pole or a specific

direct current polarity must be of a configuration that will not permit improper connection.

(d) All electrical equipment and circuits must be clearly marked and identified.

(e) Any cabinet, panel, box, or other enclosure containing more than one source of power must be fitted with a sign warning persons of this condition and identifying the circuits to be disconnected.

### Subpart C—Power Sources and Distribution Systems

#### § 120.310 Power sources.

(a)(1) Each vessel that relies on electricity to power the following loads must be arranged so that the loads can be energized from two sources of electricity:

(i) The vital systems listed in § 119.710 of this chapter;

(ii) Interior lighting except for decorative lights;

(iii) Communication systems including a public address system required under § 121.610 of this chapter; and

(iv) Navigation equipment and lights.

(2) Except as provided in § 120.312 of this part, a vessel with batteries of adequate capacity to supply the loads specified in paragraph (a)(1) of this section for three hours, and a generator or alternator driven by a propulsion engine, complies with the requirement in paragraph (a)(1) of this section.

(b) Where a ship service generator driven by a propulsion engine is used as a source of electrical power, a vessel speed change, throttle movement or change in direction of the propeller shaft rotation must not interrupt power to any of the loads specified in paragraph (a)(1) of this section.

#### § 120.312 Power sources on vessels of more than 19.8 meters (65 feet) in length with overnight accommodations for more than 49 passengers.

A vessel of more than 19.8 meters (65 feet) in length with overnight accommodations for more than 49 passengers must have:

(a) Two generator sets;

(b) An electrical power system that complies with the requirements of §§ 111.10–4, 111.10–5, 111.10–9, 111.10–11 in subchapter J of this chapter;

(c) A final emergency power source, as defined by § 112.01–20 in subchapter J of this chapter, with sufficient capacity to power the loads listed in § 112.15–5 in subchapter J of this chapter for three hours; and

(d) The final emergency power source located outside the machinery space.

#### § 120.320 Generators and motors.

(a) Each generator and motor must be:

(1) In a location that is accessible, adequately ventilated, and as dry as practicable; and

(2) Mounted above the bilges to avoid damage by splash and to avoid contact with low lying vapors.

(b) Each generator and motor must be designed for an ambient temperature of 50° C (122° F) except that:

(1) If the ambient temperature in the space where a generator or motor will be located will not exceed 40° C (104° F) under normal operating conditions, the generator or motor may be designed for an ambient temperature of 40° C (104° F); and

(2) A generator or motor designed for 40° (104° F) may be used in 50° C (122° F) ambient locations provided the generator or motor is derated to 80 percent of the full load rating, and the rating or setting of the overcurrent devices is reduced accordingly.

(c) A voltmeter and an ammeter, which can be used for measuring voltage and current of a generator that is in operation, must be provided for a generator rated at 50 volts or more. For each alternating current generator, a means for measuring frequency must also be provided.

(d) Each generator must have a nameplate attached to it containing the information required by Article 445 of the National Electrical Code (NEC) (National Fire Protection Association (NFPA) 70), and for a generator derated in accordance with paragraph (b)(2) of this section, the derated capacity.

(e) Each motor must have a nameplate attached to it containing the information required by Article 430 of the NEC (NFPA 70), and for a motor derated in accordance with paragraph (b)(2) of this section, the derated capacity.

(f) Each generator must be protected by an overcurrent device set at a value not exceeding 115 percent of the generator full load rating.

#### § 120.322 Multiple generators.

When a vessel is equipped with two or more generators to supply ship's service power, the following requirements must be met:

(a) Each generator must have an independent prime mover; and

(b) The generator circuit breakers must be interlocked to prevent the generators from being simultaneously connected to the switchboard, except for the circuit breakers of a generator operated in parallel with another generator when the installation meets §§ 111.12–11(f), and 111.30–25(d) in subchapter J of this chapter.

#### § 120.324 Dual voltage generators.

(a) A dual voltage generator installed on a vessel shall be of the grounded type, where:

(1) The neutral of a dual voltage system must be solidly connected at the switchboard's neutral bus; and

(2) The neutral bus shall be connected to ground.

(b) The neutral of a dual voltage system must be accessible for checking the insulation resistance of the generator to ground before the generator is connected to the bus.

(c) Ground detection must be provided that:

(1) For an alternating current system, meets § 111.05–27 in subchapter J of this chapter; and

(2) For a direct current system, meets § 111.05–29 in subchapter J of this chapter.

#### § 120.330 Distribution panels and switchboards.

(a) Each distribution panel and switchboard must be in as dry a location as practicable, adequately ventilated, and protected from falling debris and dripping or splashing water.

(b) Each distribution panel or switchboard must be totally enclosed and of the dead front type.

(c) Each switchboard must have nonconductive handrails.

(d) Each switchboard must be fitted with a dripshield.

(e) Distribution panels and switchboards that are accessible from the rear must be constructed to prevent a person from accidentally contacting energized parts.

(f) Working space must be provided around all main distribution panels and switchboards of at least 610 millimeters (24 inches) in front of the switchboard, and at least 455 millimeters (18 inches) behind the switchboard. Rear access is prohibited when the working space behind the switchboard is less than 455 millimeters (18 inches).

(g) Nonconducting mats or grating must be provided on the deck in front of each switchboard and, if accessible from the rear, on the deck in the rear of the switchboard.

(g) All uninsulated current carrying parts must be mounted on noncombustible, nonabsorbent, high dielectric insulating material.

(i) Equipment mounted on a hinged door of an enclosure must be constructed or shielded so that a person will not accidentally contact energized parts of the door mounted equipment when the door is open and the circuit energized.

(j) In the design of control, interlock, or indicator circuit, the disconnect

device and its connections, including each terminal block for terminating the vessel's wiring, must not have electrically unshielded or uninsulated surfaces.

(k) Switchboards and distribution panels must be sized in accordance with § 111.30-19 in subchapter J of this chapter.

**§ 120.340 Cable and wiring requirements.**

(a) If individual wires, rather than cables, are used in systems greater than 50 volts, the wire must be in conduit.

(b) All cable and wire must:

(1) Have stranded copper conductors with sufficient current carrying capacity for the circuit in which they are used;

(2) Be installed in a manner to avoid or reduce interference with radio reception and compass indication;

(3) Be protected from the weather;

(4) Be installed with metal supports spaced not more than 610 millimeters (24 inches) apart, and in such a manner as to avoid chafing and other damage. The use of plastic tie wraps must be limited to bundling or retention of multiple cable installations, and not used as a means of support;

(5) Not be installed with sharp bends;

(6) Be protected by metal coverings or other suitable means if in areas subject to mechanical abuse. Horizontal pipes used for protection shall have 6 millimeter (.25 inch) holes for drainage every 1,520 millimeters (5 feet);

(7) Be suitable for low temperature and high humidity if installed in refrigerated compartments;

(8) Not be located in a tank unless the cable provides power to equipment in the tank; and

(9) Have sheathing or wire insulation compatible with the fluid in a tank when installed as allowed by paragraph (b)(8) of this section.

(c) Conductors in power and lighting circuits must be No. 14 American Wire Gauge (AWG) or larger. Conductors in control and indicator circuits must be No. 22 AWG or larger.

(d) Cable and wire for power and lighting circuits must:

(1) Meet Section 310-13 of the NEC (NFPA 70) except that asbestos insulated cable and dry location cables can not be used;

(2) Be listed by Underwriters Laboratories (UL), as UL Boat or UL Marine cable; or

(3) Meet § 111.60-1 in subchapter J of this chapter for cable and § 111.60-11 in subchapter J of this chapter for wire.

(e) Cable or wire serving vital systems listed in § 119.710 of this subchapter or emergency loads must be routed as far as practicable from high risk fire areas, such as galleys, laundries, and machinery spaces.

(f) Cable or wire serving duplicated equipment must be separated so that a casualty that affects one cable does not affect the other.

(g) Each connection to a conductor or terminal part of a conductor must be made within an enclosure and have either:

(1) A pressure type connector on each conductor;

(2) A solder lug on each conductor;

(3) A splice made with a pressure type connector to a flexible lead or conductor; or

(4) A splice that is soldered, brazed, or welded to a flexible lead or conductor.

(h) A connector or lug of the set screw type must not be used with a stranded conductor smaller than No. 14 AWG except if there is a nonrotating follower that travels with the set screw and makes pressure contact with the conductor.

(i) Each pressure type wire connector and lug must meet UL 486A, "Wire Connectors and Soldering Lugs for Use With Copper Conductors," or other standard specified by the Commandant. The use of wire nuts is prohibited.

(j) Each terminal block must have 6-32 terminal screws or larger.

(k) Wire connectors utilized in conjunction with screw type terminal

blocks must be of the captive type such as the ring or the flanged spade type.

(1) A cable must not be spliced in a hazardous location.

(m) A cable may be spliced in a location, other than a hazardous location, under the following conditions:

(1) A cable installed in a subassembly may be spliced to a cable installed in another subassembly;

(2) For a vessel receiving alterations, a cable may be spliced to extend a circuit;

(3) A cable having a large size or exceptional length may be spliced to facilitate its installation; and

(4) A cable may be spliced to replace a damaged section of the cable if, before replacing the damaged section, the insulation resistance of the remainder of the cable is measured, and it is determined that the condition of the insulation is unimpaired.

(n) All material in a cable splice must be chemically compatible with all other material in the splice and with the materials in the cable.

(o) Ampacities of wires must meet Section 310-15 of the NEC (NFPA 70), or other standard specified by the Commandant. Ampacities of cables must meet table A6 of Institute of Electrical and Electronic Engineers (IEEE) Standard 45, "Recommended Practice for Electrical Installations on Shipboard," or other standard specified by the Commandant. Ampacities for Navy cable must meet NAVSEA Design Data Sheet (DDS) 304-2 "Electrical Cable, Ratings and Characteristics" as appropriate.

(p) Conductors must be sized so that the voltage drop at the load terminals does not exceed 10 percent. Table 120.3340(p) indicates the size of conductor required for corresponding lengths and steady state (stable) values to obtain not more than this voltage drop at the load terminals of a two conductor circuit.

TABLE 120.340(p)—CONDUCTOR SIZES FOR AMPERES—LENGTHS

Total current on circuit, amperes	Length of conductor in meters (feet) from source of current to most distant fixture										
	3.1 (10)	4.5 (15)	6.1 (20)	7.6 (25)	9.2 (30)	10.7 (35)	12.2 (40)	13.7 (45)	15.2 (50)	16.8 (55)	18.3 (60)
12 volts, 2-wire—10 percent drop wire sizes (A.W.G.)											
5 .....	14	14	14	14	14	14	14	14	12	12	12
14 .....	14	14	14	12	12	12	10	10	10	10	8
15 .....	14	14	12	10	10	10	8	8	8	8	8
20 .....	12	12	10	10	8	8	8	8	6	6	6
25 .....	10	10	10	8	8	8	6	6	6	6	4

Other values can be computed by means of the following formula:

$$cm = \frac{K \times I \times L (\times 2 \text{ for two-wire circuit})}{E}$$

Where:

cm = Circular-mil area of conductor.

K = 3.28 ohms/mil-meter (metric)

K = 10.75 ohms/mil-foot (english)

= 10.75 ohms/mil-foot (english)

(a constant representing the resistance of cooper).

I = Load current, in amperes.

L = length of conductor from center of distribution, in meters (feet).

E = Voltage drop at load, in volts.

(q) If used, each armored cable metallic covering must:

(1) Be electrically continuous; and

(2) Be grounded at each end of the run

to:

(i) The metallic hull; or

(ii) The common ground plate on nonmetallic vessels; and

(3) Have final sub-circuits grounded at the supply end only.

(r) A portable or temporary electric cord or cable must be constructed and used in compliance with the requirements of § 111.60–13 in subchapter J of this chapter for a flexible electric cord or cable.

#### § 120.350 Batteries—general.

(a) Where provisions are made for charging batteries, there must be natural or induced ventilation sufficient to dissipate the gases generated.

(b) Each battery must be located as high above the bilge as practicable, secured to protect against shifting with the roll and pitch of the vessel, and free from exposure to water splash or spray.

(c) Batteries must be accessible for maintenance and removal.

(d) Connections must be made to battery terminals with permanent type connectors. Spring clips or other temporary type clamps are prohibited.

(e) Batteries must be mounted in trays lined with, or constructed of, a material that is resistant to damage by the electrolyte.

(f) Battery chargers must have an ammeter connected in the charging circuit.

(g) If the batteries are not adjacent to a distribution panel or switchboard that distributes power to the lighting, motor, and appliance circuits, the battery lead must have a fuse in series, located as close as practicable to the battery.

(h) Batteries used for engine starting are to be located as close as possible to the engine or engines served.

#### § 120.352 Battery categories.

This section applies to batteries installed to meet the requirements of

§ 120.310 of this part for secondary sources of power to vital loads, or sources of power to final emergency loads.

(a) *Large.* A large battery installation is one connected to a battery charger having an output of more than 2 kilowatts (kw), computed from the highest possible charging current and the rated voltage of the battery installation.

(b) *Small.* A small battery installation is one connected to a battery charger having an output of 2 kw or less, computed as above.

#### § 120.354 Battery installations.

(a) *Large batteries.* Each large battery installation must be located in a locker, room or enclosed box solely dedicated to the storage of batteries. Ventilation must be provided in accordance with § 111.15–10 in subchapter J of this chapter. Electrical equipment located within the battery enclosure must be approved by an independent laboratory for Class I, Division 1, Group B hazardous locations and meet § 111.105 in subchapter J of this chapter.

(b) *Small batteries.* Each small battery installation must be located in a well ventilated space and protected from falling objects. A small battery installation must not be in a closet, storeroom, or similar space.

#### § 120.360 Semiconductor rectifier systems.

(a) Each semiconductor rectifier system must have an adequate heat removal system that prevents overheating.

(b) Where a semiconductor rectifier system is used in a propulsion system or in other vital systems it must:

(1) Have a current limiting circuit;

(2) Have external overcurrent

protection; and

(3) Meet Sections 35.84.2 and 35.84.4 of the American Bureau of Shipping (ABS), "Rules for Building and Classing Steel Vessels," or other standard specified by the Commandant.

#### § 120.370 General grounding requirements

(a) A vessel's hull must not carry current as a conductor except for the following systems:

(1) Impressed current cathodic protection systems; or

(2) Battery systems for engine starting.

(b) Receptacle outlets and attachment plugs for portable lamps, tools, and similar apparatus operating at 100 volts or more, must have a grounding pole and a grounding conductor in the portable cord.

(c) Each nonmetallic mast and top mast must have a lightning ground conductor.

#### § 120.372 Equipment and conductor grounding.

(a) All metallic enclosures and frames of electrical equipment must be permanently grounded to the hull on a metallic vessel. On a nonmetallic vessel, the enclosures and frames of electrical equipment must be bonded together to a common ground by a normally non-current carrying conductor. Metallic cases of instruments and secondary windings of instrument transformers must be grounded.

(b) On a nonmetallic vessel, where a ground plate is provided for radio equipment, it must be connected to the common ground.

(c) Equipment grounding conductors must be sized in accordance with Section 250–95 of the NEC (NFPA 70), or other standard specified by the Commandant.

(d) Each insulated grounding conductor of a cable must be identified by one of the following means.

(1) A green braid or green insulation;

(2) Stripping the insulation from the entire exposed length of the grounding conductor; or

(3) Marking the exposed insulation of the grounding conductor with green tape or green adhesive labels.

(e) Cable armor must not be used to ground electrical equipment of systems.

#### § 120.376 Grounded distribution systems (Neutral grounded).

(a) If a grounded distribution system is provided, there must be only one connection to ground, regardless of the number of power sources. This ground connection must be at the switchboard or at the common ground plate, which must be accessible.

(b) Each propulsion, power, lighting, or distribution system having a neutral bus or conductor must have the neutral grounded.

(c) The neutral or each grounded generation and distribution system must be grounded at the generator switchboard and have the ground connection accessible for checking insulation resistance of the generator to ground before the generator is connected to the bus, except the neutral of an emergency power generation system must be grounded with:

(1) No direct ground connection at the emergency switchboard;

(2) The neutral bus permanently connected to the neutral bus on the main switchboard; and

(3) No switch, circuit breaker, or fuse in the neutral conductor of the bus-tie feeder connecting the emergency switchboard to the main switchboard.

(d) On a metallic vessel, a grounded alternating current system must be

grounded to the hull. On a nonmetallic vessel, the neutral must be connected to the common ground, except that aluminum grounding conductors must not be used.

**§ 120.380 Overcurrent protection.**

(a) Overcurrent protection must be provided for each ungrounded conductor for the purpose of opening the electric circuit if the current reaches a value that causes an excessive or dangerous temperature in the conductor or conductor insulation.

(b) The grounded conductor of a circuit must not be disconnected by a switch or circuit breaker, unless the ungrounded conductors are simultaneously disconnected.

(c) A conductor of a control, interlock, or indicator circuit, such as a conductor for an instrument, pilot light, ground detector light, or potential transformer, must be protected by an overcurrent device.

(d) Conductors must be protected in accordance with their current carrying capacities. If the allowable current carrying capacity does not correspond to a standard device size, the next larger overcurrent device may be used provided it does not exceed 150 per cent of the conductor current carrying capacity.

(e) Steering gear control system circuits must be protected against short circuit.

(f) Each steering gear feeder circuit must be protected by a circuit breaker that meets the requirements of paragraphs (a) and (b) § 111.93–11 in subchapter J of this chapter.

(g) Each lighting branch circuit must be protected against overcurrent either by fuses or circuit breakers rated at not more than 30 amperes.

(h) Overcurrent devices capable of carrying the starting current of the motor must be installed to protect motors, motor conductors, and control apparatus against:

(1) Overcurrent due to short circuits or ground faults; and

(2) Overload due to motor running overcurrent, in accordance with § 111.70–1 in subchapter J of this chapter. A protective device integral with the motor, which is responsible to both motor current and temperature, may be used.

(i) An emergency switch must be provided in the normally ungrounded main supply conductor from a battery. The switch must be accessible and located as close to the battery as practicable.

(j) Disconnect means must be provided on the supply side of and adjacent to all fuses for the purpose of

de-energizing the fuses for inspection and maintenance purposes.

(k) If the disconnect means is not within sight of the equipment that the circuit supplies, means must be provided for locking the disconnect device in the open position.

(l) Fuses must be of the cartridge type only and be listed by Underwriters Laboratories or another independent laboratory recognized by the Commandant.

(m) Each circuit breaker must meet UL 489, "Molded-Case Circuit Breakers and Circuit Breaker Enclosures," or other standard specified by the Commandant, and be of the manually reset type designed for:

(1) Inverse time delay;

(2) Instantaneous short circuit protection; and

(3) Switching duty if the breaker is used as a switch.

(n) Each circuit breaker must indicate whether it is in the open or closed position.

**§ 120.390 Shore power.**

A vessel with an electrical system operating at more than 50 volts, which is provided with a means to connect to shore power, must meet the following:

(a) A shore power connection box or receptacle must be permanently installed at a convenient location:

(b) A cable connecting the shore power connection box or receptacle to the switchboard or main distribution panel must be permanently installed;

(c) A circuit breaker must be provided at the switchboard or main distribution panel for the shore power connection; and

(d) The circuit breaker, required by paragraph (c) of this section, must be interlocked with the vessel's power sources so that shore power and the vessel's power sources may not be operated simultaneously.

**§ 120.392 Radiotelephone installations.**

A separate circuit, with overcurrent protection at the main distribution panel, must be provided for each radiotelephone installation.

**Subpart D—Lighting Systems**

**§ 120.410 Lighting fixtures.**

(a) Each lighting fixture globe, lens, or diffuser must have a guard or be made of high strength material, except in an accommodation space, radio room, galley, or similar space where it is not subject to damage.

(b) A lighting fixture may not be used as a connection box for a circuit other than the branch circuit supplying the fixture.

(c) A lighting fixture must be installed as follows:

(1) Each fixture must comply with § 120.200.

(2) Each lighting fixture and lampholder must be fixed. A fixture must not be supported by the screw shell of a lampholder.

(3) Each pendant type lighting fixture must be suspended by and supplied through a threaded, rigid conduit stem.

(4) Each table lamp, desk lamp, floor lamp, or similar equipment must be secured in place so that it cannot be displaced by the roll or pitch of the vessel.

(d) An exterior lighting fixture in an electrical system operating at more than 50 volts must comply with the requirements of UL 595, "Marine Type Electric Lighting Fixtures," or other standard specified by the Commandant. A lighting fixture in an accommodation space, radio room, galley or similar interior space may comply with, UL 1570, "Fluorescent Lighting Fixtures," UL 1571, "Incandescent Lighting Fixtures," UL 1572, "High Intensity Discharge Lighting Fixtures," UL 1573, "Stage and Studio Lighting Units," or UL 1574, "Track Lighting Systems," as long as the general marine requirements of UL 595 are satisfied.

**§ 120.420 Navigation lights.**

All vessels must have navigation lights that are in compliance with the applicable sections of the International and Inland Navigation Rules, except that a vessel of more than 19.8 meters (65 feet) in length must also have navigation lights that meet UL 1104, "Marine Navigation Lights," or other standard specified by the Commandant.

**§ 120.430 Portable lights.**

Each vessel must be equipped with at least two operable portable battery lights. One of these lights must be located at the operating station and the other at the access to the propulsion machinery space.

**§ 120.432 Emergency lighting.**

(a) Each vessel must have adequate emergency lighting fitted along the line of escape to the main deck from all passenger and crew accommodation spaces located below the main deck.

(b) The emergency lighting required by paragraph (a) of this section must automatically actuate upon failure of the main lighting system. If a vessel is not equipped with a single source of power for emergency lighting, it must have individual battery powered lights which:

(1) Are automatically actuated upon loss of normal power;

- (2) Are not readily portable;
- (3) Are connected to an automatic battery charger; and

(4) Have sufficient capacity for a minimum of 6 hours of continuous operation.

(c) A vessel of more than 19.8 meters (65 feet) in length with overnight accommodations for more than 49 passengers must have an emergency lighting system that complies with Part 112 in subchapter J of this chapter.

**§ 120.434 Lifeboat and liferaft floodlights on vessels of more than 19.8 meters (65 feet) in length with overnight accommodations for more than 49 passengers.**

Each vessel of more than 19.8 meters (65 feet) in length with overnight accommodations for more than 49 passengers must have floodlights for illuminating the stowage position and embarkation station of lifeboats, liferafts, rescue boats, and rescue platforms, where installed. These floodlights must meet the requirements of § 111.75–16 in subchapter J of this chapter.

**Subpart E—Miscellaneous Systems and Requirements**

**§ 120.520 Lifeboat winches.**

Each electric power operated lifeboat winch must meet § 111.95 in subchapter J and § 160.015 in subchapter Q of this chapter, or other standard specified by the Commandant.

**§ 120.530 Hazardous areas.**

(a) Electrical equipment in lockers used to store paint, oil, turpentine, or other flammable liquids must be explosion-proof or be part of an intrinsically safe system.

(b) Explosion-proof equipment and intrinsically safe systems must meet the requirements of § 111.105 in subchapter J of this chapter.

**§ 120.540 Elevators.**

Each elevator on a vessel must meet the requirements of American National Standards Institute (ANSI) A17.1, "Safety Code for Elevators, and Escalators," or other standard specified by the Commandant.

**§ 120.550 General alarm systems.**

(a) All vessels with overnight accommodations must be equipped with a general alarm system.

(b) A vessel of more than 19.8 meters (65 feet) in length with overnight accommodations for more than 49 passengers must have a general alarm that meets the requirements of § 113.25 in subchapter J of this chapter.

(c) The public address system required by § 121.610 of this chapter

may be used to sound the general alarm signal.

**PART 121—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT**

**Subpart A—General Provisions**

Sec.

- 121.100 General requirement.
- 121.115 Applicability to existing vessels.

**Subpart B—Cooking and Heating**

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- 121.202 Restrictions.
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- 121.300 Ground tackle and mooring lines.

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- 121.610 Public address systems.
- 121.620 Propulsion engine control systems.

**Subpart G—Miscellaneous**

- 121.702 Oil pollution prevention equipment and procedures.
- 121.704 Marine sanitation devices.
- 121.710 First aid kits.

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

**Subpart A—General Provisions**

**§ 121.000 General requirement.**

(a) Vessel control systems and other miscellaneous systems and equipment required by this part must be suitable for the purposes intended.

(b) The cognizant Officer in Charge, Marine Inspection (OCMI) may require navigation, control, or communications equipment, in excess of the equipment specifically required by this part, on a vessel that is of a novel design, operates at high speeds in restricted or high traffic areas, operates in a dynamically supported mode, or operates on extended routes or in remote locations.

**§ 121.115 Applicability to existing vessels.**

(a) An existing vessel need not comply with §§ 121.402(c), 121.404, 121.410, and 121.602 of this part unless the cognizant OCMI specifically

requires compliance due to the route or service of the vessel.

(b) An existing vessel need not comply with the requirements of § 121.610 of this part until March 11, 2001, or 10 years after its keel was laid or the vessel was at a similar stage of construction, whichever is later.

(c) An existing vessel need not comply with the requirements of § 121.710 of this part until March 11, 1997.

**Subpart B—Cooking and Heating**

**§ 121.100 General.**

Cooking and heating equipment must be suitable for marine use. Equipment designed and installed in accordance with American Boat and Yacht Council (ABYC) A–3, "Recommended Practices and Standards Covering Galley Stoves," and A–7, "Recommended Practices and Standards Covering Boat Heating Systems," or with National Fire Protection Association (NFPA) 302, "Pleasure and Commercial Motor Craft," complies with this requirement, except as restricted by § 121.202 of this part.

**§ 121.202 Restrictions.**

(a) The use of gasoline for cooking, heating, or lighting is prohibited on all vessels.

(b) Fireplaces or other space heating equipment with open flames are prohibited on all vessels.

(c) Vessels permitted to use liquefied and non-liquefied gases as cooking fuels by 46 Code of Federal Regulations (CFR) Part 147 must meet the requirements of § 121.240. The use of these fuels for cooking, heating, and lighting on ferry vessels is prohibited by Part 147 in subchapter N of this chapter.

**§ 121.210 Heating equipment.**

(a) Each heater must be so constructed and installed as to prevent contact with combustible materials such as towels and clothing.

(b) Each electric space heater must be provided with a thermal cutout to prevent overheating.

(c) Each heater element of an electric space heater must be of an enclosed type, and the element case or jacket must be made of a corrosion resistant material.

**§ 121.220 Cooking equipment.**

(a) Doors on a cooking appliance must be provided with heavy duty hinges and locking devices to prevent accidental opening in heavy seas.

(b) A cooking appliance must be installed to prevent movement in heavy seas.

(c) For a grill or similar type of cooking appliance, means must be

provided to collect grease or fat and to prevent its spillage on wiring or the deck.

(d) Grab rails must be installed on a cooking appliance when determined by the cognizant OCMI to be necessary for safety.

(e) Sea rails, with suitable barriers to prevent accidental movement of cooking pots, must be installed on a cooking range.

(f) Electric connections for a cooking appliance must be dripproof.

#### **§ 121.240 Gas systems.**

Cooking systems using liquefied petroleum gas (LPG) and compressed natural gas (CNG) must meet the following requirements:

(a) The design, installation and testing of each LPG system must meet ABYC A-1, "Marine Liquefied Petroleum Gas (LPG) Systems," Chapter 6 of NFPA 302, or other standard specified by the Commandant.

(b) The design, installation and testing of each CNG system must meet ABYC A-22, "Marine Compressed Natural Gas (CNG) Systems," Chapter 6 of NFPA 302, or other standard specified by the Commandant.

(c) Cooking systems using Chapter 6 of NFPA 302 as the standard must meet the following additional requirements.

(1) The storage or use of CNG containers within the accommodation area, machinery spaces, bilges, or other enclosed spaces is prohibited;

(2) LPG or CNG must be odorized in accordance with ABYC A-1, appendix 4, or A-22, appendix 4, respectively;

(3) The marking and mounting of LPG cylinders must be in accordance with ABYC A-1, appendix 7; and

(4) LPG cylinders must be of the vapor withdrawal type as specified in ABYC A-1, section 1.7.

(d) Continuous pilot lights or automatic glow plugs are prohibited for an LPG or CNG installation using ABYC A-1 or A-22 as the standard.

(e) CNG installation using ABYC A-22 as the standard must meet the following additional requirements:

(1) The storage or use of CNG containers within the accommodation area, machinery spaces, bilges, or other enclosed spaces is prohibited;

(2) CNG cylinders, regulating equipment, and safety equipment must meet the installation, stowage, and testing requirements of paragraph 6-5.12 of NFPA 302; and

(3) The use or stowage of stoves with attached CNG cylinders is prohibited as specified in paragraph 6-5.1 of NFPA 302.

(f) If the fuel supply line of an LPG or CNG system enters an enclosed space

on the vessel, a remote shut off valve must be installed that can be operated from a position adjacent to the appliance. The valve must be located between the fuel tank and the point where the fuel supply line enters the enclosed portion of the vessel. A power operated valve installed to meet this requirement must be of a type that will fail closed.

(g) The following variances from ABYC A-1 section 1.12 are allowed for CNG:

(1) The storage locker or housing access opening need not be in the top; and

(2) The locker or housing need not be above the waterline.

(h) The following variances from NFPA 302 are allowed.

(1) The storage locker or housing for CNG tank installations need not be above the waterline as required by paragraph 6-5.12.1.1(a); and

(2) Ignition protection need not be provided as required by paragraph 6-5.4.

#### **Subpart C—Mooring and Towing Equipment**

##### **§ 121.300 Ground tackle and mooring lines.**

A vessel must be fitted with ground tackle and mooring lines necessary for the vessel to be safely anchored or moored. The ground tackle and mooring lines provided must be satisfactory for the size of the vessel, the waters on which the vessel operates, subject to the approval of the cognizant OCMI.

#### **Subpart D—Navigation Equipment**

##### **§ 121.402 Compasses.**

(a) Except as otherwise provided in this section every vessel must be fitted with a suitable magnetic compass designed for marine use, to be mounted at the primary operating station.

(b) The following vessels need not be fitted with a compass:

(1) A vessel on a rivers route;

(2) A non-self-propelled vessel; and

(3) A vessel operating on short restricted routes on lakes, bays, and sounds.

(c) Except on a vessel limited to daytime operations, the compass must be illuminated.

##### **§ 121.404 Radars.**

(a) Except as allowed by paragraph (b) of this section, all self-propelled vessels must be fitted with a Federal Communications Commission (FCC) type accepted general marine radar system for surface navigation with a radar screen mounted at the primary operating station.

(b) The following vessels are not required to carry a radar:

(1) A ferry that operates on a rivers route within one mile of land; and

(2) A vessel operated on a short restricted route, when the cognizant OCMI has determined that a radar is not necessary due to the vessel's route and local weather conditions.

(c) The radar and its installation must be suitable for the intended speed and route of the vessel.

##### **§ 121.410 Electronic position fixing devices.**

A vessel on an oceans route must be equipped with an electronic position fixing device, capable of providing accurate fixes for the area in which the vessel operates, to the satisfaction of the cognizant OCMI.

##### **§ 121.420 Charts and nautical publications.**

(a) As appropriate for the intended voyage, a vessel must carry adequate and up-to-date:

(1) Charts of large enough scale to make safe navigation possible;

(2) U.S. Coast Pilot or similar publication;

(3) Coast Guard Light List;

(4) Tide tables; and

(5) Current tables, or a river current publication issued by the U.S. Army Corps of Engineers or a river authority.

(b) Extracts from the publications listed above for the areas to be transited may be provided instead of the complete publication.

#### **Subpart E—Radio**

##### **§ 121.502 Requirements of the Federal Communications Commission.**

A vessel must comply with the applicable requirements for any radio and Electronic Position Indicating Radiobeacon (EPIRB) installations, including the requirements for a station license and installation certificates to be issued by the FCC, as set forth in 47 CFR Part 80.

##### **§ 121.506 Emergency broadcast placard.**

A durable placard must be posted next to all radiotelephone installations with the emergency broadcast instructions and information, specific to the individual vessel.

##### **§ 121.510 Recommended emergency broadcast instructions.**

The following emergency broadcast instructions, when placed on a placard, will satisfy the requirement contained in § 121.506 for an emergency broadcast placard:

(a) Emergency Broadcast Instructions.

(1) Make sure your radiotelephone is on.

(2) Select 156.8 MHz (channel 16 VHF) or 2182 kHz. (Channel 16 VHF and 2182 kHz on SSB are for emergency and calling purposes only.)

(3) Press microphone button and, speaking slowly—clearly—calmly, say:

(i) "MAYDAY—MAYDAY—MAYDAY" for situations involving Immediate Danger to Life and Property; or

(ii) "PAN—PAN—PAN" for urgent situations where there is No Immediate Danger to Life or Property.

(4) Say: "THIS IS (INSERT VESSEL'S NAME), (INSERT VESSEL'S NAME), (INSERT VESSEL'S NAME), (INSERT VESSEL'S CALL SIGN), OVER."

(5) Release the microphone button briefly and listen for acknowledgment. If no one answers, repeat steps 3 & 4.

(6) If there is no acknowledgment, or if the Coast Guard or another vessel responds, say: "MAYDAY" or "PAN", (INSERT VESSEL'S NAME)."

(7) DESCRIBE YOUR POSITION using latitude and longitude coordinates, LORAN coordinates, or range and bearing from a known point.

(8) STATE THE NATURE OF THE DISTRESS.

(9) GIVE NUMBER OF PERSONS ABOARD AND THE NATURE OF ANY INJURIES.

(10) ESTIMATE THE PRESENT SEAWORTHINESS OF YOUR VESSEL.

(11) BRIEFLY DESCRIBE YOUR VESSEL: (INSERT LENGTH, COLOR, HULL TYPE, TRIM, MASTS, POWER, ANY ADDITIONAL DISTINGUISHING FEATURES).

(12) Say: "I WILL BE LISTENING ON CHANNEL 16/2182."

(13) End message by saying: "THIS IS (INSERT VESSEL'S NAME & CALL SIGN)."

(14) If your situation permits, stand by the radio to await further communications with the Coast Guard or another vessel. If no answer, repeat, then try another channel.

(b) [Reserved]

### Subpart F—Control and Internal Communications Systems

#### § 121.602 Internal communications systems.

(a) A vessel equipped with pilothouse control must have a fixed means of two-way communications from the operating station to the location where the means of controlling the propulsion machinery, required by § 121.620(a), is located. Twin screw vessels with pilothouse control for both engines are not required to have a fixed communications system.

(b) A vessel equipped with auxiliary means of steering, required by § 119.600

of this chapter, must have a fixed means of two-way communications from the operating station to the location where the auxiliary means of steering is controlled.

(c) When the propulsion machinery of a vessel cannot be controlled from the operating station, an efficient communications system must be provided between the operating station and the propulsion machinery space.

(d) When the locations addressed in paragraphs (a), (b), and (c) of this section are sufficiently close together, direct voice communications satisfactory to the cognizant OCMI is acceptable instead of the required fixed means of communications.

(e) The OCMI may accept hand held portable radios as satisfying the communications system requirement of this section.

#### § 121.610 Public address systems.

(a) Except as noted in paragraph (d) below, each vessel must be equipped with a public address system.

(b) On a vessel of more than 19.8 meters (65 feet) in length, the public address system must be a fixed installation and be audible during normal operating conditions throughout the accommodation spaces and all other spaces normally manned by crew members.

(c) A vessel with more than one passenger deck and a vessel with overnight accommodations must have the public address system operable from the operating station.

(d) On a vessel of not more than 19.8 meters (65 feet) in length, a battery powered bullhorn may serve as the public address system if audible throughout the accommodation spaces of the vessel during normal operating conditions. The bullhorn's batteries are to be continually maintained at a fully charged level by use of a battery charger or other means acceptable to the cognizant OCMI.

#### § 121.620 Propulsion engine control systems.

(a) A vessel must have two independent means of controlling each propulsion engine. Control must be provided for the engine speed, direction of shaft rotation, and engine shutdown.

(1) One of the means may be the ability to readily disconnect the remote engine control linkage to permit local operation.

(2) A multiple engine vessel with independent remote propulsion control for each engine need not have a second means of controlling each engine.

(b) In addition to the requirements of paragraph (a) of this section, a vessel

must have a reliable means for shutting down a propulsion engine, at the main pilot house control station, which is independent of the engine's speed control.

(c) A propulsion engine control system, including pilothouse control, must be designed so that a loss of power to the control system does not result in an increase in shaft speed or propeller pitch.

(d) All microprocessor or computer based systems must meet the requirements of Part 62 in subchapter F of this chapter.

### Subpart G—Miscellaneous

#### § 121.702 Oil pollution prevention equipment and procedures.

A vessel must comply with the applicable design, equipment, personnel, procedures, and record requirements of 33 CFR Parts 151, 155, and 156.

#### § 121.704 Marine sanitation devices.

A vessel with installed toilet facilities must have a marine sanitation device that complies with 3 CFR Part 159.

#### § 121.710 First aid kits.

A vessel must carry a first aid kit approved in accordance with § 160.041 in subchapter Q of this chapter, or other standard specified by the Commandant, or a kit with equivalent contents and instructions. For equivalent kits, the contents must be stowed in a suitable container that is marked, "First Aid Kit". A first aid kit shall be easily visible and readily available to the crew.

## PART 122—OPERATIONS

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Authority: 46 U.S.C. 2103, 3306, 6101; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

**Subpart A—General Provisions****§ 122.100 General requirement.**

A vessel must be operated in accordance with applicable laws and regulations and in such a manner as to afford adequate precaution against hazards that might endanger the vessel and the persons being transported.

**§ 122.115 Applicability to existing vessels.**

(a) An existing vessel need not comply with the hull marking requirements in § 122.602(b) until completion of a vessel's first drydock required by § 115.600 of this chapter that occurs after March 11, 1996.

(b) An existing vessel need not comply with the marking requirements in §§ 122.604 and 122.610, where the size and contents of the markings required by §§ 122.604 and 122.610 vary from the size and contents of required markings on lifesaving equipment, watertight doors, and watertight hatches on the vessel prior to March 11, 1996, until the existing markings are no longer legible, as determined by the cognizant Officer in Charge, Marine Inspection (OCMI).

(c) An existing vessel need not comply with the requirements of §§ 122.514, 122.515, 122.516, and 124.604(j) until completion of the first inspection for certification that occurs after March 11, 1996.

**Subpart B—Marine Casualties and Voyage Records****§ 122.202 Notice of marine casualty.**

(a) Immediately after addressing resultant safety concerns, the owner, agent, master, or person in charge of a vessel involved in a marine casualty shall notify the nearest Marine Safety Office, Marine Inspection Office, or Coast Guard Group Office whenever a vessel is involved in a marine casualty consisting of:

- (1) An unintended grounding, or an unintended strike of (allision with) a bridge;
- (2) An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or the safety of a vessel, or that meets any criterion of paragraphs (a)(3) through (a)(7) of this section;
- (3) Loss of main propulsion or primary steering, or any associated component or control system, that reduces the maneuverability of the vessel;
- (4) An occurrence materially and adversely affecting the vessel's

seaworthiness or fitness for service or route, including but not limited to fire, flooding, failure of or damage to fixed fire extinguishing systems, lifesaving equipment, auxiliary power generating equipment, or bilge pumping systems;

(5) Loss of life;

(6) Injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, which renders the individual unfit to perform his or her routine duties; or

(7) An occurrence not meeting any of the above criteria but causing property damage in excess of \$25,000. This damage includes the cost of labor and material to restore the property to its condition before the occurrence, but does not include the cost of salvage, cleaning, gas freeing, drydocking, or demurrage.

(b) A vessel is excluded from the requirements of paragraphs (a)(5) and (a)(6) of this section with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (e.g., collision) or a vessel equipment casualty (e.g., cargo boom failure) and are subject to the reporting requirements of the Occupational Safety and Health Administration (OSHA) in 29 Code of Federal Regulations (CFR) Part 1904.

(c) Notice given as required by § 122.203 satisfies the requirement of this section if the marine casualty involves a hazardous condition.

**§ 122.203 Notice of hazardous conditions.**

Whenever there is a hazardous condition, as defined by § 114.400 of this chapter, on board the vessel, the owner, master, agent, or person in charge shall immediately notify the Captain of the Port of the port or place of destination and the Captain of the Port of the port or place in which the vessel is located of the hazardous condition.

**§ 122.206 Written report of marine casualty.**

(a) The owner, master, agent, or person in charge shall, within five days, file a written report of any marine casualty. This written report is in addition to the immediate notice required by § 122.202. This written report must be delivered to a Coast Guard Marine Safety Office, or Marine Inspection Office. It must be provided on Form CG-2692 (Report of Marine Accident, Injury, or Death), Supplemented as necessary by appended Forms CG-2692A (Barge Addendum) and CG-2692B (Report of Required Chemical Drug and Alcohol

Testing Following a Serious Marine Incident).

(b) If filed without delay after the occurrence of the marine casualty, the notice required by paragraph (a) of this section suffices as the notice required by § 122.202.

**§ 122.208 Accidents to machinery.**

The owner, managing operator, or master shall report damage to a boiler, unfired pressure vessel, or machinery that renders further use of the item unsafe until repairs are made, to the OCMI at the port in which the casualty occurred or nearest the port of first arrival, as soon as practicable after the damage occurs.

**§ 122.210 Alcohol or drug use by individuals directly involved in casualties.**

(a) For each marine casualty required to be reported by § 122.202, the owner, agent, master, or person in charge of the vessel shall determine whether there is any evidence of alcohol or drug use by individuals directly involved in the casualty.

(b) The owner, agent, master, or person in charge of the vessel shall include in the written report (Form CG-2692), submitted for the casualty information which:

(1) Identifies those individuals for whom evidence of drug or alcohol use, or evidence of intoxication, has been obtained; and

(2) Specifies the method used to obtain such evidence, such as personal observation of the individual, or by chemical testing of the individual.

(c) An entry must be made in the Official Logbook, if carried, pertaining to those individuals for whom evidence of intoxication is obtained. The individual must be informed of this entry and the entry must be witnessed by a second person.

(d) If an individual directly involved in a casualty refuses to submit to, or cooperate in, the administration of a timely chemical test, when directed by a Coast Guard commissioned, warrant, or petty officer, or any other law enforcement officer authorized to obtain a chemical test under Federal, State, or local law, or by the owner, agent, master, or person in charge, this fact must be noted in the official Logbook, if carried, and in the written report (Form CG 2692), and will be admissible as evidence in any administrative proceeding.

**§ 122.212 Mandatory chemical testing following serious marine incidents.**

A marine employer whose vessel is involved in a casualty or incident that is, or is likely to become, a serious

marine incident as defined in § 4.03-2 in subchapter A of this chapter shall comply with the requirements of § 4.06 in subchapter A of this chapter.

**§ 122.220 Records of a voyage resulting in a marine casualty.**

The owner, agent, master, or person in charge of any vessel involved in a marine casualty for which a report is required under § 122.202 shall retain all voyage records maintained by the vessel, including rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyrocompass records, stowage plans, records of draft, aids to mariners, night order books, radiograms sent and received, radio logs, crew and passenger lists and counts, articles of shipment, official logs, and other material that might be of assistance in investigating and determining the cause of the casualty. The owner, agent, master, other officer, or person responsible for the custody thereof, shall make these records available upon request, to a duly authorized investigating officer, administrative law judge, officer or employee of the Coast Guard.

**§ 122.230 Report of accident to aid to navigation.**

Whenever a vessel collides with a buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, the person in charge of such vessel shall report the accident to the nearest OCMI. No report on Form CG 2692 is required unless otherwise required under § 122.202 of this part.

**§ 122.260 Reports of potential vessel casualty.**

(a) An owner, charterer, managing operator, or agent of a vessel shall immediately notify either of the following Coast Guard offices if there is reason to believe the vessel is lost or imperiled:

(1) The Coast Guard district rescue coordination center (RCC) cognizant over the area in which the vessel was last operating; or

(2) The Coast Guard search and rescue authority nearest to where the vessel was last operating.

(b) Reasons for belief that a vessel is in distress include, but are not limited to, lack of communication with or nonappearance of the vessel.

(c) The owner, charterer, managing operator, or agent notifying the Coast Guard under paragraph (a) of this section, shall provide the name and identification number of the vessel, a description of the vessel, the names or

number of individuals on board, and other information that may be requested by the Coast Guard.

**§ 122.280 Official logbook for foreign voyages.**

(a) Every vessel on a voyage from a port in the United States to a foreign port except to a port in Canada, or vice versa, must have an Official Logbook.

(b) The master shall make or have made in the Official Logbook the following entries:

(1) Each legal conviction of a seaman of the vessel and the punishment inflicted;

(2) Each offense committed by a seaman of the vessel for which it is intended to prosecute or to enforce under a forfeiture, together with statements about reading the entry and the reply made to the charge as required by 46 U.S.C. 11502;

(3) A statement of the conduct, character, and qualifications of each seaman of the vessel or a statement that the master declines to give an opinion about that conduct, character, and qualifications;

(4) Each illness of or injury to a seaman of the vessel, the nature of the illness or injury, and the medical treatment;

(5) Each death on board, with the cause of death, and if a seaman, the following information required by 46 U.S.C. 10702:

(i) The wages due to a seaman who dies during the voyage and the gross amount of all deductions to be made from the wages; and

(ii) The sale of the property of a seaman who dies during the voyage, including a statement of each article sold and the amount received for the property.

(6) Each birth on board, with the sex of the infant and name of the parents;

(7) Each marriage on board, with the names and ages of the parties;

(8) The name of each seaman who ceases to be a crew member (except by death), with the place, time, manner, and the cause why the seaman ceased to be a crew member; and

(9) When a marine casualty occurs, a statement about the casualty and the circumstances under which it occurred, made immediately after the casualty when practicable to do so.

**§ 122.282 Logbook for vessels of more than 19.8 meters (65 feet) in length with overnight accommodations for more than 49 passengers.**

Except for a vessel required to have an Official Logbook by § 122.280, the owner, managing operator, or master of a vessel of more than 19.8 meters (65

feet) in length with overnight accommodations for more than 49 passengers shall maintain logs or records in any form, which will be considered to take the place of the Official Logbook and may be used for the purpose of making entries therein as required by law or regulations in this subchapter. Such logs or records shall be kept available for review by a marine inspector for a period of one year after the date to which the records refer.

### Subpart C—Miscellaneous Operating Requirements

#### § 122.304 Navigation underway.

(a) The movement of a vessel shall be under the direction and control of the master or a licensed mate at all times. The master shall operate the vessel keeping the safety of the passengers and crew foremost in mind by directing the vessel in order to prevent a casualty. Special attention should be paid to:

- (1) The current(s) velocity and direction of the transmitting area;
- (2) Tidal state;
- (3) Prevailing visibility and weather conditions;
- (4) Density of marine traffic;
- (5) Potential damage caused by own wake;
- (6) The danger of each closing visual or each closing radar contact;
- (7) Vessels's handling characteristics; and
- (8) Magnetic variation and deviation errors of the compass.

#### § 122.306 Passengers excluded from operating station.

When practicable the master shall exclude passengers from the operating station of a vessel when the passengers could distract the navigating crew from their responsibilities, or when otherwise directed by the cognizant OCMI.

#### § 122.315 Verification of vessel compliance with applicable stability requirements.

After loading and prior to departure, and at all other times necessary to assure the safety of the vessel, the master shall determine that the vessel complies with all applicable stability requirements in the vessel's trim and stability book, stability letter, Certificate of Inspection, and Load Line Certificate, as the case may be. The vessel may not depart until it is in compliance with these requirements.

#### § 122.320 Steering gear, controls, and communication system tests.

The master of a vessel shall have examined and tested the steering gear, signaling whistle, propulsion controls, and communication systems of the

vessel prior to getting underway for a voyage, except that such examination and testing need not be conducted more than once in any 24 hour period.

#### § 122.330 Hatches and other openings.

(a) Except when operating on lakes, bays, and sounds, or river routes in calm weather, all hatches and openings in the hull, except loading doors, of a vessel must be kept tightly closed except when being used.

(b) All watertight doors in subdivision bulkheads must be kept tightly closed during the navigation of the vessel except when being used for transit between compartments.

#### § 122.335 Loading doors.

(a) Except as allowed by paragraph (b) of this section, the master of a vessel fitted with loading doors shall assure that all loading doors are closed watertight and secured during the entire voyage.

(b) Loading doors, other than bow visors, may be opened when operating in protected or partially protected waters, provided the master of the vessel determines that the safety of the vessel is not impaired.

(c) For the purpose of this section, "loading doors" include all weathertight ramps, bow visors, and openings used to load personnel, equipment, and stores, in the collision bulkhead, the side shell, and the boundaries of enclosed superstructures that are continuous with the shell of the vessel.

#### § 122.340 Vessels carrying vehicles.

(a) Automobiles or other vehicles must be stowed in such a manner as to permit both passengers and crew to get out and away from the vehicles freely in the event of fire or other disaster. The decks, where necessary, must be distinctly marked with painted lines to indicate the vehicle runways and the aisle spaces.

(b) The master shall take any necessary precautions to see that automobiles or other vehicles have their motors turned off and their emergency brakes set when the vessel is underway, and that the motors are not started until the vessel is secured to the landing. In addition, a vehicle at each end of a line of vehicles or next to a loading ramp must have its wheels securely blocked, while the vessel is being navigated.

(c) The master shall have appropriate "NO SMOKING" signs posted and shall take all necessary precautions to prevent smoking or carrying of lighted or smoldering pipes, cigars, cigarettes, or similar items in the deck area assigned to automobiles or other vehicles.

(d) The master shall, prior to getting underway, ensure that vehicles are

properly distributed consistent with the guidance in the vessel's stability letter and Certificate of Inspection, if applicable.

#### § 122.356 Carriage of hazardous materials.

A vessel that transports a hazardous material, listed in 49 CFR 172.101, in commerce shall ensure the material is handled and transported in accordance with 49 CFR Parts 171 through 179.

#### § 122.360 Use of auto pilot.

Whenever an automatic pilot is used the master shall ensure that:

(a) It is possible to immediately establish manual control of the vessel's steering;

(b) A competent person is ready at all times to take over steering control; and

(c) The changeover from automatic to manual steering and vice versa is made by, or under the supervision of, the master or the mate on watch.

### Subpart D—Crew Requirements

#### § 122.402 Licenses.

Each licensed individual employed upon any vessel subject to the provisions of this subchapter shall have his or her license on board and available for examination at all times when the vessel is operating.

#### § 122.410 Watchmen.

The owner, charterer, master, or managing operator of a vessel carrying overnight passengers shall have a suitable number of watchmen patrol throughout the vessel during the nighttime, whether or not the vessel is underway, to guard against, and give alarm in case of, a fire or other danger.

#### § 122.420 Crew training.

(a) The owner, charterer, master, or managing operator shall instruct each crew member, upon first being employed and prior to getting underway for the first time on a particular vessel and at least once every three months, as to the duties that the crew member is expected to perform in an emergency including, but not limited to, the emergency instructions listed on the emergency instruction placard required by § 122.510, when applicable, the duties listed in the station bill required by § 122.514.

(b) Crew training shall be logged or otherwise documented for review by the Coast Guard upon request. The training entry shall include the following information:

- (1) Date of the training; and
- (2) General description of the training topics.

## Subpart E—Preparations for Emergencies

### § 122.502 Crew and passenger list.

(a) The owner, charterer, managing operator, or master of the following vessels must keep a correct list of the names of all persons that embark on and disembark from the vessel:

(1) A vessel making a coastwise or oceans voyage where:

(i) passengers embark or disembark from the vessel to another vessel or port other than at the port of origin; or

(ii) Passengers are carried overnight;

(2) A vessel making a voyage of more than 300 miles on the Great Lakes, except from a Canadian to a United States port; and

(3) A vessel arriving from a foreign port, except at a United States Great Lakes port from a Canadian Great Lakes port.

(b) The master of a vessel required to prepare a crew and passenger list by paragraph (a) of this section shall see that the list is prepared prior to departing on a voyage. The list must be communicated verbally or in writing ashore at the vessel's normal berthing location or with a representative of the owner or managing operator of the vessel. The crew and passenger list shall be available to the Coast Guard upon request.

### § 122.503 Voyage plan.

(a) The master of the following vessels shall prepare a voyage plan:

(1) A vessel making an oceans or coastwise voyage;

(2) A vessel making a voyage of more than 300 miles on the Great Lakes, except from a Canadian to a United States port;

(3) A vessel, with overnight accommodations for passengers, making an overnight voyage; and

(4) A vessel arriving from a foreign port, except at a United States Great Lakes port from a Canadian Great Lakes port.

(b) The voyage plan required by paragraph (a) of this section must be prepared prior to departing on a voyage and communicated verbally or in writing, ashore at the vessel's normal berthing location or with a representative of the owner or managing operator of the vessel. The voyage plan shall be available to the Coast Guard upon request.

### § 122.504 Passenger count.

The master of a vessel, except a vessel listed in § 122.502(a), shall keep a correct, written count of all passengers that embark on and disembark from the vessel. Prior to departing on a voyage,

the passenger count must be communicated verbally or in writing, and available ashore at the vessel's normal berthing location or with a representative of the owner or managing operator of the vessel. The passenger count shall be available to the Coast Guard upon request.

### § 122.506 Passenger safety orientation.

(a) Except as allowed by paragraph (b) of this section, before getting underway on a voyage, the master of a vessel shall ensure that suitable public announcements are made informing all passengers of the information in this section when applicable to the vessel's operations and arrangement:

(1) The location of emergency exits, survival craft embarkation areas, and ring life buoys;

(2) The stowage location(s) of life jackets;

(3) Either:

(i) The proper method of donning and adjusting life jackets of the type(s) carried on the vessel including a demonstration of the proper donning of a lifejacket, or

(ii) That passengers may contact a crew member for a demonstration, as appropriate, prior to beginning an oceans or coastwise voyage;

(4) The location of the instruction placards for life jackets and other lifesaving devices;

(5) That all passengers will be required to don life jackets when possible hazardous conditions exist, as directed by the master; and

(6) If the vessel is operating with reduced manning or equipment requirements in § 115.114 of this chapter.

(b) On a vessel with other than an oceans or coastwise route, as an alternative to an announcement that complies with paragraph (a) of this section, the master or other designated person may:

(1) Prior to getting underway, deliver to each passenger, or on a vessel that does not carry vehicles and that has seats for each passenger, place near each seat, a card or pamphlet that has the information listed in paragraphs (a)(1) through (a)(6) of this section; and

(2) Make an abbreviated announcement consisting of:

(i) A statement that passengers should follow the instructions of the crew in an emergency;

(ii) The location of life jackets; and

(iii) That further information

concerning emergency procedures including the donning of life jackets, location of other emergency equipment, and emergency evacuation procedures are located on the card or pamphlet that

was given to each passenger or is located near each seat.

(c) The master of a vessel shall ensure that a passenger, who boards the vessel on a voyage after the initial public announcement has been made as required by paragraphs (a) or (b) of this section, is also informed of the required safety information.

(d) On a vessel on a voyage of more than 24 hours duration, passengers shall be requested to don life jackets and go to the appropriate embarkation station during the safety orientation. If only a small number of passengers embark at a port after the original muster has been held, these passengers must be given the passenger safety orientation required by paragraphs (a) or (b) of this section if another muster is not held.

### § 122.508 Wearing of life jackets.

(a) The master of a vessel shall require passengers to don life jackets when possible hazardous conditions exist, including, but not limited to:

(1) When transiting hazardous bars and inlets;

(2) During severe weather;

(3) In event of flooding, fire, or other events that may possibly call for evacuation; and

(4) When the vessel is being towed, except a non-self-propelled vessel under normal operating conditions.

(b) The master or crew shall assist passengers in obtaining a life jacket and donning it, as necessary.

### § 122.510 Emergency instructions.

(a) The master and crew of a vessel will be familiar with the content of and have mounted at the operating station, emergency instructions containing the actions to be taken in the event of fire, flooding, heavy weather, or man overboard conditions.

(b) Except when in the judgment of the cognizant OCMI the operation of a vessel does not present one of the hazards listed, the emergency instruction placard should contain at least the applicable portions of the "Emergency Instructions" listed in § 122.512. The emergency instructions must be designed to address the particular equipment, arrangement, and operation of each individual vessel.

(c) If the cognizant OCMI determines that there is no suitable mounting surface aboard the vessel, the emergency instructions need not be posted but must be carried aboard the vessel and be available to the crew for familiarization.

### § 122.512 Recommended emergency instructions format.

An Emergency instruction placard containing the following information

will satisfy the requirements of § 122.510 of this part.

(a) *Emergency instructions.* (1) *Rough weather at sea, crossing hazardous bars, or flooding.* (i) Close all watertight and weathertight doors, hatches, and airports to prevent taking water aboard or further flooding in the vessel.

(ii) Keep bilges dry to prevent loss of stability due to water in bilges. Use power driven bilge pump, hand pump, and buckets to dewater.

(iii) Align fire pumps to use as bilge pump if possible.

(iv) Check all intake and discharge lines, which penetrate the hull, for leakage.

(v) Passengers must remain seated and evenly distributed.

(vi) Passengers must don life jackets if the going becomes very rough, vessel is about to cross a hazardous bar, or when otherwise instructed by the master.

(vii) Never abandon the vessel unless actually forced to do so.

(viii) If assistance is needed follow the procedures on the emergency broadcast placard posted by the radiotelephone.

(ix) Prepare survival craft (life floats, (inflatable) rafts, (inflatable) buoyant apparatus, boats) for launching.

(2) *Man overboard.* (i) Throw a ring buoy overboard as close to the person as possible.

(ii) Post a lookout to keep the person overboard in sight.

(iii) Launch rescue boat and maneuver to pick up person in the water, or maneuver the vessel to pick up the person in the water.

(iv) Have crew member put on life jacket, attach a safety line to him or her, and have him or her stand by to jump into the water to assist the person if necessary.

(v) If person is not immediately located, notify Coast Guard and other vessels in vicinity by radiotelephone.

(vi) Continue search until released by Coast Guard.

(3) *Fire.*

(i) Cut off air supply to fire—close openings such as hatches, ports, doors, ventilators, and louvers, and shut off ventilation system.

(ii) Cut off electrical system supplying affected compartment if possible.

(iii) If safe, immediately use portable fire extinguishers at base of flames for flammable liquid or grease fires or water for fires in ordinary combustible materials. Do not use water on electrical fires.

(iv) If fire is in machinery spaces, shut off fuel supply and ventilation and activate fixed extinguishing system if installed.

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

(vi) If unable to control fire, immediately notify the Coast Guard and other craft in the vicinity by radiotelephone.

(vii) Move passengers away from fire, have them put on life jackets, and if necessary, prepare to abandon the vessel.

(b) [Reserved.]

#### § 122.514 Station bill.

(a) A station bill must be posted by the master on a vessel of more than 19.8 meters (65 feet) in length having:

(1) Overnight accommodations for more than 49 passengers; or

(2) A Certificate of Inspection requiring more than four crew members at any one time, including the master.

(b) A vessel of more than 19.8 meters (65 feet) in length with overnight accommodations for more than 49 passengers must comply with the requirements of § 78.13 in subchapter H of this chapter in regards to the content of a station bill, the duties of the crew, emergency signals, an emergency squad, and instructions.

(c) Except when paragraph (b) of this section is applicable, the station bill of a vessel of more than 19.8 meters (65 feet) in length required to have more than four crew members, must set forth the special duties and duty station of each crew member for various emergencies. The duties must, as far as possible, be comparable with the regular work of the individual. The duties must include at least the following and any other duties necessary for the proper handling of a particular emergency.

(1) The closing of hatches, airports, watertight doors, vents, scuppers, and valves for intake and discharge lines that penetrate the hull, the stopping of fans and ventilating systems, and the operating of all safety equipment;

(2) The preparing and launching of survival craft and rescue boats;

(3) The extinguishing of fire; and

(4) The mustering of passengers including the following:

(i) Warning the passengers;

(ii) Assembling the passengers and directing them to their appointed stations; and

(iii) Keeping order in the passageways and stairways and generally controlling the movement of the passengers.

(d) The station bill must be posted at the operating station and a conspicuous location in each crew accommodation space.

#### § 122.515 Passenger safety bill.

(a) A passenger safety bill must be posted by the master in each passenger cabin or stateroom on a vessel of more than 19.8 meters (65 feet) in length with

overnight accommodations for more than 49 passengers.

(b) Each passenger safety bill required by this section must list:

(1) The embarkation station and the number and location of the survival craft to which each occupant of the space is assigned;

(2) The fire and emergency signal and the abandon ship signal;

(3) Essential action that must be taken in an emergency; and

(4) If immersion suits are provided for passengers, the location of the suits and illustrated instructions on the method of donning the suits.

#### § 122.516 Life jacket placards.

(a) Placards containing instructions for the donning and use of the life jackets aboard the vessel must be posted in conspicuous places that are regularly accessible and visible to the crew and passengers.

(b) Life jacket placards must be posted in each passenger cabin or stateroom on a vessel of more than 19.8 meters (65 feet) in length with overnight accommodations for more than 49 passengers.

(c) If the cognizant OCMI determines that there is no suitable mounting surface aboard the vessel, the life jacket placards need not be posted but must be carried aboard the vessel and be available to the crew and passengers for familiarization.

#### § 122.518 Inflatable survival craft placards.

(a) Every vessel equipped with an inflatable survival craft must have approved placards or other cards containing instructions for launching and inflating inflatable survival craft for the information of persons on board posted in conspicuous places by each inflatable survival craft.

(b) Under the requirement in § 160.051–6(c)(1) in subchapter Q of this chapter, or other standard specified by the Commandant, the manufacturer of approved inflatable liferafts is required to provide approved placards containing such instructions with each liferaft. Similar placards must be used for other inflatable survival craft.

#### § 122.520 Abandon ship and man overboard drills and training.

(a) The master shall conduct sufficient drills and give sufficient instructions to make sure that all crew members are familiar with their duties during emergencies that necessitate abandoning ship or the recovery of persons who have fallen overboard.

(b) An abandon ship drill must be conducted as follows:

(1) Each member of the crew shall participate in at least one abandon ship drill each month; and

(2) If more than 25% of the crew have not participated in an abandon ship drill on board that particular vessel in the previous month, a drill must be conducted before the vessel gets underway with passengers aboard.

(c) Each abandon ship drill must include:

(1) Summoning the crew to report to assigned stations and prepare for assigned duties;

(2) Summoning passengers on a vessel on an overnight voyage to areas of refuge or embarkation stations and ensuring that they are made aware of how the order to abandon ship will be given;

(3) Checking that life jackets are correctly donned;

(4) Operation of any davits used for launching liferafts; and

(5) Instruction on the automatic and manual deployment of survival craft.

(d) Each abandon ship drill must, as far as practicable, be conducted as if there were an actual emergency.

(e) Each rescue boat required in accordance with § 117.210 of this subchapter must be launched with its assigned crew aboard and maneuvered in the water as if during the actual man overboard situation;

(1) Once each month, if reasonable and practicable; but

(2) At least once within a 3 month period before the vessel gets underway with passengers.

(f) Onboard training in the use of davit launched liferafts must take place at intervals of not more than 3 months on a vessel with a davit launched liferaft.

(g) Abandon ship and man overboard drills and training shall be logged or otherwise documented for review by the Coast Guard upon request. The drill entry shall include the following information:

(1) Date of the drill and training; and  
(2) General description of the drill scenario and training topics.

#### § 122.524 Fire fighting drills and training.

(a) The master shall conduct sufficient fire drills to make sure that each crew member is familiar with his or her duties in case of a fire.

(b) A fire drill must be conducted at least once each month.

(c) Each fire drill must include:

(1) Summoning passengers on a vessel on an overnight voyage to areas of refuge or embarkation stations;

(2) Summoning the crew to report to assigned stations and to prepare for and demonstrate assigned duties; and

(3) Instruction in the use of fire extinguishers and any other fire fighting equipment on board.

(d) Each fire drill must, as far as practicable, be conducted as if there were an actual emergency.

(e) Fire fighting drills and training shall be logged or otherwise documented for review by the Coast Guard upon request. The drill entry shall include the following information:

(1) Date of the drill and training; and  
(2) General description of the drill scenario and training topics.

#### § 122.530 Responsibilities of licensed individuals.

Nothing in the emergency instructions or a station bill required by this subpart exempts any licensed individual from the exercise of good judgment in an emergency situation.

#### Subpart F—Markings Required

##### § 122.602 Hull markings.

(a) This section applies to each vessel that fits into any one of the following categories:

(1) A vessel of more than 19.8 meters (65 feet) in length.

(2) A sailing vessel of more than 19.8 meters (65 feet) in length.

(3) A vessel authorized to carry more than 150 passengers.

(4) A vessel authorized to carry more than 12 passengers on an international voyage.

(5) A vessel with more than 1 deck above the bulkhead deck exclusive of a pilot house.

(b) Each vessel must be marked as required by Part 67 in subchapter G of this chapter.

(c) Each vessel must:

(1) Have permanent draft marks at each end of the vessel; or

(2) Have permanent loading marks placed on each side of the vessel forward, amidships, and aft to indicate the maximum allowable draft and trim.

(d) A loading mark required by paragraph (c)(2) of this section must be a horizontal line of at least 205 millimeters (8 inches) in length and 25 millimeters (1 inch) in height, with its upper edge passing through the point of maximum draft. The loading mark must be painted in a contrasting color to the sideshell paint.

(e) On a vessel that has a load line, the amidships marks required by paragraph (c)(2) of this section will be those required by the 1966 International Load Line Convention.

(f) In cases where draft marks are obscured due to operational constraints or by protrusions, the vessel must be fitted with a reliable draft indicating

system from which the bow and stern drafts can be determined.

(g) On a vessel on which the number of passengers permitted on the upper decks is limited by stability criteria, as indicated by the vessel's stability letter, the maximum number of passengers allowed on an upper deck must be indicated by a durable marking of at least 25 millimeters (1 inch) numbers and letters at the entranceway to each such deck.

#### § 122.604 Lifesaving equipment markings.

(a) The name of a vessel must be marked or painted in clearly legible letters and numbers at least 76 millimeters (3 inches) high:

(1) On each side of the bow of each rescue boat; and

(2) On each life float and buoyant apparatus.

(b) Each life jacket, immersion suit, and ring life buoy must be marked in clearly legible block capital letters with the vessel's name. The marking is not required on a life jacket carried to meet a temporary need for additional life jackets, if the life jacket has the name of another vessel marked on it. For an immersion suit, the name of the person to whom the immersion suit is assigned is an acceptable alternative to the name of the vessel.

(c) The name of the vessel must be marked or painted in clearly legible letters on each Emergency Position Indicating Radiobeacon (EPIRB), except on an EPIRB in an inflatable liferaft.

(d) The number of persons capacity must be marked or painted in clearly legible letters on each side of the bow of each rescue boat in letters and numbers at least 40 millimeters (1.5 inches) high.

(e) The number of persons capacity must be marked or painted in clearly legible letters on each life float and buoyant apparatus in letters and numbers at least 40 millimeters (1.5 inches) high. This number must:

(1) Be the number of persons the device is equipped for; and

(2) Not be greater than the number of persons the device is approved for as shown on the nameplate.

(f) The number and identification of the items stowed inside, and their sizes, must be marked in clearly legible letters and numbers on each container for life jackets and immersion suits.

Identification of the items may be in words, or the appropriate symbols in International Maritime Organization (IMO) Resolution A.760(18), "Symbols Related to Life-Saving Appliances and Arrangements." Letters and numbers must be at least 50 millimeters (2

inches) high. Symbols must be at least 100 millimeters (4 inches) square.

(g) The name of the vessel must be marked or painted in clearly legible letters on each life float paddle.

(h) Each life jacket must be marked with Type I retroreflective material approved in accordance with § 164.018 in subchapter Q of this chapter, or other standard specified by the Commandant. The arrangement of the retroreflective material applied after March 11, 1995 must be as specified by IMO Resolution A.658(16), "Use and Fitting of Retro-Reflective Materials on Life-Saving Appliances."

(i) Each rescue boat ring life buoy must be marked with Type II retroreflective material approved in accordance with § 164.018 in subchapter Q of this chapter, or other standard specified by the Commandant. The arrangement of the retroreflective material applied after March 11, 1996, must be as specified by IMO Resolution A.658(16).

**§ 122.606 Escape hatches and emergency exits.**

All escape hatches and other emergency exits used as means of escape must be marked on both sides in clearly legible letters at least 50 millimeters (2 inches) high: "EMERGENCY EXIT, KEEP CLEAR", unless such markings are deemed unnecessary by the cognizant OCMI.

**§ 122.608 Fuel shutoff valves.**

Remote fuel shutoff stations must be marked in clearly legible letters at least 25 millimeters (1 inch) high indicating purpose of the valve and direction of operations.

**§ 122.610 Watertight doors and watertight hatches.**

Watertight doors and watertight hatches must be marked on both sides in clearly legible letters at least 25 millimeters (1 inch) high: "WATERTIGHT DOOR—KEEP CLOSED" or "WATERTIGHT HATCH—KEEP CLOSED", unless such marking are deemed unnecessary by the cognizant OCMI.

**§ 122.612 Fire protection equipment.**

(a) Complete but simple instructions for the operation of a fixed gas fire extinguishing system must be located in a conspicuous place at or near each pull box and stop valve control and in the space where the extinguishing agent cylinders are stored. If the storage cylinders are separate from the protected space, the instructions must also include a schematic diagram of the system and instructions detailing alternate methods of releasing the

extinguishing agent should the local manual release or stop valve controls fail to operate. Each control valve to a distribution line must be marked to indicate the space served.

(b) An alarm for a fixed gas fire extinguishing system must be clearly and conspicuously marked in clearly legible letters "WHEN ALARMS SOUNDS—VACATE AT ONCE. CARBON DIOXIDE BEING RELEASED." Where a different extinguishing agent is installed, that agent shall be marked in place of "carbon dioxide."

(c) Each distribution line valve of a fixed gas fire extinguishing system and the fire main, must be plainly, conspicuously, and permanently marked indicating the space served.

(d) A manual fire alarm box must be conspicuously marked in clearly legible letters "IN CASE OF FIRE BREAK GLASS".

(e) An alarm for an automatic fire detecting system or a manual alarm system must be conspicuously marked in clearly legible letters "FIRE ALARM".

(f) An alarm for an automatic sprinkler system must be conspicuously marked in cleared legible letters "SPRINKLER ALARM".

(g) An alarm bell for a smoke detecting system must be conspicuously marked in clearly legible letters "SMOKE DETECTION ALARM".

(h) A control cabinet or space containing valves, manifolds, or controls for any fixed gas fire extinguishing system must be conspicuously marked in clearly legible letters "CARBON DIOXIDE FIRE EXTINGUISHING APPARATUS", or as otherwise required by the cognizant OCMI. Where a different extinguishing agent is installed, that agent shall be marked in place of "carbon dioxide."

**§ 122.614 Portable watertight container for distress flares and smoke signals.**

Portable watertight containers for distress flares and smoke signals shall be of a bright color, and containers shall be clearly marked in legible contrasting letters at least 12.7 millimeters (0.5 inches) high: "DISTRESS SIGNALS".

**Subpart G—Operational Readiness, Maintenance, and Inspection of Lifesaving Equipment**

**§ 122.700 Operational readiness.**

(a) Each launching appliance and each survival craft and rescue boat on a vessel must be in good working order and ready for immediately use before the vessel leaves port and at all times when the vessel is underway.

(b) Each deck where survival craft or rescue boats are stowed or boarded must

be kept clear of obstructions that would interfere with the boarding and launching of the survival craft or rescue boat.

**§ 122.702 Maintenance.**

(a) The manufacturer's instructions for inboard maintenance of survival craft, rescue boats, and launching appliances, manufactured on or after March 11, 1996, must be onboard a vessel of more than 19.8 meters (65 feet) in length and readily available for a vessel of not more than 19.8 meters (65 feet) in length. The instructions must also be readily available at each inspection for certification and reinspection.

(b) The owner or managing operator shall ensure that maintenance is carried out in accordance with the instructions required under paragraph (a) of this section.

(c) The cognizant OCMI may accept, instead of the instructions required under paragraph (a) of this section, a shipboard planned maintenance program that includes the items listed in that paragraph.

(d) The inspection and maintenance of the equipment listed in paragraph (a) of this section shall be logged or otherwise documented for review by the Coast Guard upon request.

**§ 122.704 Maintenance of falls.**

(a) Each fall used in a launching appliance on a vessel must be turned end for end at intervals of not more than 30 months.

(b) Each fall must be renewed when necessary due to deterioration or at intervals of not more than 5 years, whichever is earlier.

(c) Each fall must have a corrosion resistant tag with the following permanently marked on it in clearly legible letters:

(1) The date the new fall was installed; and

(2) If the fall has been turned end for end, the date it was turned.

**§ 122.720 Weekly maintenance and inspections.**

The following tests and inspections must be carried out weekly on a vessel:

(a) Each survival craft, rescue boat, and launching appliance must be visually inspected to ensure its readiness for use;

(a) Each rescue boat engine must be run ahead and astern for not less than 3 minutes, unless the ambient temperature is below the minimum temperature required for starting the engine; and

(c) Each battery for rescue boat engine starting must be brought up to full charge at least once each week if:

(1) The battery is of a type that requires recharging; and

(2) The battery is not connected to a device that keeps it continuously charged.

**§ 122.722 Monthly inspections.**

Each survival craft, rescue boat, and launching appliance on a vessel must be inspected monthly, using the manufacturer's instructions, to make sure it is complete and in good order.

**§ 122.724 Quarterly inspections.**

(a) Each winch control apparatus of a launching appliance on a vessel, including motor controllers, emergency switches, master switches, and limit switches, must be examined once in each 3 months.

(b) The examination required by paragraph (a) of this section must include the removal of drain plugs and the opening of drain valves to make sure that enclosures are free of water.

**§ 122.726 Annual inspections.**

(a) Each rescue boat must be stripped, cleaned, thoroughly inspected, and any necessary repairs made, at least once each year, including emptying and cleaning of each fuel tank, and refilling it with fresh fuel.

(b) Each davit, winch, fall and other launching appliance must be thoroughly inspected, and any necessary repairs made, once each year.

(c) Each item of lifesaving equipment with an expiration date must be replacing during the annual inspection and repair if the expiration date has passed.

(d) Each battery used in an item of lifesaving equipment, except inflatable survival craft equipment, must be replaced during the annual inspection if the expiration date of the battery has passed. The expiration date of the battery may be marked on the battery in clearly legible letters or the owner or managing operator may have a record of the expiration date from the manufacturer of a battery marked with a serial number.

(e) Except for a storage battery used in a rescue boat, each battery without an expiration date indicated on it or for which the owner or managing operator does not have a record of the expiration date, used in an item of lifesaving equipment, must be replaced during the annual inspection.

**§ 122.728. Testing and servicing of Emergency Position Indicating Radiobeacons (EPIRB).**

The master of the vessel shall ensure that:

(a) Each EPIRB, other than an EPIRB in an inflatable liferaft, must be tested

monthly, using the integrated test circuit and output indicator, to determine that it is operative;

(b) The EPIRB's battery is replaced after it is used, or before the date required by FCC regulations in 47 CFR Part 80, whichever comes sooner; and

(c) The EPIRB test required by paragraph (a) shall be logged or otherwise documented, as applicable.

**§ 122.730 Servicing of inflatable liferafts, inflatable buoyant apparatus, inflatable life jackets and inflated rescue boats.**

(a) Each inflatable liferaft, inflatable buoyant apparatus, inflatable life jacket, and hybrid inflatable life jacket or work vest must be serviced:

(1) Within 12 months of its initial packing; and

(2) Within 12 months of each subsequent servicing, except when servicing is delayed until the next scheduled inspection of the vessel, provided that the delay does not exceed 5 months.

(b) Each inflatable liferaft and inflatable buoyant apparatus must be serviced:

(1) Whenever the container of the raft is damaged, or the straps or seal are broken; and

(2) In accordance with the servicing procedure under § 160.151 in subchapter Q of this chapter, or other standard specified by the Commandant.

(c) Each inflatable life jacket must be serviced in accordance with the servicing procedure under § 160.176 in subchapter Q of this chapter, or other standard specified by the Commandant.

(d) Each hybrid inflatable life jacket or work vest must be serviced in accordance with the servicing procedure under § 160.077 in subchapter Q of this chapter, or other standard specified by the Commandant.

(e) Repair and maintenance of inflated rescue boats must be in accordance with the manufacturer's instructions. All repairs must be made at a servicing facility approved by the Commandant, except for emergency repairs carried out on board the vessel.

**§ 122.740 Periodic servicing of hydrostatic release units.**

(a) Each hydrostatic release unit, other than a disposable unit, must be serviced:

(1) Within 12 months of its manufacture and within 12 months of each subsequent servicing, except when servicing is delayed until the next scheduled inspection of the vessel, provided that the delay does not exceed 5 months; and

(2) In accordance with the repair and testing procedure under § 160.062 in

subchapter Q of this chapter, or other standard specified by the Commandant.

(b) Each disposable hydrostatic release unit must be marked in clearly legible letters with an expiration date of two years after the date on which the unit is installed.

**Subpart H—Penalties**

**§ 122.900 Penalty for violations.**

Violation of the provisions of this subchapter the violator to the applicable penalty provisions of Subtitle II of Title 46, United States Code.

**§ 122.910 Suspension and revocation.**

An individual holding a license, certificate or registry, or merchant mariner's document who commits an act of misconduct, negligence, or incompetence, or who violates or fails to comply with this subchapter or any other law or regulation intending to promote marine safety, is subject to proceedings under the provisions of 46 U.S.C. 7703 and Part 5 is subchapter A of this chapter with respect to suspension or revocation of a license, certificate, or document.

**PARTS 123–139 [RESERVED]**

**SUBCHAPTERS—SUBDIVISION AND STABILITY**

**PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS**

2. The authority citation for Part 170 is amended to read as follows:

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

**§ 170.001 [Amended]**

3–4. Section 170.001 is amended by removing "January 3, 1984" in paragraphs (a) introducing text and (b) and inserting in its place "March 11, 1996".

5. Section 170.055 is amended by adding two sentences to the end of paragraph (i)(l) and adding paragraph (w) to read as follows:

**§ 170.055 Definitions concerning a vessel.**

\* \* \* \* \*

(i) \* \* \*

(l) \* \* \* For a small passenger vessel which has underwater projections extending forward of the forward-most point or aft of the after-most point on the deepest waterline of the vessel, the Commanding Officer, U.S. Coast Guard Marine Safety Center, may include the length or a portion of the length of the underwater projections in the value used for the LBP for the purposes of this subchapter. The length or a portion of

the length of projections which contribute more than 2 percent of the underwater volume of the vessel is normally added to the actual LBP.

\* \* \* \* \*

(w) "Small passenger vessel" means a vessel of less than 100 gross tons-

(1) carrying more than 6 passengers, including at least one passenger for hire;

(2) that is chartered with the crew provided or specified by the owner or owner's representative and carrying more than 6 passengers;

(3) that is chartered with no crew provided or specified by the owner or owner's representative and carrying more than 12 passengers; or

(4) that is a submersible vessel carrying at least one passenger for hire.

**§ 170.075 [Amended]**

6. Paragraph (b) of § 170.075 is amended by removing the citation "§ 171.030(b)(2)" and adding, in its place, "§ 178.320" and by removing the citation "§ 171.043" and adding, in its place, "§ 179.220".

**§ 170.105 [Amended]**

7. Section 170.105 is amended by removing paragraph (b)(1) and by redesignating paragraphs (b)(2) through (b)(5) as paragraphs (b)(1) through (b)(4), respectively.

8. The heading to part 170, subpart E, is revised to read as follows:

**Subpart E—Weather Criteria**

\* \* \* \* \*

**§ 170.160 [Amended]**

9. Section 170.160 is amended by removing paragraph (b)(1) and by redesignating paragraphs (b)(2) through (b)(4) as paragraphs (b)(1) through (b)(3), respectively.

10. In § 170.170, paragraph (a) is amended by revising the definition of "T" and paragraph (d) is revised to read as follows:

**§ 170.170 Calculations required.**

\* \* \* \* \*

(a) \* \* \*

T=cither:

(1) the lesser of either 14 degrees heel or the angle of heel in degrees at which one-half the freeboard to the deck edge is immersed; or

(2) for a sailing vessel, T = the lesser of either 14 degrees or the angle of heel in degrees to the deck edge.

The deck edge is to be taken as the intersection of the sideshell and the uppermost continuous deck below which the sideshell is weathertight.

\* \* \* \* \*

(d) The criterion specified in this section is complete for flush deck

vessels of ordinary proportion and form that carry cargo below the weather deck. For other types of vessels, calculations in addition to those in paragraph (a) of this section are required. For a vessel under 100 meters (328 feet) in length, other than a tugboat or a towboat, the requirements in § 170.173 apply.

**§ 170.173 [Amended]**

11. In § 170.173, paragraph (b)(2) is amended by removing the word "maximum".

**§ 170.200 [Amended]**

12. In § 170.200, paragraph (a)(2) is amended by replacing the words "Is or ordinary proportions" with "Is of ordinary proportions".

13 and 14. In § 170.265, paragraph (c) is amended by removing the words "dmor sills", and adding the words "door sills" in their place, and paragraph (d) introductory text and (d)(2) are revised to read as follows:

**§ 170.265 Class 3 doors; required locations.**

\* \* \* \* \*

(d) Doors below a deck, the molded line of which, at its lowest point at side, is less than 2.14 meters (7 feet) above the deepest load line if—

(1) \* \* \*

(2) The vessel is required by § 171.065 of this subchapter to have a factor of subdivision of 0.5 or less.

15. In § 170.270, paragraph (e) is revised to read as follows:

**§ 170.270 Door design, operation, installation, and testing.**

\* \* \* \* \*

(e) For each watertight door which is in a required subdivision bulkhead, an indicator light must be installed in the pilothouse and at each other vessel operating station from which the door is not visible. The indicator must show whether the door is open or closed.

**PART 171—SPECIAL RULES PERTAINING TO VESSELS CARRYING PASSENGERS**

16. The authority citation for Part 171 is revised to read as follows:

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

17–18. Section 171.001 is amended by revising paragraph (a) to read as follows:

**§ 171.001 Applicability**

(a) This part applies to passenger vessels inspected under subchapter K or H of this chapter.

\* \* \* \* \*

19. Section 171.010 is amended by revising paragraphs (a), (d)(1) and (d)(3),

and redesignating paragraphs (e) through (k) and paragraphs (l), (m) and (n) as (f) through (l), (n), (p) and (q), respectively, and by adding paragraphs (e), (m), and (o) to read as follows:

**§ 171.010 Definitions.**

(a) "Cockpit" means an exposed recess in the weather deck extending no more than one-half of the vessel's length over deck (LOD) measured over the weather deck.

\* \* \* \* \*

(d) \* \* \*

(1) Operates in other than ocean or coastwise service;

\* \* \* \* \*

(3) Operates on a short run on a frequent schedule between two points over the most direct water route;

\* \* \* \* \*

(e) "Freeing port" means any direct opening through the vessel's bulwark or hull to quickly drain overboard water which has been shipped on exposed decks.

\* \* \* \* \*

(m) "Small passenger vessel" means a vessel of less than 100 gross tons—

(1) carrying more than 6 passengers, including at least one passenger for hire;

(2) that is chartered with the crew provided or specified by the owner or owner's representative and carrying more than 6 passengers;

(3) that is chartered with no crew provided or specified by the owner or owner's representative and carrying more than 12 passengers; or

(4) that is a submersible vessel carrying at least one passenger for hire.

\* \* \* \* \*

(o) "Scupper" means a pipe or tube of at least 30 millimeters (1.25 inches) in diameter leading down from a deck or sole and through the hull to drain water overboard.

\* \* \* \* \*

**Subpart B—[Removed and reserved]**

20. Subpart B consisting of §§ 171.020 through 171.043, is removed and reserved.

21. Paragraphs (a) and (b) of § 171.057 are amended by revising the equation, and the definitions in each paragraph to read as follows:

**§ 171.057 Intact stability requirements for a sailing catamaran.**

(a) \* \* \*

$$\frac{0.1(W)B}{(As)(Hc)} \geq X$$

Where—

B=the distance between hull centerlines in meters (feet).

As=the maximum sail area in square meters (square feet).  
 Hc=the height of the center of effort of the sail area above the deck, in meters (feet).  
 W=the total displacement of the vessel, in kilograms (pounds).  
 X=4.88 kilograms/square meter (1.0 pounds/square foot).  
 (b) \* \* \*

$$\frac{0.1(W)B}{(As)(Hc)} \geq X$$

Where—

B=the distance between hull centerlines in meters (feet).  
 As=the maximum sail area in square meters (square feet).  
 Hc=the height of the center of effort of the sail area above the deck, in meters (feet).  
 W=the total displacement of the vessel, in kilograms (pounds).  
 X=7.32 kilograms/square meter (1.5 pounds/square foot).  
 22. In § 171.085, paragraphs (a), (h)(1), and (j)(2) are revised to read as follows:

**§ 171.085 Collision bulkhead.**

(a) Paragraphs (b) through (g) of this section apply to each vessel of 100 gross tons or more and paragraphs (h) through (j) of this section apply to each vessel that is less than 100 gross tons.

\* \* \* \* \*

(h) \* \* \*

(1) Must extend to the deck above the bulkhead deck if in ocean service as defined in § 170.050(f) of this chapter or to the bulkhead deck if in service on other waters.

\* \* \* \* \*

(j) \* \* \*

(1) \* \* \*

(2) No more than 15 percent of the LBP from the forward perpendicular if the space forward of the collision bulkhead is not subject to damage stability requirements and at any location aft of the location described in paragraph (j)(1) of this section if the space forward of the collision bulkhead is subject to damage stability requirements.

**§ 171.110 [Amended]**

23. Section 171.110 is amended by removing paragraph (b) and by

removing the paragraph designation “(a)”.

**§ 171.114 [Removed]**

24. Section 171.114 is removed.

**§ 171.115 [Amended]**

25. Section 171.115 is amended by removing paragraph (b) and by removing the paragraph designation “(a)”.

**§ 171.119 [Removed]**

26. Section 171.119 is removed.  
 27. Section 171.120 is revised to read as follows:

**§ 171.120 Specific applicability.**

A vessel of at least 100 gross tons must comply with § 171.122.

28. Section 171.122, paragraph (f)(1), is revised to read as follows:

**§ 171.122 Watertight integrity above the margin line in a vessel of 100 gross tons or more.**

\* \* \* \* \*

(f) \* \* \*

(1) Have a coaming that complies with the height requirements in Table 171.122; and

\* \* \* \* \*

**Table 171.124 [Redesignated as Table 171.122]**

29. Table 171.124 is redesignated Table 171.122.

**§ 171.124 [Removed]**

30. Section 171.124 is removed.

**§ 171.130 [Amended]**

31. Section 171.130 is amended by removing paragraph (b) and by removing the paragraph designation “(a)”.

**§§ 171.140, 171.145, 171.150, and 171.155 [Removed]**

32. Sections 171.140, 171.145, 171.150 and 171.155 are removed.

**PART 173—SPECIAL RULES PERTAINING TO VESSEL USE**

33. The authority citation for Part 173 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 2113, 3306, 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

34. In § 173.005 paragraph (b) is revised to read as follows:

**§ 173.005 Specific applicability.**

\* \* \* \* \*

(b) Has a maximum heeling moment due to hook load greater than or equal to—

(0.67)(W)(GM)(F/B) in meter-metric tons (foot-long tons), where—

W=displacement of the vessel with the hook load included in metric (long) tons.

GM=metacentric height with hook load included in meters (feet).

F=freeboard to the deck edge amidships in meters (feet).

B=beam in meters (feet).

35. In § 173.020, the introductory text in paragraph (c) is revised to read as follows:

**§ 173.020 Intact stability standards: Counterballasted and non-counterballasted vessels.**

\* \* \* \* \*

(c) If the vessel's hull proportions fall within all three of the following limits, in lieu of complying with paragraph (b) of this section, the vessel owner may demonstrate in the presence of the OCMI that the vessel will not heel beyond the limits specified in paragraph (d) of this section:

(l) \* \* \*

36. In § 173.025, paragraphs (b) and (c) and Graph 173.025 are revised to read as follows:

**§ 173.025 Additional intact stability standards: Counterballasted vessels.**

\* \* \* \* \*

(b) When doing the calculations required by this section, the hook load and counterballast heeling arms and vessel righting arms, as plotted on graph 173.025, must define areas that satisfy the following equation:

$$\text{Area II} > \text{Area I} + K$$

Where—

\* \* \* \* \*

(c) Each heeling arm curve must be defined by—

$$HA = HAO \cos(T)$$

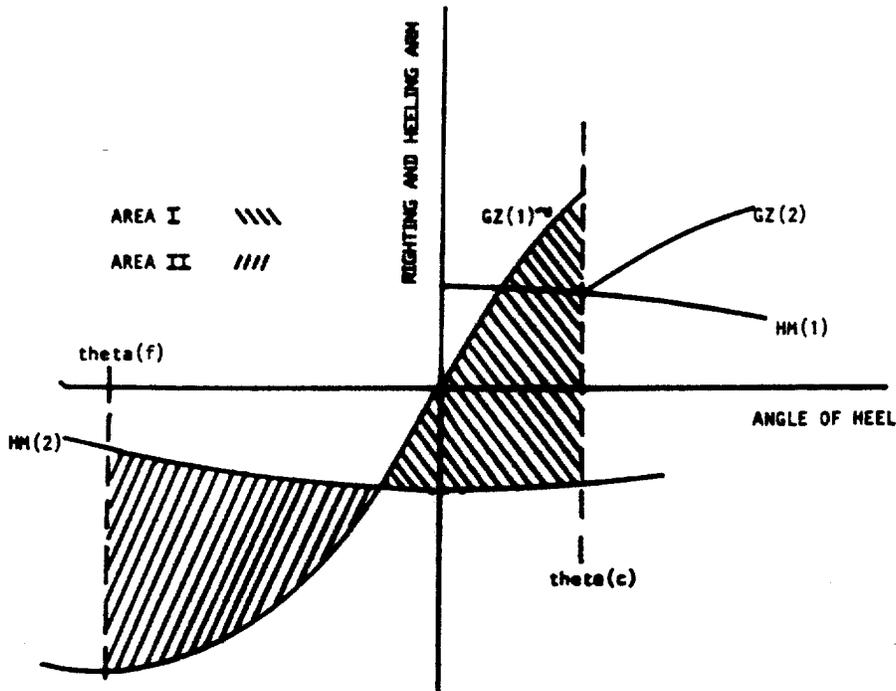
Where—

HA=heeling arm.

HAO=heeling arm at 0 degrees of heel.

T=angle of heel.

GRAPH 173.025



BILLING CODE 4910-14-C

Where—

GZ(1) is the righting arm curve at the displacement corresponding to the vessel without hooking load.

GZ(2) is the righting arm curve at the displacement corresponding to the vessel with hook load.

HA(1) is the heeling arm curve due to the combined heeling moments of the

hook load and the counterballast at the displacement with hook load.

HA(2) is the heeling arm due to the counterballast at the displacement without hook load.

Theta(c) is the angle of static equilibrium due to the combined hook load and counterballast heeling moments.

Theta(f) is the downflooding angle on the counterballasted side of the vessel.

§§ 173.054, 173.063 [Amended]

37. The cited sections or paragraphs of part 173 listed in Column 1 of the following table, are amended by removing the existing reference, listed in Column 2, in the cited section or paragraph and adding in its place the new reference listed in Column 3.

Column 1, cite	Column 2, existing reference	Column 3, new reference
173.054(a)(1) .....	171.040(a)(1) .....	179.210(a) of this chapter.
173.054(b)(1) .....	171.040(a)(1) .....	179.210(a) of this chapter.
173.054(b)(1) .....	171.043 .....	179.220 of this chapter.
173.063(a) .....	171.035 .....	170.170, 171.050, and 171.055 of this chapter.
173.063(d) .....	171.035(d) through (h).	178.300 & 178.310 of this chapter.

§§ 173.059, 173.060, 173.061, 173.062 [Amended]

38. The cited sections or paragraphs of part 173 listed in column 1 of this paragraph, are amended by adding the corresponding phrase, listed in Column 2, to the end of this cited section or paragraph.

Column 1, cited	Column 2, new phrase
173.059 .....	"Or §§ 179.320, 179.330, and 179.340 in subchapter T of this chapter."

Column 1, cited	Column 2, new phrase
173.060(a) ...	"Or § 179.350 in subchapter T of this chapter."
173.061 .....	"Or § 360 in subchapter T of this chapter."
173.062 .....	"Or Subpart D of Part 178 in subchapter T of this chapter."

39. Subchapter T is revised to read as follows:

- Part
- 175 General provisions
- 176 Inspection and certification
- 177 Construction and arrangement
- 178 Intact stability and seaworthiness
- 179 Subdivision, damage stability, and watertight integrity
- 180 Lifesaving equipment and arrangements
- 181 Fire protection equipment
- 182 Machinery installation
- 183 Electrical installation
- 184 Control and miscellaneous systems
- 185 Operations

**PART 175—GENERAL PROVISIONS**

- Sec.
- 175.100 Purpose.
- 175.110 General applicability.
- 175.112 Specific applicability for individual parts.
- 175.120 Vessels on an international voyage.
- 175.122 Load lines.
- 175.200 Gross tonnage as a criterion for requirements.
- 175.400 Definitions of terms used in this subchapter.
- 175.540 Equivalents.
- 175.550 Special consideration.
- 175.560 Appeals.
- 175.600 Incorporation by reference.
- 175.800 Approved equipment and material.
- 175.900 OMB control numbers.

Authority: 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. App. 1804; 49 CFR 1.45, 1.46; 175.900 also issued under authority of 44 U.S.C. 3507.

**§ 175.100 Purpose.**

The purpose of this subchapter is to implement applicable sections of Subtitle II of Title 46, United States

Code, which require the inspection and certification of small passenger vessels.

**§ 175.110 General applicability.**

(a) Except as provided in paragraphs (b) and (c) of this section, this subchapter applies to each vessel of less than 100 gross tons that carries more than six passengers.

(b) A vessel of less than 100 gross tons must comply with subchapter K of this chapter if it is:

(1) A vessel that carries more than 150 passengers;

(2) A vessel with overnight accommodations for more than 49 passengers; or

(3) A vessel of more than 61 meters (200 feet) in length that carries more than six passengers.

(c) This subchapter does not apply to:

(1) A vessel operating exclusively on inland waters that are not navigable waters of the United States;

(2) An oceanographic research vessel;

(3) A boat forming part of a vessel's lifesaving equipment and that is not

used for carrying passengers except in emergencies or during emergency drills;

(4) A vessel of a foreign country that is a party to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), to which the United States Government is currently a party, and that has on board a current valid SOLAS Passenger Ship Safety Certificate; or

(5) A vessel of a foreign country, whose government has inspection laws approximating those of the United States and that by its laws accords similar privileges to vessels of the United States, which has on board a current valid certificate of inspection, permitting the carrying of passengers, issued by its government.

(d) The relationship between this subchapter and other subchapters pertaining to the inspection and certification of small passenger vessels is provided in the table below, which shows the breakpoints between subchapters T, K, and K' of this chapter.

TABLE 175.110(d)

Subchapter T	Subchapter K	Subchapter K <sup>1</sup>
≤150 passengers or overnight accommodations for ≤49 passengers and ≤61 meters (200 feet).	151–600 passengers or overnight accommodations for 50–150 passengers and ≤61 meters (200 feet).	≥601 passengers or overnight accommodations for ≥151 passengers or >61 meters (200 feet).

<sup>1</sup> Vessels in this category are small passenger vessels (passenger vessels less than 100 GT) but are required to comply with Parts 72 and 76 of subchapter H, Parts 114, 115, 117, 121 of subchapter K, and the applicable requirements of subchapters F and J.

**§ 175.112 Specific applicability for individual parts.**

At the beginning of certain parts of this subchapter, a more specific application is given for all or particular portions of that part. This application sets forth the type, size, service, or age of a vessel to which certain portions of that part apply or particular dates by which an existing vessel must comply with certain portions of that part.

**§ 175.120 Vessels on an international voyage.**

A mechanically propelled vessel that carries more than 12 passengers on an international voyage must comply with the applicable requirements of SOLAS, as well as this subchapter.

**§ 175.122 Load lines.**

A vessel of 24 meters (79 feet) in length or more, the keel of which was laid or that was at a similar stage of construction on or after July 21, 1968, and that is on a voyage other than a domestic voyage is subject to load line assignment, certification, and marking under suchapter E (Load Lines) of this chapter.

**§ 175.200 Gross tonnage as criterion for requirements.**

(a) The regulations in this subchapter take into account a vessel's length, passenger capacity, construction, equipment, intended service, and operating area. The criterion for application of this subchapter is the gross tonnage of the vessel. When the Commandant determines that the gross tonnage of a particular vessel, which is attained by exemptions, reductions, or other devices in the basic gross tonnage formulation, will circumvent or be incompatible with the application of specific regulations for a vessel of such physical size, the Commandant will prescribe the regulations to be made applicable to the vessel.

(b) When the Commandant determines that the gross tonnage is not a valid criterion for the use of certain regulations based on the relative size of the vessel, the owner will be informed of the determination and of the regulations applicable to the vessel. The vessel must be brought into compliance with all additional requirements before a Certificate of Inspection is issued.

**§ 175.400 Definitions of terms used in this subchapter.**

The following terms are used in this subchapter:

*Accommodation space* means a space (including a space that contains a microwave oven or other low heat appliance with a maximum heating element temperature of less than 121°C (250°F)) used as a:

- (1) Public space;
  - (2) Hall;
  - (3) Dining room and mess room;
  - (4) Lounge or cafe;
  - (5) Public sales room;
  - (6) Overnight accommodation space;
  - (7) Barber shop or beauty parlor;
  - (8) Office of conference room;
  - (9) Washroom or toilet space;
  - (10) Medical treatment room or dispensary; or
  - (11) Game or hobby room.
- “Beam” or “B” means the maximum width of a vessel from:

- (1) Outside of planking to outside of planking on wooden vessels; and
- (2) Outside of frame to outside of frame on all other vessels.

*Bulbous bow* means a design of bow in which the forward underwater frames ahead of the forward perpendicular are

swelled out at the forefoot into a bulbous formation.

*Bulkhead deck* means the uppermost deck to which watertight bulkheads and the watertight shell extend.

*Cable* means single or multiple insulated conductors with an outer protective jacket.

*Cargo space* means a:

(1) *Cargo space* means a:

(1) Cargo hold;

(2) Refrigerated cargo space;

(3) A trunk leading to or from a space listed above; or

(4) A vehicle space.

*Coast Guard District Commander or District Commander* means an officer of the Coast Guard designated as such by the Commandant to command Coast Guard activities within a district.

*Coastwise* means a route that is not more than 20 nautical miles offshore on any of the following waters:

(1) Any ocean;

(2) The Gulf of Mexico;

(3) The Caribbean Sea;

(4) The Bering Sea;

(5) The Gulf of Alaska; or

(6) Such other similar waters as may be designated by a Coast Guard District Commander.

*Cockpit vessel* means a vessel with an exposed recess in the weather deck extending not more than one-half of the length of the vessel measured over the weather deck.

*Cold water* means water where the monthly mean low water temperature is normally 15 degrees Celsius (59 degrees Fahrenheit) or less.

*Commandant* means the Commandant of the Coast Guard or an authorized Headquarters staff officer designated in § 1.01 of this chapter.;

*Consideration* means an economic benefit, inducement, right, or profit including pecuniary payment according to an individual, person, or entity, but not including a pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies.

*Corrosion-resistant material or corrosion-resistant* means made of one of the following materials in a grade suitable for its intended use in a marine environment:

(1) Silver;

(2) Cooper;

(3) Brass;

(4) Bronze;

(5) Aluminum alloys with a copper content of no more than 0.4 percent;

(6) Cooper-nickel;

(7) Plastics;

(8) Stainless steel;

(9) Nickel-copper; or

(10) A material, which when tested in accordance with ASTM B-117 for 200 hours, does not show pitting, cracking, or other deterioration.

*Crew accommodation space* means an accommodation space designated for the use of crew members and that passengers are normally not allowed to occupy.;

*Custom engineered* means, when referring to a fixed gas fire extinguishing system, a system that is designed for a specific space requiring individual calculations for the extinguishing agent volume, flow rate, piping, and similar factors for the space.

*Dead cover* means a metal cover to close or protect a port light to avoid glass breakage in case of heavy weather.

*Distribution panel* means an electrical panel that receives energy from the switchboard and distributes the energy to energy consuming devices or other panels.;

*Draft* means the vertical distance from the molded baseline of a vessel amidships to the waterline.;

*Drip-proof* means enclosed equipment so constructed or protected that falling drops of liquid or solid particles striking the enclosure at any angle from 0 to 15 degrees downward from the vertical do not interfere with the operation of the equipment. A National Electrical Manufacturers Association type 1 enclosure with a dripshield is considered to be drip-proof.

*Embarkation station* means the place on the vessel from which a survival craft is boarded.

*Enclosed space* means a compartment that is not exposed to the atmosphere when all access and ventilation closures are secured.

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

*Exposed waters* is a term used in connection with stability criteria and means:

(1) Waters, except the Great Lakes, more than 20 nautical miles from a harbor of safe refuge;

(2) Those portions of the Great Lakes more than 20 nautical miles from a harbor of safe refuge from October 1 of one year through April 15 of the next year (winter season); and

(3) Those waters less than 20 nautical miles from a harbor of safe refuge that the cognizant Officer in Charge, Marine Inspection, determines are not partially protected waters or protected waters because they present special hazards due to weather or other circumstances.

*Ferry* means a vessel that:

(1) Operates in other than ocean or coastwise service;

(2) Has provisions only for deck passengers or vehicles, or both;

(3) Operates on a short run on a frequent schedule between two points over the most direct water route; and

(4) Offers a public service of a type normally attributed to a bridge or tunnel.

*Fiber reinforced plastic* means plastics reinforced with fibers or strands of some other material.

*Flash point* means the temperature at which a liquid gives off a flammable vapor when heated using the Pensky-Martens Closed Cup Tester method in accordance with ASTM D-93.

*Float-free launching or arrangement* means that method of launching a survival craft whereby the survival craft is automatically released from a sinking vessel and is ready for use.

*Flush deck vessel* means a vessel with a continuous weather deck located at the uppermost sheer line of the hull.

*Freeing port* means any direct opening through the vessel's bulwark or hull to quickly drain overboard water that has been shipped on exposed decks.

*Galley* means a space containing appliances with cooking surfaces that may exceed 121° C (250° F), such as ovens, griddles, and deep fat fryers.

*Great Lakes* means a route on the waters of any of the Great Lakes, except that for the purposes of Parts 178 and 179 of this subchapter, "Great Lakes" means both the waters of the Great Lakes and of the St. Lawrence River as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island, and west of a line along the 63rd meridian from Anticosti Island to the north shore of the St. Lawrence River.

*Gross tonnage and gross tons* is an indicator of a vessel's approximate volume as determined in accordance with Part 69 (Measurement of Vessels) of this chapter and recorded on the vessel's Tonnage Certificate (formerly Certificate of Admeasurement).

*Harbor of safe refuge* means a port, inlet, or other body of water normally sheltered from heavy seas by land and in which a vessel can navigate and safely moor. The suitability of a location as a harbor of safe refuge shall be determined by the cognizant Officer in Charge, Marine Inspection, and varies for each vessel, dependent on the vessel's size, maneuverability, and mooring gear.

*Hazardous condition* means any condition that could adversely affect the safety of any vessel, bridge, structure or shore area or the environmental quality of any port, harbor, or navigable water of the United States. This condition could include but is not limited to, fire, explosion, grounding, leaking, damage, illness of a person on board, or a manning shortage.

*High seas* means all waters that are neither territorial seas (the waters in a belt 3 nautical miles wide, that is adjacent to the coast and seaward of the territorial sea baseline) nor internal waters of the United States or of any foreign country.

*High Speed Craft* means a craft that is operable on or above the water and that has characteristics so different from those of conventional displacement ships, to which the existing international conventions, particularly SOLAS, apply, that alternative measures should be used to achieve an equivalent level of safety. Within the aforementioned generality, a craft that complies with the following characteristics would be considered a high speed craft:

The craft is capable of a maximum speed equal to or exceeding:  $V = 3.7 \times \text{Displ}^{1/667}$

Where V is the maximum speed and Displ is the vessel displacement corresponding to the design waterline in cubic meters.

*Independent laboratory* means a laboratory accepted under Part 159, Subpart 159.010 of this chapter.

*Inflatable survival craft* or "inflatable life jacket" means one that depends upon nonrigid, gas-filled chambers for buoyancy, and which is normally kept uninflated until ready to use.

*International voyage* means a voyage between a country to which SOLAS applies and a port outside that country. A country, as used in this definition, includes every territory for the international relations of which a contracting government to the convention is responsible or for which the United Nations is the administering authority. For the U.S., the term "territory" includes the Commonwealth of Puerto Rico, all possessions of the United States, and all lands held by the United States under a protectorate or mandate. For the purposes of this subchapter, vessels are not considered as being on an "international voyage" when solely navigating the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.

"Lakes, bays, and sounds" means a route on any of the following waters:

- (1) A lake other than the Great Lakes;
- (2) A bay;
- (3) A sound; or
- (4) Such other similar waters as may be designated by a Coast Guard District Commander.

*Launching appliance* means a device for transferring a survival craft or rescue boat from its stowed position safely to

the water. For a launching appliance using a davit, the term includes the davit, winch, and falls.

*Length* when used in terms of the vessel's length (excluding bow sprits, bumpkins, rudders, outboard motor brackets, handles, and other similar fittings, attachments, and extensions), means:

(1) The length listed on the vessel's Certificate of Documentation issued under the provisions of Part 67 (Documentation of Vessels) of this chapter or Certificate of Number issued under the provisions of 33 CFR Part 173, Subpart B (Numbering); or

(2) For a vessel that does not have a Certificate of Documentation or a Certificate of Number, the "registered length" as defined in § 69.53 in subchapter G of this chapter or, for a vessel that is less than 24 meters (79 feet) in overall length and is measured using simplified admeasurement, the registered length as defined in § 69.203 in subchapter G of this chapter; or

(3) For the purposes of Part 179 in subchapter S, the "length" of a vessel with a bulbous bow means the larger of the length as defined in the first paragraph of this definition or the straight line horizontal measurement from the forwardmost tip of the bulbous bow to the aftermost part of the vessel measured parallel to the centerline.

*Length between perpendiculars* or *LBP* means the horizontal distance measured between perpendiculars taken at the forwardmost and aftermost points on the waterline corresponding to the deepest operating draft.

*Limited coastwise* means a route that is not more than 20 nautical miles from a harbor of safe refuge.

*Machinery space* means a space including a trunk, alleyway, stairway, or duct to such a space, that contains:

- (1) Propulsion machinery of any type;
- (2) Steam or internal combustion machinery;
- (3) Oil transfer equipment;
- (4) Electrical motors of more than 10 hp;
- (5) Refrigeration equipment;
- (6) One or more oil-fired boilers or heaters; or
- (7) Electrical generating machinery.

*Main transverse watertight bulkhead* means a transverse bulkhead that must be maintained watertight in order for the vessel to meet the damage stability and subdivision requirements of this subchapter.

*Major conversion* means a conversion of a vessel that, as determined by the Commander:

- (1) Substantially changes the dimensions or carrying capacity of the vessel;

(2) Changes the type of vessel;

(3) Substantially prolongs the life of the vessel; or

(4) Otherwise so changes the vessel that it is essentially a new vessel.

*Marine inspector* or *inspector* means any civilian employee or military member of the Coast Guard assigned by an Officer in Charge, Marine Inspection, or the Commandant to perform duties with respect to the inspection, enforcement, and administration of vessel safety and navigation laws and regulations.

*Master* means the individual having command of the vessel and who is the holder of a valid license that authorized the individual to serve as master of a smaller passenger vessel.

*Means of escape* means a continuous and unobstructed way of exit travel from any point in a vessel to an embarkation station. A means of escape can be both vertical and horizontal, and includes doorways, passageways, stairways, stair towers, stairways, and public spaces. Cargo spaces, machinery spaces, auxiliary machinery spaces, rest rooms, hazardous areas determined by the cognizant OCMI, escalators, and elevators must not be any part of a means of escape. It consists of three distinct components.

- (1) The exit access;
- (2) The exit; and
- (3) The exit discharge.

*New vessel* means a vessel:

- (1) The initial construction of which began on or after March 11, 1996;
- (2) Which was issued an initial Certificate of Inspection on or after September 11, 1996.

(3) Which underwent a major conversion that was initiated on or after March 11, 1996; or

(4) Which underwent a major conversion that was completed and for which an amended Certificate of Inspection was issued on or after September 11, 1996.

*Noncombustible material* means any material approved in accordance with § 164.009 in subchapter Q, of this chapter or other standard specified by the Commandant.

*Non-self-propelled vessel* means a vessel that does not have installed means of propulsion, including propulsive machinery, masts, spars, or sails.

*Oceans* means a route that is more than 20 nautical miles offshore on any of the following waters:

- (1) Any ocean;
- (2) The Gulf of Mexico;
- (3) The Caribbean Sea;
- (4) The Bering Sea;
- (5) The Gulf of Alaska; or

(6) Such other similar waters as may be designated by a Coast Guard District Commander.

*Officer In Charge, Marine Inspection*, or "OCMI" means an officer of the Coast Guard designated as such by the Commandant and who, under the direction of the Coast Guard District Commander, is in charge of a marine inspection zone, described in Part 1 of this chapter, for the performance of duties with respect to the inspection, enforcement, and administration of vessel safety and navigation laws and regulations. The "cognizant OCMI" is the OCMI that has immediate jurisdiction over a vessel for the purpose of performing the duties previously described.

*Open boat* means a vessel not protected from entry of water by means of a complete weathertight deck, or by a combination of a partial weathertight deck and superstructure that is structurally suitable for the waters upon which the vessel operates.

*Open deck* means a deck that is permanently open to the weather on one or more sides and, if covered, any spot on the overhead is less than 4.5 meters (15 feet) from the nearest opening to the weather.

*Open to the atmosphere* means a compartment that has at least 9,375 square millimeters (15 square inches) of open area directly exposed to the atmosphere for each cubic meter (foot) of net compartment volume.

*Operating station* means the principal steering station on the vessel from which the individual on duty normally navigates the vessel.

*Overnight accommodations or overnight accommodation space* means an accommodation space for use by passengers or by crew members, which has one or more berths, including beds or bunks, for passengers or crew members to rest for extended periods. Staterooms, cabins, and berthing areas are normally overnight accommodation spaces. Overnight accommodations do not include spaces that contain only seats, including reclining seats.

*Partially enclosed space* means a compartment that is neither open to the atmosphere nor an enclosed space.

*Partially protected waters* is a term used in connection with stability criteria and means:

- (1) Waters not more than 20 nautical miles from the mouth of a harbor of safe refuge, unless determined by the cognizant OCMI to be exposed waters;
- (2) Those portions of rivers, estuaries, harbors, lakes, and similar waters that the cognizant OCMI determines not to be protected waters; and

(3) Waters of the Great Lakes from April 16 through September 30 of the same year (summer season).

*Passenger* means an individual carried on a vessel, except:

- (1) The owner or an individual representative of the owner, or in the case of a vessel under charter, an individual charterer or individual representative of the charterer;
- (2) The master; or
- (3) A member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services.

*Passenger accommodation space* means an accommodation space designated for the use of passengers.

*Passenger for hire* means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

*Pilothouse control* means that controls to start and stop the engines and control the direction and speed of the propeller of the vessel are located at the operating station.

*Piping system* includes piping, fittings, and appurtenances as described in § 56.07-5 in subchapter F of this chapter.

*Port light* means a hinged glass window, generally circular, in a vessel's side or deckhouse for light and ventilation.

*Protected waters* is a term used in connection with stability criteria and means sheltered waters presenting no special hazards such as most rivers, harbors, and lakes, and that is not determined to be exposed waters or partially protected waters by the cognizant OCMI.

*Pre-engineered* means, when referring to a fixed gas fire extinguishing system, a system that is designed and tested to be suitable for installation without modification as a complete unit in a space of a set volume, regardless of the specific design of the vessel on which it is installed.

*Rivers* means a route on any of the following waters:

- (1) A river;
- (2) A canal; or
- (3) Such other similar waters as may be designated by a Coast Guard District Commander.

*Sailing vessel* means a vessel principally equipped for propulsion by sail even if the vessel has an auxiliary means of propulsion.

*Scantlings* means the dimensions of all structural parts such as frames, girders, and plating, used in building a vessel.

*Scupper* means a pipe or tube of at least 30 millimeters (1.25 inches) in diameter leading down from a deck or sole and through the hull to drain water overboard.

*Self-bailing cockpit* means a cockpit, with watertight sides and floor (sole), which is designed to free itself of water by gravity drainage through scuppers.

*Ship's service loads* means services necessary for maintaining the vessel in normal operational and habitable conditions. These loads include, but are not limited to, safety, lighting, ventilation, navigational, and communications loads.

*Short international voyage* means an international voyage where:

- (1) The vessel is not more than 200 nautical miles from a port or place in which the passengers and crew could be placed in safety; and
- (2) The total distance between the last port of call in the country in which the voyage began and the final port of destination does not exceed 600 nautical miles.

*Stairway* means an inclined means of escape between two decks.

*Steel or equivalent material* means steel or any noncombustible material that, by itself or due to insulation provided, has structural and integrity properties equivalent to steel at the end of the standard fire test.

*Survival craft* means a lifeboat, rigid liferaft, inflatable liferaft, life float, inflatable buoyant apparatus, buoyant apparatus, or a small boat carried aboard a vessel in accordance with § 180.200(b) of this subchapter.

*Switchboard* means an electrical panel that receives power from a generator, battery, or other electrical power source and distributes power directly or indirectly to all equipment supplied by the generating plant.

*Trunk* means a vertical shaft or duct for the passage of pipes, wires, or other devices except that for the purposes of Part 179 of this chapter, "trunk" means a large enclosed passageway through any deck or bulkhead of a vessel.

*Vehicle space* means a space not on an open deck, for the carriage of motor vehicles with fuel in their tanks, into and from which such vehicles can be driven and to which passengers have access.

*Vessel* includes every description of watercraft or other artificial contrivance, used or capable of being used as a means of transportation on water.

*Vessel of the United States* means a vessel documented or numbered under the laws of the United States, the states of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern

Mariana Islands, and any other territory or possession of the United States.

*Warm water* means water where the monthly mean low water temperature is normally more than 15 degrees Celsius (59 degrees Fahrenheit).

*Watertight* means designed and constructed to withstand a static head of water without any leakage, except that "watertight" for the purposes of electrical equipment means enclosed so that water does not enter the equipment when a stream of water from a hose with a nozzle one inch in diameter that delivers at least 246 liters (65 gallons) per minute is sprayed on the enclosure from any direction from a distance of ten feet for five minutes.

*Weather deck* means a deck that is partially or completely exposed to the weather from above or from at least two sides, except that for the purposes of Parts 178 and 179 in subchapter S, "weather deck" means the uppermost deck exposed to the weather to which a weathertight sideshell extends.

*Weathertight* means that water will not penetrate in any sea condition, except that "weathertight equipment" means equipment constructed or protected so that exposure to a beating rain will not result in the entrance of water.

*Well deck vessel* means a vessel with a weather deck fitted with solid bulwarks that impede the drainage of water over the sides or a vessel with an exposed recess in the weather deck extending more than one-half of the length of the vessel measured over the weather deck.

*Wire* means an individual insulated conductor without an outer protective jacket.

*Work space* means a space, not normally occupied by a passenger, in which a crew member performs work

and includes, but is not limited to, a galley, operating station, or machinery space.

**§ 175.540 Equivalents.**

(a) The Commandant may approve any arrangement, fitting, appliance, apparatus, equipment, calculation, information, or test, which provides a level of safety equivalent to that established by specific provisions of this subchapter. Requests for approval must be submitted to the Marine Safety Center via the cognizant OCMI. If necessary, the Marine Safety Center may require engineering evaluations and tests to demonstrate the equivalence of the substitute.

(b) The Commandant may accept compliance by a high speed craft with the provisions of the pending International Maritime Organization (IMO) "Code of Safety for High Speed Craft" as an equivalent to compliance with applicable requirements of this subchapter. Requests for a determination of equivalency for a particular vessel must be submitted to the Marine Safety Center via the cognizant OCMI.

(c) The Commandant may approve a novel lifesaving appliance or arrangement as an equivalent if it has performance characteristics at least equivalent to the appliance or arrangement required under this part, and:

(1) Is evaluated and tested under IMO Resolution A. 520(13), "Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-Saving Appliances and Arrangements"; or

(2) Has successfully undergone an evaluation and tests that are substantially equivalent to those recommendations.

**§ 175.550 Special consideration.**

In applying the provisions of this subchapter, the OCMI may give special consideration to authorizing departures from the specific requirements when unusual circumstances or arrangements warrant such departures and an equivalent level of safety is provided. The OCMI of each marine inspection zone in which the vessel operates must approve any special consideration granted to a vessel.

**§ 175.560 Appeals.**

Any person directly affected by a decision or action taken under this subchapter, by or on behalf of the Coast Guard, may appeal therefrom in accordance with § 1.03 in subchapter A of this chapter.

**§ 175.600 Incorporation by reference.**

(a) Certain material is incorporated by reference into this subchapter with the approval of the Director of the Federal Register in accordance with Title 5 United States Code (U.S.C.) 552(a) and Title 1 Code of Federal Regulations (CFR) Part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish a notice of change in the Federal Register and make the material available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Standards Evaluation and Development Division (G-MES), 2100 Second Street SW., Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section.

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

American Boat and Yacht Council (ABYC), 3069 Solomon's Island Rd., Edgewater, MD 21037

A-1-93—Marine Liquefied Petroleum Gas (LPG) Systems .....	184.240
A-3-93—Galley Stoves .....	184.200
A-7-70—Boat Heating Systems .....	184.200
A-16-89—Electric Navigation Lights .....	183.130
A-22-93—Marine Compressed Natural Gas (CNG) Systems .....	184.240
E-8-94—Alternating Current (AC) Electrical Systems on Boats .....	183.130
E-9-90—Direct Current (DC) Electrical Systems on Boats .....	183.130
H-2-89—Ventilation of Boats Using Gasoline .....	182.130; 182.460
H-22-86—DC Electric Bilge Pumps Operating Under 50 Volts .....	182.130; 182.500
H-24-93—Gasoline Fuel Systems .....	182.130; 182.440; 182.445; 182.450; 182.455
H-25-94—Portable Gasoline Fuel Systems for Flammable Liquids .....	182.130; 182.458
H-32-87—Ventilation of Boats Using Diesel Fuel .....	182.130; 182.465; 182.470
H-33-89—Diesel Fuel Systems .....	182.130; 182.440; 182.445; 182.450; 182.455
P-1-93—Installation of Exhaust Systems for Propulsion and Auxiliary Engines .....	177.405; 177.410; 182.130; 182.425; 182.430
P-4-89—Marine Inboard Engines .....	182.130; 182.420

American Bureau of Shipping (ABS), ABS Plaza, 16855 Northchase Drive, Houston, TX 77060

Rules for Building and Classing Aluminum Vessels, 1975 .....	177.300
Rules for Building and Classing Reinforced Plastic Vessels, 1978 .....	177.300
Rules for Building and Classing Steel Vessels, 1995 .....	182.410; 183.360

Rules for Building and Classing Steel Vessels Under 61 Meters (200 feet) in Length, 1983.	177.300
Rules for Building and Classing Steel Vessels for Service on Rivers and Intracoastal Waterways, 1995.	177.300
American National Standards Institute (ANSI), United Engineering Center, 345 East 47th St., New York, NY 10017	
A 17.1-1984, including supplements A 17.1a and b-1985—Safety Code for Elevators and Escalators.	183.540
B 31.1-1986—Code for Pressure Piping, Power Piping .....	182.710
Z 26.1-1977, including 1980 supplement—Safety Glazing Materials For Glazing Motor Vehicles Operating on Land Highways.	177.1030
American Society for Testing and Materials (ASTM), 1916 Race St., Philadelphia, PA 19103	
B-117-73 (Reapproved 1979)—Method of Salt Spray (Fog) Testing .....	175.400
D-93-94—Flash Point By Pensky-Martens Closed Cup Tester .....	175.400
D-635-91—Rate of Burning and/or Extent and Time of Burning of Self-Supporting Plastics in a Horizontal Position.	182.440
D-2863-91—Measuring the Minimum Oxygen Concentration to Support Candle-like Combustion of Plastics (Oxygen Index).	182.440
E-84-94—Surface Burning Characteristics of Building Materials .....	177.410
Institute of Electrical and Electronics Engineers, Inc. (IEEE), IEEE Service Center, 445 Hoes Lane, Piscataway, NJ 08854	
Standard 45-1977—Recommended Practice for Electrical Installations on Shipboard	183.340
International Maritime Organization (IMO), International Maritime Organization, 4 Albert Embankment, London SE1 7SR	
Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-Saving Appliances and Arrangements—Resolution A.520(13), dated 17 November 1983.	175.540(c)
Use and Fitting of Retro-Reflective Materials on Life-Saving Appliances—Resolution A.658(16), dated 20 November 1989.	185.604
Fire Test Procedures For Ignitability of Bedding Components, Resolution A.688(17), dated 06 November 1991.	177.405
Symbols Related to Life-Saving Appliances and Arrangements, Resolution A.760(18), dated 17 November 1993.	185.604(g)
Lloyd's Register of Shipping, 17 Battery Place, Suite 1013, New York, NY 10004	
Rules and Regulations for the Classification of Yachts and Small Craft, as amended through 1983.	177.300
National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269-9101	
NFPA 10-1994—Portable Fire Extinguishers .....	176.810
NFPA 17-1994—Dry Chemical Extinguishing Systems .....	181.425
NFPA 17A-1994—Wet Chemical Extinguishing Systems .....	181.425
NFPA 70-1993—National Electrical Code (NEC)	
Section 250-95 .....	183.370
Section 310-13 .....	183.340
Section 310-15 .....	183.340
Article 430 .....	183.320
Article 445 .....	183.320
NFPA 302-1994—Pleasure and Commercial Motor Craft, Chapter 6 .....	184.200; 184.240
NFPA 306-1993—Control of Gas Hazards on Vessels .....	176.710
NFPA 1963-1989—Fire Hose Connections .....	181.320
Naval Publications and Forms Center, Customer Service Code 1052, 5801 Tabor Ave., Philadelphia, PA 19120	
Military Specification MIL-P-21929B (1970)—Plastic Material, Cellular Polyurethane, Foam-in-Place, Rigid (2 and 4 pounds per cubic foot).	179.240
Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, PA 15096-0001	
SAE J-1475—Hydraulic Hose Fittings For Marine Applications, 1984 .....	182.720
SAE J-1928—Devices Providing Backfire Flame Control for Gasoline Engines in Marine Applications, August 1989.	182.415
SAE J-1942—Hose and Hose Assemblies for Marine Applications, 1992 .....	182.720
Underwriters Laboratories Inc. (UL), 12 Laboratory Drive, Research Triangle Park, NC 27709	
UL 19-1992—Lined Fire Hose and Hose Assemblies .....	181.320
UL 174-1989, as amended through June 23, 1994—Household Electric Storage Tank Heaters.	182.320
UL 217-1993—Single and Multiple Station Smoke Detectors .....	181.450
UL 486A-1992—Wire Connectors and Soldering Lugs For Use With Copper Conductors.	183.340
UL 489-1995—Molded—Case Circuit Breakers and Circuit Breaker Enclosures .....	183.380
UL 595-1991—Marine Type Electric Lighting Fixtures .....	183.410
UL 710-1990, as amended through September 16, 1993—Exhaust Hoods For Commercial Cooking Equipment.	181.425

UL 1058-1989, as amended through April 19, 1994—Halogenated Agent Extinguishing System Units. 181.410  
 UL 1102-1992—Non integral Marine Fuel Tanks ..... 182.440  
 UL 1110-1988, as amended through May 16, 1994—Marine Combustible Gas Indicators. 182.480  
 UL 1111-1988—Marine Carburetor Flame Arresters ..... 182.415  
 UL 1453-1988, as amended through June 7, 1994—Electric Booster and Commercial Storage Tank Water Heaters. 182.320  
 UL 1570-1995—Fluorescent Lighting Fixtures ..... 183.410  
 UL 1571-1995—Incandescent Lighting Fixtures ..... 183.410  
 UL 1572-1995—High Intensity Discharge Lighting Fixtures ..... 183.410  
 UL 1573-1995—Stage and Studio Lighting Units ..... 183.410  
 UL 1574-1995—Track Lighting Systems ..... 183.410

**§ 175.800 Approved equipment and material.**

(a) Equipment and material that is required by this subchapter to be approved or of an approved type, must have been manufactured and approved in accordance with the design and testing requirements in subchapter Q (Equipment, Construction, and Materials: Specifications and Approval) of this chapter or as otherwise specified by the Commandant.

(b) Notice regarding equipment approvals is published in the Federal Register. Coast Guard publication COMDTINST M16714.3 (Series), "Equipment Lists, Items Approved, Certificated or Accepted under Marine Inspection and Navigation Laws," lists approved equipment by type and manufacturer. COMDTINST M16714.3 (Series) may be obtained from the Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328.

**§ 175.900 OMB control numbers.**

(a) *Purpose.* This section lists the control numbers assigned to information collection and recordkeeping requirements in this subchapter by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et. seq.*). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f) which requires that agencies display a current control number assigned by the Director of OMB for each approved agency information collection requirement.

(b) *Display.*

46 CFR Section where identified	Current OMB Control Number
176.105(a)	2115-0578
176.202	2115-0578
176.204	2115-0578
176.302	2115-0578
176.306	2115-0578
176.310	2115-0578
176.500(a)	2115-0578
176.612	2115-0578
176.700	2115-0578
176.704	2115-0578
176.710	2115-0578

46 CFR Section where identified	Current OMB Control Number
176.810(b)	2115-0578
176.920(c)	2115-0578
176.930	2115-0578
177.202	2115-0578
177.315	2115-0589
177.330	2115-0578
177.335	2115-0589
177.340	2115-0578
178.210	2115-0578
178.220	2115-0559
178.230	2115-0559
181.610	2115-0578
182.460(e)	2115-0578
182.610(f)	2115-0578
183.220(d)	2115-0578
183.320 (d) and (e)	2115-0578
184.420	2115-0578
184.506	2115-0578
185.202	2115-0003
185.206	2115-0003
185.208	2115-0578
185.220	2115-0578
185.230	2115-0578
185.280	2115-0578
185.340(c)	2115-0578
185.402	2115-0578
185.420	(1)
185.502	2115-0578
185.503	2115-0578
185.504	2115-0578
185.506	2115-0578
185.510	2115-0578
185.514	2115-0578
185.516	2115-0578
185.518	2115-0578
185.520	(1)
185.524	(1)
185.602	2115-0578
185.604	2115-0578
185.606	2115-0578
185.608	2115-0578
185.610	2115-0578
185.612	2115-0578
185.702	2115-0578
185.704(c)	2115-0578
185.728(c)	(1)

<sup>1</sup> Will be displayed when assigned by OMB.

**PART 176—INSPECTION AND CERTIFICATION**

Subpart A—Certificate of Inspection

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Subpart I—International Convention for Safety of Life at Sea, 1974, as Amended (SOLAS)

176.900 Applicability.

176.910 Passenger Ship Safety Certificate.

176.920 Exemptions.

176.930 Equivalents.

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306; 49 U.S.C. App. 1804; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p.793; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p.277; 49 CFR 1.46.

### Subpart A—Certificate of Inspection

#### § 176.100 When required.

(a) A vessel to which this subchapter applies may not be operated without having on board a valid U.S. Coast Guard Certificate of Inspection.

(b) Except as noted in § 176.114 of this part, each vessel inspected and certificated under the provisions of this subchapter must, when any passengers are abroad during the tenure of the certificate, be in full compliance with the terms of the certificate.

(c) If necessary to prevent delay of the vessel, a temporary Certificate of Inspection may be issued pending the issuance and delivery of the regular Certificate of Inspection. The temporary certificate must be carried in the same manner as the regular certificate and is considered the same as the regular Certificate of Inspection that it represents.

(d) A vessel on a foreign voyage between a port in the United States and a port in a foreign country, whose Certificate of Inspection expires during the voyage, may lawfully complete the voyage without a valid Certificate of Inspection provided the voyage is completed within 30 days of expiration and the certificate did not expire within 15 days of sailing on the foreign voyage from a U.S. port.

#### § 176.103 Description.

The Certificate of Inspection issued to a vessel describes the vessel, the route(s) that it may travel, the minimum manning requirements, the survival and rescue craft carried, the minimum fire extinguishing equipment and lifejackets required to be carried, the maximum number of passengers and total persons that may be carried, the number of passengers the vessel may carry in overnight accommodation spaces, the name of the owner and managing operator, any equivalencies accepted or authorized by the Commandant or any Officer in Charge, Marine Inspection (OCMI) in accordance with §§ 175.540 or 175.550 of this chapter, and such other conditions of operations as may be determined by the cognizant OCMI.

#### § 170.105 How to obtain or renew.

(a) A Certificate of Inspection is obtained or renewed by making application on Form CG 3752, "Application for Inspection of U.S. Vessel," to the Coast Guard OCMI of the marine inspection zone in which the inspection is to be made. Form CG-3752 may be obtained at any U.S. Coast Guard Marine Safety Office or Marine Inspection Office.

(b) The application for initial inspection of a vessel being newly constructed or converted must be submitted prior to the start of the construction or conversion.

(c) The construction, arrangement, and equipment of each vessel must be acceptable to the cognizant OCMI as a prerequisite of the issuance of the initial Certificate of Inspection. Acceptance is based on the information, specifications, drawings and calculations available to the OCMI, and on the successful completion of an initial inspection for certification.

(d) A Certification of Inspection is renewed by the issuance of a new Certification of Inspection.

(e) The condition of the vessel and its equipment must be acceptable to the cognizant OCMI as a prerequisite to the Certification of Inspection renewal. Acceptance is based on the condition of the vessel as found at the periodic inspection for certification.

#### § 176.107 Period of validity.

(a) A Certification of Inspection is issued for a period of three years.

(b) A Certification of Inspection may be suspended and withdrawn or revoked by the cognizant OCMI at any time for noncompliance with the requirements of this subchapter.

#### § 176.110 Routes permitted.

(a) The area of operation for each vessel and any necessary operational limits are determined by the cognizant OCMI, and recorded on the vessel's Certification of Inspection. Each area of operation, referred to as a route, is described on the Certification of Inspection under the major headings "Oceans," "Coastwise," "Limited Coastwise," "Great Lakes," "Lakes, Bays, and Sounds," or "Rivers," as applicable. Further limitations imposed or extensions granted are described by reference to bodies of waters, geographical points, distance from geographical points, distances from land, depths of channel, seasonal limitations, and similar factors.

(b) Operation of a vessel on a route of lesser severity than those specifically described or designated on the Certification of Inspection is permitted

unless expressly prohibited on the Certification of Inspection. The general order of severity of routes is: oceans, coastwise, limited coastwise, Great Lakes, lakes, bays, and sounds, and rivers. The cognizant OCMI may prohibit a vessel from operating on a route of lesser severity than the primary route a vessel is authorized to operate on if local conditions necessitate such a restriction.

(c) Non-self-propelled vessels are prohibited from operating on an oceans, coastwise, limited coastwise, or Great Lakes route unless the Commandant approves such a route.

(d) When designating a permitted route or imposing any operational limits on a vessel, the OCMI may consider:

(1) Requirements of this subchapter for which compliance is based on the route of the vessel;

(2) The performance capabilities of the vessel based on design, scantlings, stability, subdivision, propulsion, speed, operating modes, maneuverability, and other characteristics; and

(3) The suitability of the vessel for nighttime operations and use in all weather conditions.

#### § 176.112 Total persons permitted.

The cognizant OCMI determines the total number of persons permitted to be carried on a vessel. In determining the total number of persons permitted to be carried, the OCMI may consider stability restrictions and subdivision requirements of the vessel, the vessel's route, general arrangement, means of escape, lifesaving equipment, the minimum manning requirements, and the maximum number of passengers permitted in accordance with § 176.113.

#### § 176.113 Passengers permitted.

(a) The maximum number of passengers permitted must be not more than that allowed by the requirements of this section, except as authorized by the OCMI under paragraph (d) of this section.

(b) The maximum number of passengers permitted on any vessel may be the greatest number permitted by the length of rail criterion, deck area criterion, or fixed seating criterion described in this paragraph or a combination of these criteria as allowed by paragraph (c) of this section.

(1) *Length of rail criterion.* One passenger may be permitted for each 760 millimeters (30 inches) of rail space available to the passengers at the periphery of each deck. The following rail space may not be used in determining the maximum number of passengers permitted:

(i) Rail space in congested areas unsafe for passengers, such as near anchor handling equipment or line handling gear, in the way of sail booms, running rigging, or paddle wheels, or along pulpits;

(ii) Rail space on stairways; and

(iii) Rail space where persons standing in the space would block the vision of the licensed individual operating the vessel.

(2) *Deck area criterion.* One passenger may be permitted for each 0.9 square meters (10 square feet) of deck area available for the passengers' use. In computing such deck area, the areas occupied by the following must be excluded;

(i) Areas for which the number of persons permitted is determined using the fixed seating criteria;

(ii) Obstructions, including stairway and elevator enclosures, elevated stages, bars, and cashier stands, but not including slot machines, tables, or other room furnishings;

(iii) Toilets and washrooms;

(iv) Spaces occupied by and necessary for handling lifesaving equipment, anchor handling equipment or line handling gear, or in the way of sail booms or running rigging;

(v) Spaces below deck that are unsuitable for passengers or that would not normally be used by passengers;

(vi) Interior passageways less than 840 millimeters (34 inches) wide and passageways on open deck, less than 710 millimeters (28 inches) wide;

(vii) Bow pulpits, swimming platforms and areas that do not have a solid deck, such as netting on multi-hull vessels;

(viii) Deck areas in way of paddle wheels; and

(ix) Aisle area provided in accordance with § 177.820(d) in this subchapter.

(3) *Fixed seating criterion.* One passenger may be permitted for each 455 millimeter (18 inches) of width of fixed seating provided by § 177.820 of this subchapter. Each sleeping berth in overnight accommodation spaces shall be counted as only one seat.

(c) Different passenger capacity criteria may be used on each deck of a vessel and added together to determine the total passenger capacity of that vessel. Where seats are provided on part of a deck and not on another, the number of passengers permitted on a vessel may be the sum of the number permitted by the seating criterion for the space having seats and the number permitted by the deck area criterion for the space having no seats. The length of rail criterion may not be combined with either the deck area criterion or the fixed seating criterion when

determining the maximum number of passengers permitted on an individual deck.

(d) For a vessel operating on short runs on protected waters such as a ferry, the cognizant OCMI may give special consideration to increases in passenger allowances.

**§ 176.114 Alternative requirements for a vessel operating as other than a small passenger vessel.**

(a) When authorized by the cognizant OCMI by an endorsement of the vessel's certificate of Inspection, a small passenger vessel carrying six or less passengers, or operating as a commercial fishing vessel or other uninspected vessel, or carrying less than twelve passengers and operating as a recreational vessel, need not meet requirements of:

(1) Subparts C, D, and E, of Part 180 of this chapter if the vessel is in satisfactory compliance with the lifesaving equipment regulations for an uninspected vessel or recreational vessel in a similar service;

(2) Subpart C of Part 177, and Parts 178 and 179 of this chapter if the vessel is in satisfactory compliance with applicable regulations for an uninspected vessel or recreational vessel in a similar service or if the owner of the vessel otherwise establishes to the satisfaction of the cognizant OCMI that the vessel is seaworthy for the intended service; and

(3) Sections 184.404 and 184.410 of this chapter providing the vessel is in satisfactory compliance with applicable regulations for an uninspected or recreational vessel in a similar service.

(b) A vessel operating under the alternative regulations of paragraph (a) of this section must:

(1) Not alter the arrangement of the vessel nor remove any equipment required by the certificate for the intended operation, without the consent of the cognizant OCMI;

(2) Comply with the minimum manning specified on the Certificate of Inspection, which may include reduced manning depending on the number of passengers and operation of the vessel;

(3) When carrying from one to six passengers, except for a vessel being operated as a recreational vessel, make the announcement required by § 185.506(a) of this chapter before getting underway; and

(4) If a vessel of more than 15 gross tons, not carry freight for hire.

(c) The endorsement issued under paragraph (a) of this section must indicate the route, maximum number of passengers, and the manning required to operate under the provisions of this section.

**§ 176.120 Certificate of Inspection amendment.**

(a) An amended Certificate of Inspection may be issued at any time by any OCMI. The amended Certificate of Inspection replaces the original, but the expiration date remains the same as that of the original. An amended Certificate of Inspection may be issued to authorize and record a change in the dimensions, gross tonnage, owner, managing operator, manning, persons permitted, route permitted, conditions of operations, or equipment of a vessel, from that specified in the current Certificate of Inspection.

(b) A request for an amended Certificate of Inspection must be made to the cognizant OCMI by the owner or managing operator of the vessel at any time there is a change in the character of a vessel or in its route, equipment, ownership, operation, or similar factors specified in its current Certificate of Inspection.

(c) The OCMI may require an inspection prior to the issuance of an amended Certificate of Inspection.

**Subpart B—Special Permits and Certificates**

**§ 176.202 Permit to proceed.**

(a) When a vessel is not in compliance with its Certificate of Inspection or fails to comply with a regulation of this subchapter, the cognizant OCMI may permit the vessel to proceed to another port for repair, if in the judgment of the OCMI, the trip can be completed safely, even if the Certificate of Inspection of the vessel has expired or is about to expire.

(b) Form CG-948, "Permit to Proceed to another Port for Repairs," may be issued by the cognizant OCMI to the owner, managing operator, or the master of the vessel stating the conditions under which the vessel may proceed to another port. The permit may be issued only upon the written application of the owner, managing operator, or master, and after the vessel's Certificate of Inspection is turned over to the OCMI.

(c) A vessel may not carry passengers when operating in accordance with a permit to proceed, unless the cognizant OCMI determines that it is safe to do so.

**§ 176.204 Permit to carry excursion party.**

(a) The cognizant OCMI may permit a vessel to engage in a temporary excursion operation with a greater number of persons or on a more extended route, or both, than permitted by its Certificate of Inspection when, in the opinion of the OCMI, the operation can be undertaken safely.

(b) Upon the written application of the owner or managing operator of the

vessel, the cognizant OCMI may issue a Form CG-949, "Permit To Carry Excursion Party," to indicate his or her permission to carry an excursion party. The OCMI will indicate on the permit the conditions under which it is issued, the number of persons the vessel may carry, the crew required, any additional lifesaving or safety equipment required, the route for which the permit is granted, and the dates on which the permit is valid.

(c) The number of passengers normally permitted on an excursion vessel shall be governed by § 176.113.

(d) The OCMI will not normally waive the applicable minimum safety standards when issuing an excursion permit. In particular, a vessel that is being issued an excursion permit will normally be required to meet the minimum stability, survival craft, life jacket, fire safety, and manning standards applicable to a vessel in the service for which the excursion permit is requested.

(e) The permit acts as a temporary, limited duration supplement to the vessel's Certificate of Inspection and must be carried with the Certificate of Inspection. A vessel operating under a permit to carry an excursion party must be in full compliance with the terms of its Certificate of Inspection as supplemented by the permit.

(f) The OCMI may require an inspection prior to the issuance of a permit to carry an excursion party.

### Subpart C—Posting of Certificates, Permits, and Stability Letters

#### § 176.302 Certificates and permits.

The Certificate of Inspection and any SOLAS Certificates must be posed under glass or other suitable transparent material, such that all pages are visible, in a conspicuous place on the vessel where observation by passengers is likely. If posting is impracticable, such as an open boats, the certificates must be kept on board in a weathertight container readily available for use by the crew and display to passengers and others on request.

#### § 176.306 Stability letter.

When, in accordance with § 178.210 of this chapter, a vessel must be provided with a stability letter, the stability letter must be posed under glass or other suitable transparent material, such that all pages are visible, at the operating station of the vessel. If posting is impracticable, the stability letter must be kept on board in a weathertight container readily available for use by the crew and display to passengers and others on request.

#### § 176.310 Certification expiration date stickers.

(a) A Certificate Expiration Date Sticker indicates the date upon which the vessel's Certificate of Inspection expires and is provided by the cognizant OCMI in the number required, upon issuance or renewal of the Certificate of Inspection.

(b) A vessel that is issued a Certificate of Inspection under the provisions of this subchapter must be not be operated without a valid Certificate Expiration Date Sticker affixed to the vessel on a place that is:

(1) A glass or other smooth surface from which the sticker may be removed without damage to the vessel;

(2) Readily visible to each passenger prior to boarding the vessel and to patrolling Coast Guard law enforcement personnel; and

(3) Acceptable to the Coast Guard marine inspector.

(c) The Coast Guard marine inspector may require the placement of more than one sticker in order to insure compliance with paragraph (b)(2) of this section.

### Subpart D—Inspection for Certification

#### § 176.000 General.

(a) An inspection is required before the issuance of a Certification of Inspection. Such an inspection for certification is not made until after receipt of the application for inspection required by § 176.105.

(b) Upon receipt of a written application for inspection, the cognizant OCMI assigns a marine inspector to inspect the vessel for compliance with this subchapter at a time and place mutually agreed upon by the OCMI and the owner, managing operator, or representative thereof.

(c) The owner, managing operator, or a representative thereof shall be present during the inspection.

#### § 176.402 Initial inspection for certification.

(a) Before construction or conversion of a vessel intended for small passenger vessel service, the owner of the vessel shall submit plans, manuals, and calculations indicating the proposed arrangement, construction, and operations of the vessel, to the cognizant OCMI for approval, except when submitted to the Marine Safety Center (MSC) as allowed by Part 177 of this subchapter. The plan, manuals, and calculations required to be submitted and the disposition of these plans are set forth in Part 177, Subpart B of this chapter.

(b) The initial inspection is conducted to determine that the vessel and its

equipment comply with applicable regulations and that the vessel was built or converted in accordance with approved plans, manuals, and calculations. Additionally, during the inspection, the materials, workmanship, and condition of all parts of the vessel and its machinery and equipment may be checked to determine if the vessel is satisfactory in all respects for the service intended.

(c) The owner or managing operator of a vessel shall ensure that the vessel complies with the laws and regulations applicable to the vessel and that the vessel is otherwise satisfactory for the intended service. The initial inspection may include an inspection of the following items:

(1) The arrangement, installation, materials, and scantlings of the structure including the hull and superstructure, yards, masts, spars, rigging, sails, piping, main and auxiliary machinery, pressure vessels, steering apparatus, electrical installation, fire resistant construction materials, life saving appliances, fire detecting and extinguishing equipment, pollution prevention equipment, and all other equipment;

(2) Sanitary conditions and fire hazards; and

(3) Certificates and operating manuals, including certificates issued by the FCC.

(d) During an initial inspection for certification the owner or managing operator shall conduct all tests and make the vessel available for all applicable inspections discussed in this paragraph, and in Subpart H of this part, to the satisfaction of the cognizant OCMI, including the following:

(1) The installation of each rescue boat, liferaft, inflatable buoyant apparatus, and launching appliance as listed on its Certificate of Approval (Form CGHQ-10030).

(2) The operation of each rescue boat and survival craft launching appliance required by Part 180 of this chapter.

(3) Machinery, fuel tanks, and pressure vessels as required by Part 182 of this chapter.

(4) A stability test or a simplified stability test when required by § 170.175 of this chapter or § 178.320 of this chapter.

(5) Watertight bulkheads as required by Part 179 of this chapter.

(6) Firefighting systems as required by Part 181 of this chapter.

(7) The operation of all smoke and fire detecting systems, and fire alarms and sensors.

**§ 176.404 Subsequent inspections for certification.**

An inspection for renewal of a Certificate of Inspection normally includes inspection and testing of the structure, machinery, equipment, and on a sailing vessel, rigging and sails. The owner or managing operator shall conduct all tests as required by the marine inspector, and make the vessel available for all specific inspections and drills required by Subpart H of this part. In addition, the OCMI may require the vessel to get underway as part of the inspection for certification. The inspection is conducted to determine if the vessel is in satisfactory condition, fit for the service intended, and complies with the applicable regulations in this subchapter.

**Subpart E—Reinspection****§ 176.500 When required.**

(a) The owner or managing operator shall make a vessel available for reinspections within 60 days of each anniversary of the date of issuance of the Certificate of Inspection during each triennial inspection period. The owner or managing operator shall contact the cognizant OCMI to arrange for a reinspection to be conducted at a time and place acceptable to the OCMI.

(B) In addition to the requirements of paragraph (a) of the section, a reinspection may be made at such other times as may be required by the cognizant OCMI.

**§ 176.502 Scope.**

In general, the scope of the reinspection is the same as the inspection for certification but in less detail unless it is determined that a major change has occurred since the last inspection for certification.

**Subpart F—Hull and Tailshaft Examinations****§ 176.600 Drydock and internal structural examination intervals.**

(a) The owner or managing operator shall make a vessel available for drydock examinations and internal structural examinations required by this section.

(b) A vessel making an international voyage must undergo a drydock examination and an internal structural examination at least once every 12 months. If the vessel becomes due for a drydock examination or an internal structural examination during the voyage, it may lawfully complete the voyage prior to the examination if it undergoes the required examination upon completion of the voyage to the United States but not later than 30 days

after the examination was due. If the vessel is due for an examination within 15 days of sailing on an international voyage from the United States port, it must undergo the required examination before sailing.

(c) Except as provided in paragraph (d) of this section, a vessel not making an international voyage must undergo a drydock examination and an internal structural examination as follows:

(1) A vessel that is exposed to salt water more than three months in any 12 month period since the last examination must undergo a drydock examination and an internal structural at least once every two years; and

(2) A vessel that is exposed to salt water not more than three months in any 12 month period since the last examination must undergo a drydock examination and an internal structural examination at least once every five years.

(d) Whenever damage or deterioration to hull plating or structural members that may affect the seaworthiness of a vessel is discovered or suspected, the cognizant OCMI may conduct an internal structural examination in any affected space including fuel tanks, and may require the vessel to be drydocked or taken out of service to assess the extent of the damage, and to effect permanent repairs. The OCMI may also decrease the drydock examination intervals to monitor the vessel's structural condition.

**§ 176.610 Scope of drydock and internal structural examinations.**

(a) A drydock examination conducted in compliance with § 176.600 must be conducted while the vessel is hauled out of the water or placed in a drydock or slipway. During the examination all accessible parts of the vessel's underwater body and all through hull fittings, including the hull plating and planking, appendages, propellers, shafts, bearings, rudders, sea chests, sea valves, and sea strainers shall be made available for examination. Sea chests, sea valves, and sea strainers must be opened for examination. On wooden vessels, fastenings may be required to be pulled for examination.

(b) An internal structural examination conducted in compliance with § 176.600 may be conducted while the vessel is afloat or out of the water and consists of a complete examination of the vessel's main strength members, including the major internal framing, the hull plating and planking, voids, and ballast, cargo, and fuel oil tanks. Where the internal framing, plating, or planking of the vessel is concealed, sections of the lining, ceiling or

insulation may be removed or the parts otherwise probed or exposed so that the inspector may be satisfied as to the condition of the hull structure. Fuel oil tanks need not be cleaned out and internally examined if the marine inspector is able to determine by external examination that the general condition of the tanks is satisfactory.

**§ 176.612 Notice and plans required.**

(a) The owner or managing operator shall notify the cognizant OCMI as far in advance as possible whenever a vessel is to be hauled out or placed in a drydock or slipway in compliance with § 176.600 or to undergo repairs or alterations affecting the safety of the vessel, together with the nature of any repairs or alterations contemplated. Hull repairs or alterations that affect the safety of the vessel include but are not limited to the replacement, repair, or refastening of planking, plating, or structural members including the repair of cracks.

(b) Whenever a vessel is hauled out or placed in a drydock or slipway in excess of the requirements of this subpart for the purpose of maintenance, such as changing a propeller, painting, or cleaning the hull, no report need be made to the cognizant OCMI.

(c) The owner or managing operator of each vessel that holds a Load Line Certificate shall make plans showing the vessel's scantlings available to the Coast Guard marine inspector whenever the vessel undergoes a drydock examination or internal structural examination or whenever repairs or alterations affecting the safety or seaworthiness of the vessel are made to the vessel's hull.

**§ 176.630 Tailshaft examinations.**

(a) The marine inspector may require any part or all of the propeller shafting to be drawn for examination of the shafting and stern bearing of a vessel whenever the condition of the shafting and bearings are in question.

(b) The marine inspector may conduct a visual examination and may require nondestructive testing of the propeller shafting whenever the condition of shafting is in question.

**§ 176.670 Extension of examination intervals.**

The intervals between drydock examinations and internal structural examinations specified in § 176.600 of this part may be extended by the cognizant OCMI or Commandant.

**Subpart G—Repairs and Alterations****§ 176.700 Permission for repairs and alterations.**

(a) Repairs or alterations to the hull, machinery, or equipment that affect the safety of the vessel must not be made without the approval of the cognizant OCMI, except during an emergency. When repairs are made during an emergency, the owner, managing operator, or master shall notify the OCMI as soon as practicable after such repairs or alterations are made. Repairs or alterations that affect the safety of the vessel include, but are not limited to: replacement, repair, or refastening of deck or hull planking, plating, and structural members; repair of plate or frame cracks; damage repair or replacement, other than replacement in kind, of electrical wiring, fuel lines, tanks, boilers and other pressure vessels, and steering, propulsion and power supply systems; alterations affecting stability; and repair or alteration of lifesaving, fire detecting, or fire extinguishing equipment.

(b) The owner or managing operator shall submit drawings, sketches, or written specifications describing the details of any proposed alterations to the cognizant OCMI. Proposed alterations must be approved by the OCMI before work is started.

(c) Drawings are not required to be submitted for repairs or replacements in kind.

(d) The OCMI may require an inspection and testing whenever a repair or alteration is undertaken.

**§ 176.702 Installation tests and inspections.**

Whenever a launching appliance, survival craft, rescue boat, fixed gas fire extinguishing system, machinery, fuel tank, or pressure vessel is installed aboard a vessel after completion of the initial inspection for certification of the vessel, as replacement equipment or as a new installation, the owner or managing operator shall conduct the tests and make the vessel ready for the inspections required by § 176.402(d) to the satisfaction of the cognizant OCMI.

**§ 176.704 Breaking of safety valve seals.**

The owner, managing operator, or master shall notify the cognizant OCMI as soon as practicable after the seal on a boiler safety valve on a vessel is broken.

**§ 176.710 Inspection and testing prior to hot work.**

(a) An inspection for flammable or combustible gases must be conducted by a certified marine chemist or other person authorized by the cognizant

OCMI in accordance with the provisions of National Fire Protection Association (NFPA) 306, "Control of Gas Hazards on Vessels," before alterations, repairs, or other operations involving riveting, welding, burning, or other fire producing actions may be made aboard a vessel:

(1) Within or on the boundaries of fuel tanks; or

(2) To pipelines, heating coils, pumps, fittings, or other appurtenances connected to fuel tanks.

(b) An inspection required by paragraph (a) of this section must be conducted as required by this paragraph.

(1) In ports or places in the United States or its territories and possessions, the inspection must be conducted by a marine chemist certificated by the NFPA. However, if the services of a certified marine chemist are not reasonably available, the cognizant OCMI, upon the recommendation of the vessel owner or managing operator, may authorize another person to inspect the vessel. If the inspection indicates that the operations can be undertaken safely, a certificate setting forth this fact in writing must be issued by the certified marine chemist or the authorized person before the work is started. The certificate must include any requirements necessary to reasonably maintain safe conditions in the spaces certified throughout the operation, including any precautions necessary to eliminate or minimize hazards that may be present from protective coatings or residues from cargoes.

(2) When not in a port or place in the United States or its territories and possessions, and when a marine chemist or a person authorized by the cognizant OCMI is not reasonably available, the master shall conduct the inspection and enter the results in the inspection in the vessel's logbook.

(c) The owner, managing operator, or master shall obtain a copy of certificates issued by the certified marine chemist or the other person authorized by the cognizant OCMI, and shall ensure that all conditions on the certificates are observed and that the vessel is maintained in a safe condition. The owner, managing operator, or master shall maintain a safe condition on the vessel by requiring full observance, by persons under his or her control, of all requirements listed in the certificate.

**Subpart H—Material Inspections****§ 176.800 Inspection standards.**

(a) A vessel is inspected for compliance with the standards required by this subchapter. Machinery,

equipment, materials, and arrangements not covered by standards in this subchapter may be inspected in accordance with standards acceptable to the cognizant OCMI as good marine practice.

(b) In the application of inspection standards due consideration must be given to the hazards involved in the operation permitted by a vessel's Certificate of Inspection. Thus, the standards may vary in accordance with the vessel's area of operation or any other operational restrictions or limitations.

(c) The published standards of classification societies and other recognized safety associations may be used as guides in the inspection of vessels when such standards do not conflict with the requirements of this subchapter.

**§ 176.801 Notice of inspection deficiencies and requirements.**

(a) If during the inspection of a vessel, the vessel or its equipment is found not to conform to the requirements of law or the regulations in this subchapter, the marine inspector will point out deficiencies observed and discuss all requirements with the owner, managing operator, or a representative thereof. Normally, the marine inspector will list all such requirements that have not been completed and present the list to the owner, managing operator, or a representative thereof. However, when a deficiency presents a serious safety hazard to the vessel or its passengers or crew, and exists through negligence or willful noncompliance, the marine inspector may issue a Report of Violation (ROV) to the owner, managing operator, or a representative thereof.

(b) In any case where further clarification of or reconsideration of any requirement placed against the vessel is desired, the owner, managing operator, or a representative thereof, may discuss the matter with the cognizant OCMI.

**§ 176.802 Hull.**

(a) At each initial and subsequent inspection for certification of a vessel, the owner or managing operator shall be prepared to conduct tests and have the vessel ready for inspections of the hull structure and its appurtenances, including the following:

(1) Inspection of all accessible parts of the exterior and interior of the hull, the watertight bulkheads, and weather decks;

(2) Inspection and operation of all watertight closures in the hull, decks, and bulkheads including through hull fittings and sea valves;

(3) Inspection of the condition of the superstructure, masts, and similar arrangements constructed on the hull, and on a sailing vessel all spars, standing rigging, running rigging, blocks, fittings, and sails;

(4) Inspection of all railings and bulwarks and their attachment to the hull structure;

(5) Inspection to ensure that guards or rails are provided in dangerous places;

(6) Inspection and operation of all weathertight closures above the weather deck and the provisions for drainage of sea water from the exposed decks; and

(7) Inspection of all interior spaces to ensure that they are adequately ventilated and drained, and that means of escape are adequate and properly maintained.

(b) The vessel must be afloat for at least a portion of the inspection as required by the marine inspector.

(c) When required by the marine inspector, a portion of the inspection must be conducted while the vessel is underway so that the working of the hull; can be observed.

#### § 176.804 Machinery.

At each initial and subsequent inspection for certification of a vessel, the owner or managing operator shall be prepared to conduct tests and have the vessel ready for inspections of machinery, fuel, and piping systems, including the following:

(a) Operation of the main propulsion machinery both ahead and astern;

(b) Operational test and inspection of engine control mechanisms including primary and alternate means of starting machinery;

(c) Inspection of all machinery essential to the routine operation of the vessel including generators and cooling systems;

(d) External inspection of fuel tanks and inspection of tank vents, piping, and pipe fittings;

(e) Inspection of all fuel system;

(f) Operational test of all valves in fuel lines by operating locally and at remote operating positions;

(g) Operational test of all overboard discharge and intake valves and watertight bulkhead pipe penetration valves;

(h) Operational test of the means provided for pumping bilges; and

(i) Test of machinery alarms including bilge high level alarms.

#### § 176.806 Electrical.

At each initial and subsequent inspection for certification of a vessel, the owner or managing operator shall be prepared to conduct tests and have the vessel ready for inspection of electrical

equipment and systems, including the following:

(a) Inspection of all cable as far as practicable without undue disturbance of the cable or electrical apparatus;

(b) Test of circuit breakers by manual operation;

(c) Inspection of fuses including ensuring the ratings of fuses are suitable for the service intended;

(d) Inspection of rotating electrical machinery essential to the routine operation of the vessel;

(e) Inspection of all generators, motors, lighting fixtures and circuit interrupting devices located in spaces or areas that may contain flammable vapors;

(f) Inspection of batteries for condition and security of stowage;

(g) Operational test of electrical apparatus, which operates as part of or in conjunction with a fire detection or alarms system installed on board the vessel, by simulating, as closely as practicable, the actual operation in case of fire; and

(h) Operational test of all emergency electrical systems.

#### § 176.808 Lifesaving

(a) At each initial and subsequent inspection for certification of a vessel, the owner or managing operator shall be prepared to conduct tests and have the vessel ready for inspection of lifesaving equipment and systems, including the following:

(1) Tests of each rescue boat and each rescue boat launching appliance and survival craft launching appliance in accordance with § 71.25–15 in subchapter H of this chapter;

(2) Inspection of each lifejacket, work vest, and marine buoyant device;

(3) If used, inspection of the passenger safety orientation cards or pamphlets allowed by § 185.506(b)(2) of this chapter;

(4) Inspection of each inflatable liferaft and inflatable lifejacket to determine that it has been serviced as required by § 185.730 of this chapter; and

(5) Inspection of each hydrostatic release unit to determine that it is in compliance with the servicing and usage requirements of § 185.740 of this chapter.

(b) Each item of lifesaving equipment determined by the marine inspector to not be in serviceable condition must be repaired or replaced.

(c) Each item of lifesaving equipment with an expiration date on it must be replaced if the expiration date has passed.

(d) The owner or managing operator shall destroy, in the presence of the

marine inspector, each lifejacket, other personal flotation device, and other lifesaving device found to be defective and incapable of repair.

(e) At each initial and subsequent inspection for certification of a vessel, the vessel must be equipped with an adult size lifejacket for each person authorized. The vessel must also be equipped with child size lifejackets equal to at least:

(1) 10 percent of the maximum number of passengers permitted to be carried unless children are prohibited from being carried aboard the vessel; or

(2) 5 percent of the maximum number of passengers permitted to be carried if all extended size lifejackets are provided.

(f) Lifejackets, work vests, and marine buoyant devices may be marked with the date and marine inspection zone to indicate that they have been inspected and found to be in serviceable condition by a marine inspector.

(g) At each initial and subsequent inspection for certification, the marine inspector may require that an abandon ship or man overboard drill be held under simulated emergency conditions specified by the inspector.

#### § 176.810 Fire protection.

(a) At each initial and subsequent inspection for certification, the owner or managing operator shall be prepared to conduct tests and have the vessel ready for inspection of its fire protection equipment, including the following:

(1) Inspection of each hand portable fire extinguisher, semiportable fire extinguisher, and fixed gas fire extinguishing system to check for excessive corrosion and general condition;

(2) Inspection of piping, controls, and valves, and the inspection and testing of alarms and ventilation shutdowns, for each fixed gas fire extinguishing system and detecting system to determine that the system is in operating condition;

(3) Operation of the fire main system and checking of the pressure at the most remote and highest outlets;

(4) Testing of each fire hose to a test pressure equivalent to its maximum service pressure;

(5) Checking of each cylinder containing compressed gas to ensure it has been tested and marked in accordance with § 147.60 in subchapter N of this chapter;

(6) Testing or renewal of flexible connections and discharge hoses on semiportable extinguishers and fixed gas extinguishing systems in accordance with § 147.65 in subchapter N of this chapter; and

(7) Inspection and testing of all smoke and fire detection systems, including sensors and alarms.

(b) The owner, managing operator, or a qualified servicing facility as applicable shall conduct the following inspections and tests:

(1) For portable fire extinguishers, the inspections, maintenance procedures, and hydrostatic pressure tests required by Chapter 4 of NFPA 10, "Portable Fire Extinguishers," with the frequency specified by NFPA 10. In addition, carbon dioxide and Halon portable fire extinguishers must be refilled when the net content weight loss exceeds that

specified for fixed systems by Table 176.810(b). The owner or managing operator shall provide satisfactory evidence of the required servicing to the marine inspector. If any of the equipment or records have not been properly maintained, a qualified servicing facility must be required to perform the required inspections, maintenance procedures, and hydrostatic pressure tests. A tag issued by a qualified servicing organization, and attached to each extinguisher, may be accepted as evidence that the necessary maintenance procedures have been conducted.

(2) For semiportable and fixed gas fire extinguishing systems, the inspections and tests required by Table 176.810(b), in addition to the tests required by §§ 147.60 and 147.65 in subchapter N of this chapter. The owner or managing operator shall provide satisfactory evidence of the required servicing to the marine inspector. If any of the equipment or records have not been properly maintained, a qualified servicing facility may be required to perform the required inspections, maintenance procedures, and hydrostatic pressure tests.

TABLE 176.810(b).—SEMIPORTABLE AND FIXED FIRE EXTINGUISHING SYSTEMS

Type System	Test
Carbon dioxide .....	Weigh cylinders. Recharge if weight loss exceeds 10% of weight of charge. Test time delays, alarms, and ventilation shutdowns with carbon dioxide, nitrogen, or other nonflammable gas as stated in the system manufacturer's instruction manual. Inspection hoses and nozzles to be sure they are clean.
Halon .....	Weigh cylinders. Recharge if weight loss exceeds 5% of weight of charge. If the system has a pressure gauge, also recharge if pressure loss (adjusted for temperature) exceeds 10%. Test time delays, alarms and ventilation shutdowns with carbon dioxide, nitrogen, or other nonflammable gas as stated in the system manufacturer's instruction manual. Inspect hoses and nozzles to be sure they are clean.
Dry Chemical (cartridge operated) .....	Examine pressure cartridge and replace if end is punctured or if determined to have leaked or to be in unsuitable condition. Inspect hose and nozzle to see if they are clear. Insert charged cartridge. Ensure dry chemical is free flowing (not caked) and extinguisher contains full charge.
Dry chemical (stored pressure) .....	See that pressure gauge is in operating range. If not, or if the seal is broken, weigh or otherwise determined that extinguisher is fully charged with dry chemical. Recharge if pressure is low or if dry chemical is needed.
Foam (stored pressure) .....	See that pressure gauge, if so equipped, is in the operating range. If not, or if the seal is broken, weigh or otherwise determine that extinguisher is fully charged with foam. Recharge if pressure is low or if foam is needed. Replace premixed agent every 3 years.
Clean Agents (Halon replacements) .....	(To be developed)

(c) The owner, managing operator, or master shall destroy, in the presence of the marine inspector, each fire hose found to be defective and incapable of repair.

(d) At each initial and subsequent inspection for certification, the marine inspector may require that a fire drill be held under simulated emergency conditions to be specified by the inspector.

**§ 176.812 Pressure vessels and boilers.**

(a) Periodic inspection and testing requirements for pressure vessels are contained in § 61.10 in subchapter F of this chapter.

(b) Periodic inspection and testing requirements for boilers are contained in § 61.10 in subchapter F of this chapter.

**§ 176.814 Steering systems.**

At each initial and subsequent inspection for certification the owner or managing operator shall be prepared to test the steering systems of the vessel

and make them available for inspection to the extent necessary to determine that they are in suitable condition and fit for the service intended. Servo-type power systems, such as orbital systems, must be tested and capable of smooth operation by a single person in the manual mode, with hydraulic pumps secured.

**§ 176.816 Miscellaneous systems and equipment.**

At each initial and subsequent inspection for certification the owner or managing operator shall be prepared to test and make available for inspection all items in the ship's outfit, such as ground tackle, navigation lights and equipment, markings, and placards, which are required to be carried by the regulations in this subchapter, as necessary to determine that they are fit for the service intended.

**§ 176.818 Sanitary inspection.**

At each inspection for certification and at every other vessel inspection,

quarters, toilet and washing spaces, galleys, serving pantries, lockers, and similar spaces may be examined to determine that they are serviceable and in a sanitary condition.

**§ 176.830 Unsafe practices.**

(a) At each inspection for certification and at every other vessel inspection all observed unsafe practices, fire hazards, and other hazardous situations must be corrected and all required guards and protective devices must be in satisfactory condition.

(b) At each inspection for certification and at every other vessel inspection the bilges and other spaces may be examined to see that there is no excessive accumulation of oil, trash, debris, or other matter that might create a fire hazard, clog bilge pumping systems, or block emergency escapes.

**§ 176.840 Additional tests and inspections.**

The cognizant OCMI may require that a vessel and its equipment undergo any additional test or inspection deemed

reasonable and necessary to determine that the vessel and its equipment are suitable for the service in which they are to be employed.

#### **Subpart I—International Convention for Safety of Life at Sea, 1974, as Amended (SOLAS)**

##### **§ 176.900 Applicability.**

(a) Except as otherwise provided in this subpart, a mechanically propelled vessel of the United States, which carries more than 12 passengers on an international voyage must be in compliance with the applicable requirements of the International Convention for Safety of Life at Sea, 1974, as Amended (SOLAS), to which the United States Government is currently a party.

(b) SOLAS does not apply to a vessel solely navigating the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd Meridian.

##### **§ 176.910 Passenger Ship Safety Certificate.**

(a) A vessel, which carries more than 12 passengers on an international voyage must have a valid SOLAS Passenger Ship Safety Certificate. The Commandant issues the original SOLAS Passenger Ship Safety Certificate after receiving notification from the cognizant OCMI that the vessel complies with the applicable SOLAS regulations. Subsequent SOLAS Passenger Ship Safety Certificates are issued by the cognizant OCMI unless any changes to the vessel or its operations have occurred which changes the information on the certificate, in which case the Commandant will reissue the certificate.

(b) The route specified on the Certificate of Inspection and the SOLAS Passenger Ship Safety Certificate must agree.

(c) A SOLAS Passenger Ship Safety Certificate is issued for a period of not more than 12 months.

(d) The SOLAS Passenger Ship Safety Certificate may be withdrawn, revoked, or suspended at any time when the vessel is not in compliance with applicable SOLAS requirements.

##### **§ 176.970 Exemptions.**

(a) In accordance with Chapter I (General Provisions) Regulation 4, of SOLAS, the Commandant may exempt a vessel, which is not normally engaged on an international voyage but that in exceptional circumstances is required to undertake a single international voyage from any of the requirements of the

regulations of SOLAS provided that the vessel complies with safety requirements that are adequate, in the Commandant's opinion, for the voyage that is to be undertaken.

(b) In accordance with Chapter II-1 (Construction—Subdivision and Stability, Machinery and Electrical Installations) Regulation 1, Chapter II-2 (Construction—Fire Protection, Fire Detection and Fire Extinction) Regulation 1, and Chapter III (Life Saving Appliances and Arrangements) Regulation 2 of SOLAS, the Commandant may exempt a vessel that does not proceed more than 20 miles from the nearest land from any of the specific requirements of Chapters II-1, II-2, and III of SOLAS if the Commandant determines that the sheltered nature and conditions of the voyage are such as to render the application of such requirements unreasonable or unnecessary.

(c) The Commandant may exempt a vessel from requirements of the regulations of SOLAS in accordance with paragraphs (a) and (b) of this section upon a written request from the owner or managing operator submitted to the Commandant via the cognizant OCMI.

(d) When the Commandant grants an exemption to a vessel in accordance with this section, the Commandant will issue the original SOLAS Exemption Certificate describing the exemption. Subsequent SOLAS Exemption Certificates are issued by the cognizant OCMI unless any changes to the vessel or its operations have occurred that changes the information on the SOLAS Exemption or Passenger Ship Safety Certificates, in which case the Commandant will reissue the certificate. A SOLAS Exemption Certificate is not valid for longer than the period of the SOLAS Passenger Ship Safety Certificate to which it refers.

##### **§ 176.930 Equivalents.**

In accordance with Chapter I (General Provisions) Regulation 5, of SOLAS, the Commandant may accept an equivalent to a particular fitting, material, appliance, apparatus, or any particular provision required by SOLAS regulations if satisfied that such equivalent is at least as effective as that required by the regulations. An owner or managing operator of a vessel may submit a request for the acceptance of an equivalent following the procedures in § 175.540 of this chapter. The Commandant will indicate the acceptance of an equivalent on the vessel's SOLAS Passenger Ship Safety Certificate.

## **PART 177—CONSTRUCTION AND ARRANGEMENT**

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- 177.1010 Safety glazing materials.
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Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

### **Subpart A—General Provisions**

#### **§ 177.100 General requirement.**

The construction and arrangement of a vessel must allow the safe operation of the vessel in accordance with the terms of its certificate of Inspection giving consideration to provisions for a seaworthy hull, protection against fire, means of escape in case of a sudden unexpected casualty, guards and rails in hazardous places, ventilation of enclosed spaces, and necessary facilities for passengers and crew.

**§ 177.115 Applicability to existing vessels.**

(a) Except as otherwise required by paragraph (b) of this section, an existing vessel must comply with the construction and arrangement regulations that were applicable to the vessel on March 10, 1996, or, as an alternative, the vessel may comply with the regulations in this part.

(b) Alterations, or modifications made to the structure or arrangements of an existing vessel, that are a major conversion, on or after March 11, 1996, must comply with the regulations of this part. Repairs or maintenance conducted on an existing vessel, resulting in no significant changes to the original structure or arrangement of the vessel, must comply with the regulations applicable to the vessel on March 10, 1996, or, as an alternative, with the regulations in this part. However, when outfit items such as furnishings and mattresses are renewed, they must comply with the regulations in this part.

**Subpart B—Plans****§ 177.202 Plans and information required.**

(a) Except as provided in paragraph (c) of this section and § 177.210 of this part, the owner of a vessel requesting initial inspection for certification shall, prior to the start of construction unless otherwise allowed by the cognizant Officer in Charge, Marine Inspection (OCMI), submit for approval to the cognizant OCMI, at least two copies of the following plans:

- (1) Outboard profile;
- (2) Inboard profile; and
- (3) Arrangement of decks.

(b) In addition, the owner shall, prior to receiving a Certificate of Inspection, submit for approval to the cognizant OCMI, at least two copies of the following plans, manuals, analyses, and calculations that are applicable to the vessel as determined by the OCMI:

- (1) Midship section;
- (2) Survival craft embarkation stations;
- (3) Machinery installation, including but not limited to:
  - (i) Propulsion and propulsion control, including shaft details;
  - (ii) Steering and steering control, including rudder details;
  - (iii) Ventilation diagrams; and
  - (iv) Engine exhaust diagram;
- (4) Electrical installation including, but not limited to:
  - (i) Elementary one-line diagram of the power system;
  - (ii) Cable lists;
  - (iii) Bills of materials;
  - (iv) Type and size of generators and prime movers;

(v) Type and size of generator cables, bus-tie cables, feeders, and branch circuit cables;

(vi) Power, lighting, and interior communication panelboards with number of circuits and rating of energy consuming devices;

(vii) Type of capacity of storage batteries;

(viii) Rating of circuit breakers and switches, interrupting capacity of circuit breakers, and rating and setting of overcurrent devices; and

(ix) Electrical plant load analysis.

(5) Lifesaving equipment locations and installation;

(6) Fire protection equipment installation including, but not limited to:

- (i) Fire main system plans and calculations;
- (ii) Fixed gas fire extinguishing system plans and calculations;
- (iii) Fire detecting system and smoke detecting system plans;
- (iv) Sprinkler system diagram and calculations; and
- (v) Portable fire extinguisher types, sizes and locations;

(7) Fuel tanks;

(8) Piping systems including: bilge, ballast, hydraulic, sanitary, compressed air, combustible and flammable liquids, vents, soundings, and overflows;

(9) Hull penetrations and shell connections;

(10) Marine sanitation device model number, approval number, connecting wiring and piping; and

(11) Lines and offsets, curves of form, cross curves of stability, and tank capacities including size and location on vessel; and

(12) On sailing vessels:

- (i) Masts, including integration into the ship's structure; and
  - (ii) Rigging plan showing sail areas and centers of effort as well as the arrangement, dimensions, and connections of the standing rigging.
- (c) For a vessel of not more than 19.8 meters (65 feet) in length, the owner may submit specifications, sketches, photographs, line drawings or written descriptions instead of any of the required drawings, provided the required information is adequately detailed and acceptable to the cognizant OCMI.

(d) An owner may submit any plans, manuals, or calculations, required to be submitted to the OCMI under this part, to the Commanding Officer, U.S. Coast Guard Marine Safety Center (Marine Safety Center), 400 Seventh Street, SW., Washington, DC 20590-0001. Three copies of all documents are required to be submitted for Marine Safety Center plan approval.

(e) For a vessel, the construction of which was begun prior to approval of the plans and information required by paragraphs (a) and (b) of this section, the cognizant OCMI may require any additional plans and information, manufacturers' certifications of construction, testing including reasonable destructive testing, and inspections, which the OCMI determines are necessary to verify that the vessel complies with the requirements of this subchapter.

**§ 177.210 Plans for sister vessels.**

(a) Plans are not required for a vessel that is a sister vessel, provided:

(1) Approved plans for the original vessel are on file at the Marine Safety Center or in the files of the cognizant OCMI;

(2) The owner of the plans authorizes their use for the new construction of the sister vessel;

(3) The regulations used for the original plan approval have not changed since the original approval; and

(4) There are no major modifications to any of the systems to be used.

(b) If approved plans for the original vessel are not on file at the MSC or with the cognizant OCMI, the vessel owner shall submit plans as described in § 177.202 of this part.

**Subpart C—Hull Structure****§ 177.300 Structural design.**

Except as otherwise allowed by this subpart, a vessel must comply with the structural design requirements of one of the standards listed below for the hull material of the vessel.

(a) Wooden hull vessels—Rules and Regulations for the Classification of Yachts and Small Craft, Lloyd's Register of Shipping (Lloyd's);

(b) Steel hull vessels:

(1) Rules and Regulations for the Classification of Yachts and Small Craft, Lloyd's; or

(2) Rules for Building and Classing Steel Vessels Under 61 Meters (200 Ft) in Length, American Bureau of Shipping (ABS);

(c) Fiber reinforced plastic vessels:

(1) Rules and Regulations for the Classification of Yachts and Small Craft, Lloyd's; or

(2) Rules for Building and Classing Reinforced Plastic Vessels, ABS;

(d) Aluminum hull vessels:

(1) Rules and Regulations for the Classification of Yachts and Small Craft, Lloyd's; or

(i) For a vessel of more than 30.5 meters (100 feet) in length—Rules for Building and Classing Aluminum Vessels, ABS; or

(ii) For a vessel of not more than 30.5 meters (100 feet) in length—Rules for Building and Classing Steel Vessels Under 61 Meters (200 Feet) in Length, ABS, with the appropriate conversions from the ABS Rules for Building and Classing Aluminum Vessels;

(e) Steel hull vessels operating in protected waters—Rules for Building and Classing Steel Vessels for Service on Rivers and Intracoastal Waterways, ABS.

**§ 177.310 Satisfactory service as a design basis.**

When scantlings for the hull, deckhouse, and frames of the vessel differ from those specified by the standards listed in § 177.300 of this part, and the owner can demonstrate that the vessel, or another vessel approximating the same size, power, and displacement, has been built to such scantlings and has been in satisfactory service insofar as structural adequacy is concerned for a period of at least 5 years, such scantlings may be approved by the cognizant OCMI instead of the scantlings required by the applicable standards specified in § 177.300 of this part.

**§ 177.315 Vessels of not more than 19.8 meters (65 feet) in length carrying not more than 12 passengers.**

The scantlings for a vessel of not more than 19.8 meters (65 feet) in length carrying not more than 12 passengers that do not meet the standards in §§ 177.300 or 177.310 may be approved by the cognizant OCMI if the builder of the vessel establishes to the satisfaction of the OCMI that the design and construction of the vessel is adequate for the intended service.

**§ 177.330 Sailing vessels.**

The design, materials, and construction of masts, posts, yards, booms, bowsprits, and standing rigging on a sailing vessel must be suitable for the intended service. The hull structure must be adequately reinforced to ensure sufficient strength and resistance to plate buckling. The cognizant OCMI may require the owner to submit detailed calculations on the strength of the mast, post, yards, booms, bowsprits, and standing rigging to the Marine Safety Center for evaluation.

**§ 177.340 Alternate design considerations.**

When the structure of vessel is of novel design, unusual form, or special materials, which cannot be reviewed or approved in accordance with §§ 177.300, 177.310 or 177.315, the structure may be approved by the Commanding Officer, Marine Safety Center, when it can be shown by

systematic analysis based on engineering principles that the structure provides adequate safety and strength. The owner shall submit detailed plans, material component specifications, and design criteria, including the expected operating environment, resulting loads on the vessel, and design limitations for such vessel, to the Marine Safety Center.

**Subpart D—Fire Protection**

**§ 177.405 General arrangement and outfitting.**

(a) *Fire hazards to be minimized.* The general construction of the vessel must be such as to minimize fire hazards insofar as it is reasonable and practicable.

(b) *Combustibles insulated from heated surfaces.* Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition must be kept clear of and suitably insulated from combustible material. Dry exhaust systems for internal combustion engines on wooden or fiber reinforced plastic vessels must be installed in accordance with American Boat and Yacht Council (ABYC) Standard P-1 "Installation of Exhaust Systems for Propulsion and Auxiliary Engines."

(c) *Separation of machinery and fuel tank spaces from accommodation spaces.* Machinery and fuel tank spaces must be separated from accommodation spaces by boundaries that prevent the passage of vapors.

(d) *Paint and flammable liquid lockers.* Paint and flammable liquid lockers must be constructed of steel or equivalent material, or wholly lined with steel or equivalent material.

(e) *Vapor barriers.* Vapor barriers must be provided where insulation of any type is used in spaces where flammable and combustible liquids or vapors are present, such as machinery spaces and paint lockers.

(f) *Waste Receptacles.* Unless other means are provided to ensure that a potential waste receptacle fire would be limited to the receptacle, waste receptacles must be constructed of noncombustible materials with no openings in the sides or bottom.

(g) *Mattresses.* All mattresses must comply with either:

(1) The U.S. Department of Commerce "Standard for Mattress Flammability" (FF 4-72.16), 16 CFR Part 1632, Subpart A and not contain polyurethane foam; or

(2) International Maritime Organization Resolution A.688(17) "Fire Test Procedures For Ignitability of Bedding Components." Mattresses that are tested to this standard may contain polyurethane foam.

**§ 177.410 Structural fire protection.**

(a) *Cooking areas.* Vertical or horizontal surfaces within 910 millimeters (3 feet) of cooking appliances must have an American Society for Testing and Materials (ASTM) E-84 "Surface Burning Characteristics of Building Materials" flame spread rating of not more than 75. Curtains, draperies, or free hanging fabrics must not be fitted within 910 millimeters (3 feet) of cooking or heating appliances.

(b) *Fiber reinforced plastic.* When the hull, decks, deckhouse, or superstructure of a vessel is partially or completely constructed of fiber reinforced plastic, including composite construction, the resin used must have an ASTM E-84 flame spread rating of not more than 100.

(c) *Use of general purpose resin.* General purpose resins may be used in lieu of those having an ASTM E-84 flame spread rating of not more than 100 provided that the following additional requirements are met:

(1) *Cooking and Heating Appliances—*Galleys must be surrounded by B-15 Class fire boundaries. This may not apply to concession stands that are not considered high fire hazards areas (galleys) as long as they do not contain medium to high heat appliances such as deep fat fryers, flat plate type grilles, and open ranges with heating surfaces exceeding 121 °C(250 °F). Open flame systems for cooking and heating are not allowed.

(2) *Sources of Ignition—*Electrical equipment and switch boards must be protected from fuel or water sources. Fuel lines and hoses must be located as far as practical from heat sources. Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition must be kept clear of and suitability insulated from any woodwork or other combustible matter. Internal combustion engine dry exhaust systems must be installed in accordance with ABYC Standard P-1.

(3) *Fire Detection and Extinguishing Systems—*Fire detection and extinguishing systems must be installed in compliance with §§ 181.400 through 181.420 of this chapter. Additionally, all fiber reinforced plastic (FRP) vessels constructed with general purpose resins must be fitted with a smoke activated fire detection system of an approved type, installed in accordance with § 76.27 of in subchapter H of this chapter, in all accommodation spaces, all service spaces, and in isolated spaces such as voids and storage lockers that contain an ignition source such as electric equipment or piping for a dry exhaust system.

(4) *Machinery Space Boundaries*—Boundaries that separate machinery spaces from accommodation spaces, service spaces, and control spaces must be lined with noncombustible panels or insulation approved in accordance with § 164.009 in subchapter Q of this chapter, or other standard specified by the Commandant.

(5) *Furnishings*—Furniture and furnishings must comply with § 116.423 in subchapter K of this chapter.

(d) *Limitations on the use of general purpose resin.*

(1) *Overnight Accommodations*—Vessels with overnight passenger accommodations must not be constructed with general purpose resin.

(2) *Gasoline Fuel Systems*—Vessels with engines powered by gasoline or other fuels having a flash point of 43.3° C (110° F) or lower must not be constructed with general purpose resin, except for vessels powered by outboard engines with portable fuel tanks stored in an open area aft, if, as determined by the cognizant OCMI, the arrangement does not produce an unreasonable hazard.

(3) *Cargo*—Vessels carrying or intended to carry hazardous combustible or flammable cargo must not be constructed with general purpose resin.

### Subpart E—Escape Requirements

#### § 177.500 Means of escape.

(a) Except as otherwise provided in this section, each space accessible to passengers or used by the crew on a regular basis, must have at least two means of escape, one of which must not be a watertight door.

(b) The two required means of escape must be widely separated and, if possible, at opposite ends or sides of the space to minimize the possibility of one incident blocking both escapes.

(c) Subject to the restrictions of this section, means of escape may include normal exits and emergency exits, passageways, stairways, ladders, deck scuttles, and windows.

(d) The number and dimensions of the means of escape from each space must be sufficient for rapid evacuation in an emergency for the number of persons served. In determining the number of persons served, a space must be considered to contain at least the number of persons as follows:

(1) Passenger overnight accommodation spaces: Designed capacity;

(2) Accommodation spaces having fixed seating for passengers: Maximum seating capacity;

(3) Public spaces, including spaces such as casinos, restaurants, club rooms,

and cinemas, and public accommodation spaces as defined in § 175.400 of this subchapter, except overnight accommodation spaces: One person may be permitted for each 0.9 square meters (10 square) feet of deck area. In computing such deck area, the following areas must be excluded:

(i) Areas for which the number of persons permitted is determined using the fixed seating criterion;

(ii) Obstructions, including stairway and elevator enclosures, elevated stages, bars, and cashier stands, but not including slot machines, tables, or other room furnishings;

(iii) Toilets and washrooms;

(iv) Interior passageways less than 860 millimeters (34 inches) wide and passageways on open deck less than 710 millimeters (28 inches) wide;

(v) Spaces necessary for handling lifesaving equipment, anchor handling equipment, or line handling gear, or in way of sail booms or running rigging; and

(vi) Bow pulpits, swimming platforms, and areas that do not have a solid deck, such as netting on multi hull vessels;

(4) Crew overnight accommodation spaces: Two-thirds designed capacity; and

(5) Work spaces: Occupancy under normal operating conditions.

(e) The dimensions of a means of escape must be such as to allow easy movement of persons when wearing life jackets. There must be no protrusions in means of escape that could cause injury, ensnare clothing, or damage life jackets.

(f) The minimum clear opening of a door or passageway used as a means of escape must not be less than 810 millimeters (32 inches) in width, however, doors or passageways used solely by crew members must have a clear opening not less than 710 millimeters (28 inches). The sum of the width of all doors and passageways used as means of escape from a space must not be less than 8.4 millimeters (0.333 inches) multiplied by the number of passengers for which the space is designed.

(g) A dead end passageway, or the equivalent, of more than 6.1 meters (20 feet) in length is prohibited.

(h) Each door, hatch, or scuttle, used as a means of escape, must be capable of being opened by one person, from either side, in both light and dark conditions. The method of opening a means of escape must be obvious, rapid, and of adequate strength. Handles and securing devices must be permanently installed and not capable of being easily removed. A door, hatch or scuttle must

open towards the expected direction of escape from the space served.

(i) A means of escape which is not readily apparent to a person from both inside and outside the space must be adequately marked in accordance with § 185.606 of this chapter.

(j) A ladder leading to a deck scuttle may not be used as a means of escape except:

(1) On a vessel of not more than 19.8 meters (65 feet) in length, a vertical ladder and a deck scuttle may be used as not more than one of the means of escape from passenger accommodation space; and

(2) As not more than one of the means of escape from any crew accommodation space or work space.

(h) Each ladder used as a means of escape must be mounted at least 180 millimeters (7 inches) from the nearest permanent object in back of the ladder. Rungs must be:

(1) At least 405 millimeters (16 inches) in width; and

(2) Not more than 305 millimeters (12 inches) apart, and uniformly spaced for the length of the ladder with at least 114 millimeters (4.5 inches) clearance above each rung.

(1) When a deck scuttle serves as a means of escape, it must not be less than 455 millimeters (18 inches) in diameter and must be fitted with a quick acting release and a holdback device to hold the scuttle in an open position.

(m) Footholds, handholds, ladders, and similar means provided to aid escape, must be suitable for use in emergency conditions, of rigid construction, and permanently fixed in position, unless they can be folded, yet brought into immediate service in an emergency.

(n) On a vessel of not more than 19.8 meters (65 feet) in length, a window or windshield of sufficient size and proper accessibility may be used as one of the required means of escape from an enclosed space, provided it:

(1) Does not lead directly overboard;

(2) Can be opened or is designed to be kicked or pushed out; and

(3) Is suitably marked.

(o) Only one means of escape is required from a space where:

(1) The maximum dimension (length, breadth, or depth) of a space is less than 3.7 meters (12 feet);

(2) There is no stove, heater, or other source of fire in the space;

(3) The means of escape is located as far as possible from a machinery space or fuel tank; and

(4) If an accommodation space, the single means of escape does not include a deck scuttle or a ladder.

(p) Alternative means of escape from spaces may be provided if acceptable to the cognizant OCMI.

#### Subpart F—Ventilation

##### § 177.600 Ventilation of enclosed and partially enclosed spaces.

(a) An enclosed or partially enclosed space within a vessel must be adequately ventilated in a manner suitable for the purpose of the space.

(b) A power ventilation system must be capable of being shut down from the pilot house.

(c) An enclosed crew accommodation space and any other space occupied by a crew member on a regular basis must be ventilated by a power ventilation system unless natural ventilation in all ordinary weather conditions is satisfactory to the OCMI.

(d) An exhaust duct over a frying vat or a grill must be of at least 11 U.S. Standard Gauge steel.

(e) Combustibles and other foreign materials are not allowed within ventilation ducts. However, metal piping and electrical wiring installed in a metal protective enclosure may be installed within ventilation ducts, provided that the piping or the wiring does not interfere with the operation of fire dampers. Electrical wiring and piping may not be installed in an exhaust duct over a frying vat or grill.

##### § 177.620 Ventilation of machinery and fuel tank spaces.

In addition to the requirements of this subpart, ventilation systems for spaces containing machinery or fuel tanks must comply with the requirements of Part 182 of this chapter.

#### Subpart G—Crew Spaces

##### § 177.700 General requirements.

(a) A crew accommodation space and a work space must be of sufficient size, adequate construction, and with suitable equipment to provide for the safe operation of the vessel and the protection and accommodation of the crew in a manner practicable for the size, facilities, service, route, speed, and modes of operation of the vessel.

(b) The deck above a crew accommodation space must be located above the deepest load waterline.

##### § 177.710 Overnight accommodations.

Overnight accommodations must be provided for all crew members if the vessel is operated more than 12 hours in a 24 hour period, unless the crew is put ashore and the vessel is provided with a new crew.

#### Subpart H—Passenger Accommodations § 177.800 General requirements.

(a) All passenger accommodations must be arranged and equipped to provide for the safety of the passengers in consideration of the route, modes of operation, and speed of the vessel.

(b) The height of ceilings in a passenger accommodation space, including aisles and passageways, must be at least 1,880 millimeters (74 inches), but may be reduced at the sides of a space to allow the camber, wiring, ventilation ducts, and piping.

(c) A passenger accommodation space must be maintained to minimize fire and safety hazards and to preserve sanitary conditions. Aisles must be kept clear of obstructions.

(d) A passenger accommodation space must not contain:

(1) Electrical generation equipment or transformers, high temperature parts, pipelines, rotating assemblies, or any other item that could injure a passenger, unless such an item is adequately shielded or isolated; and

(2) A control for operating the vessel, unless the control is so protected and located that operation of the vessel by a crew member will not be impeded by a passenger during normal or emergency operations.

(e) The deck above a passenger accommodation space must be located above the deepest load waterline.

(f) A variation from a requirement of this subpart may be authorized by the cognizant OCMI for an unusual arrangement or design provided there is no significant reduction of space, accessibility, safety, or sanitation.

##### § 177.810 Overnight accommodations.

(a) A berth must be provided for each passenger authorized to be carried in overnight accommodation spaces. Each berth must measure at least 1,880 millimeters (74 inches) by 610 millimeters (24 inches) and have at least 610 millimeters (24 inches) of clear space above.

(b) Berths must not be located more than three high and must be constructed of wood, fiber reinforced plastic, or metal. A berth located more than 1520 millimeters (60 inches) above the deck must be fitted with a suitable aid for access.

(c) The Construction and arrangement of berths and other furniture must allow free and unobstructed access to each berth. Each berth must be immediately adjacent to an aisle leading to a means of escape from the accommodation space. An aisle alongside a berth must be at least 610 millimeters (24 inches) wide. An aisle joining two or more

aisles in an overnight accommodation space must be at least 1,060 millimeters (42 inches) wide.

##### § 177.820 Seating.

(a) A seat must be provided for each passenger permitted in a space for which the fixed seating criterion in § 176.113(b)(3) of this subchapter has been used to determine the number of passengers permitted.

(b) A seat must be constructed to minimize the possibility of injury and avoid trapping occupants.

(c) Installation of seats must provide for ready escape.

(d) Seats, including fixed, temporary, or portable seats, must be arranged as follows:

(1) An aisle of not more than 3.8 meters (15 feet) in overall length must be not less than 610 millimeters (24 inches) in width.

(2) An aisle of more than 3.8 meters (15 feet) in overall length must be not less than 760 millimeters (30 inches) in width.

(3) Where seats are in rows, the distance from seat front to seat front must be not less than 760 millimeters (30 inches) and the seats must be secured to a deck or bulkhead.

(4) Seats used to determine the number of passengers permitted, in accordance with § 176.113(b)(3) of this chapter, must be secured to the deck, bulkhead, or bulwark.

#### Subpart I—Rails and Guards

##### § 177.900 Deck rails.

(a) Except as otherwise provided in this section, rails or equivalent protection must be installed near the periphery of all decks of a vessel accessible to passengers or crew. Equivalent protection may include lifelines, wire rope, chains, and bulwarks, which provide strength and support equivalent to fixed rails. Deck rails must include a top rail with the minimum height required by this section, and lower courses or equivalent protection as required by this section.

(b) Deck rails must be designed and constructed to withstand a point load of 91 kilograms (200 pounds) applied at any point in any direction, and a uniform load of 74 kilograms per meter (50 pounds per foot) applied to the top rail in any direction. The point and uniform loads do not need to be applied simultaneously.

(c) Where space limitations make deck rails impractical for areas designed for crew use only, such as at narrow catwalks in way of deckhouse sides, hand grabs may be substituted.

(d) The height of top rails required by paragraph (a) of this section must be as follows:

(1) Rails on passenger decks of a ferry or a vessel engaged in excursion trips, including but not limited to sightseeing trips, dinner and party cruises, and overnight cruises, must be at least 1,000 millimeters (39.5 inches) high.

(2) Rails on a vessel subject to the 1966 International Convention on Load Lines must be at least 1,000 millimeters (39.5 inches) high.

(3) All other rails must be at least 910 millimeters (36 inches) high.

(4) While engaged in big game angling, the minimum rail height may be reduced to not less than 760 millimeters (30 inches) in way of a person using specialized angling techniques or equipment, such as when using a pedestal mounted fixed fighting chair on a low freeboard vessel, if it can be shown that a higher rail would interfere with the fishing operation and the lower rail would not significantly reduce safety. A rail complying with the requirements of paragraphs (d)(1), (2), or (3) of this section as applicable must be installed when big game angling is not being conducted.

(e) Where the principal business of the vessel requires the discharge of persons or cargo in a seaway, such as on pilot boats and dive boats, the cognizant OCMI may accept alternatives to the rails required in paragraphs (d)(1), (2), and (3) of this section for those areas of a deck where passengers or cargo are discharged and for which removable rails, lifelines, or chains would hinder discharge operations.

(f) A sailing vessel, an open boat, or any other vessel not specifically covered elsewhere in this section, must have rails of a minimum height or equivalent protection as considered necessary by the cognizant OCMI, based on the vessel's operation, route, and seating arrangement.

(g) Rail courses or the equivalent must be installed between a top rail required by paragraph (a) of this section, and the deck so that no open space exists that is more than 305 millimeters (12 inches) high except:

(1) On passenger decks of a ferry or of a vessel on an excursion trip the following must be installed:

- (i) Bulwarks;
- (ii) Chain link fencing or wire mesh that has openings of not more than 4 inches in diameter; or
- (iii) Bars, slats, rail courses, or an equivalent spaced at intervals of not more than 100 millimeters (4 inches).

(2) On a vessel subject to the 1966 International Convention on Load Lines, rail courses, or an equivalent, must be

installed so that there is not an open space higher than 230 millimeters (9 inches) from the deck to the first rail course or equivalent.

(h) Rails must be permanently installed except that the following rails may be removable:

(1) Rails in way of embarkation stations and boarding locations;

(2) Rails over 760 millimeters (30 inches) high in way of fishing seats addressed by paragraph (d)(4) of this section; and

(3) Rails on a vessel when the service of the vessel is routinely changed, as determined by the cognizant OCMI, and the required top rail height varies depending on the service of the vessel at a particular time.

#### § 177.920 Storm rails.

Suitable storm rails or hand grabs must be installed where necessary in passageways, at deckhouse sides, and at ladders and hatches.

#### § 177.940 Guards in vehicle spaces.

On a vessel authorized to carry one or more vehicles, suitable chains, cables, or other barriers must be installed at the end of each vehicle runway. In addition, temporary rails or equivalent protection must be installed in way of each vehicle ramp, in compliance with § 177.900, when the vessel is underway.

#### § 177.960 Guards for exposed hazards.

An exposed hazard, such as gears or rotating machinery, must be properly protected by a cover, guard, or rail.

#### § 177.970 Protection against hot piping.

Piping, including valves, pipe fittings and flanges, conveying vapor, gas, or liquid, the temperature of which exceeds 65.5° C (150° F), must be suitably insulated where necessary to prevent injuries.

### Subpart J—Window Construction and Visibility

#### § 177.1010 Safety glazing materials.

Class and other glazing material used in windows accessible to passengers and crew must be of material that will not break into dangerous fragments if fractured.

#### § 177.1020 Strength.

Each window, port hole, and its means of attachment to the hull or deck house, must be capable of withstanding the maximum load from wave and wind conditions expected due to its location on the vessel and the authorized route of the vessel.

#### § 177.1030 Operating station visibility.

(a) Windows and other openings at the operating station must be of

sufficient size and properly located to provide an adequate view for safe navigation in all operating conditions.

(b) Glass or other glazing material used in windows at the operating station must have a light transmission of not less than 70 percent according to Test 2 of American National Standards Institute (ANSI) Z 26.1 "Safety Glazing Materials For Motor Vehicles Operating on Land Highways," and must comply with Test 15 of ANSI Z 26.1 for Class I Optical Deviation.

### PART 178—INTACT STABILITY AND SEAWORTHINESS

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Sec.

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178.510 Ballast.

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

#### Subpart A—General Provisions

#### § 178.115 Applicability to existing vessels.

An existing vessel must comply with the intact stability and seaworthiness regulations which were applicable to the vessel on March 10, 1996, or, as an alternative, the vessel may comply with the regulations in this part.

#### Subpart B—Stability Instructions for Operating Personnel

#### § 178.210 Stability Information.

(a) Stability information (stability details indicated on the Certificate of Inspection, a stability letter, or a stability booklet) is required on certain vessels by paragraphs (b) or (c) of this section. Enough stability information, including stability calculations and

assumptions made to use them, must be provided to allow the master to be able to determine operating guidelines, loading restrictions, and ensure compliance with the applicable intact and damage stability regulations of this chapter.

(b) A vessel which, under § 178.310, must comply with requirements in subchapter S of this chapter, must have stability details on the vessel's Certificate of Inspection, a stability letter issued by the cognizant Officer in Charge, Marine Inspection (OCMI) or the Commanding Officer, Marine Safety Center, or an approved stability booklet. The form in which the stability information must be contained (i.e., stability details on the Certificate of Inspection, a stability letter, or a stability booklet) will be determined by the Commanding Officer, Marine Safety Center.

(c) When necessary for safe operation, the cognizant OCMI may place specific stability restrictions in a stability letter or on the Certificate of Inspection of a vessel of not more than 19.8 meters (65 feet) in length, which, under § 178.310 of this part, must comply with the requirements of § 178.320 of this part.

#### § 178.220 Stability booklet.

When the Commanding Officer, Marine Safety Center determines, in accordance with § 178.210(b), that a vessel must have a stability booklet, the owner or operator must prepare the booklet in accordance with subchapter S of this chapter, and submit it to the Commanding Officer, Marine Safety Center.

#### § 178.230 Stability letter or Certificate of Inspection stability details.

(a) When the cognizant OCMI or the Commanding Officer, Marine Safety Center determines, in accordance with § 178.210, that a vessel must have stability details indicated on its Certificate of Inspection or a stability letter, the owner or operator must submit the information listed in paragraph (b) of this section:

(1) If § 178.210(c) is applicable, to the OCMI for approval; or

(2) If § 178.210(b) is applicable, to the Commanding Officer, Marine Safety Center for approval.

(b) The following applicable information, and the necessary calculations used to determine that information, must be submitted as required by paragraph (a) of this section:

(1) Allowable number of passengers and crew on each deck;

(2) Deepest waterline drafts or freeboard;

(3) Location of watertight bulkheads and openings in watertight bulkheads;

(4) Explanation of the vessel's subdivision and specific identification of the vessel's subdivision bulkheads;

(5) Location of openings through watertight bulkheads, such as watertight doors, which must be closed to limit flooding in an emergency;

(6) Location, type and amount of fixed ballast;

(7) Location and details of foam flotation material; and

(8) Maximum weight of portable equipment permitted on the vessel including diving equipment.

### Subpart C—Intact Stability Standards

#### § 178.310 Applicability based on length and passenger capacity.

(a) A vessel of not more than 19.8 meters (65 feet) in length must meet the applicable requirements of §§ 178.320 or 178.325, or of §§ 170.170, 170.173, and 171.050 in subchapter S of this chapter, if:

(1) Carrying not more than 150 passengers on a domestic voyage;

(2) Carrying not more than 12 passengers on an international voyage; or

(3) It has not more than one deck above the bulkhead deck, exclusive of a pilot house.

(b) The following vessels must meet the appropriate requirements of §§ 170.170, 170.173, 171.050, 171.055, and 171.057 in subchapter S of this chapter:

(1) A vessel of more than 19.8 meters (65 feet) in length;

(2) A vessel carrying more than 12 passengers on an international voyage; and

(3) A vessel with more than 1 deck above the bulkhead deck exclusive of a pilot house.

#### § 178.320 Intact stability requirements.

(a) A vessel, except a pontoon vessel operating on protected waters, must undergo a simplified stability proof test in accordance with § 178.330 of this part in the presence of a Coast Guard marine inspector.

(b) A pontoon vessel operating on protected waters must undergo a simplified stability proof test in accordance with § 178.340 of this part in the presence of a Coast Guard marine inspector.

(c) The cognizant OCMI may dispense with the simplified stability proof test in § 178.330 for a vessel carrying not more than 49 passengers where it can be established that, due to the form, arrangement, construction, number of decks, route, and operating restrictions of the vessel, the vessel's stability can be safely determined without such a test.

Vessels which carry deck cargo must undergo a simplified stability proof test.

(d) A vessel whose stability is questioned by the cognizant OCMI must be shown by design calculations to meet the applicable stability criteria of §§ 170.170, 170.173, and 171.050 in subchapter S of this chapter in each condition of loading and operation.

(e) A simplified stability proof test in accordance with § 178.330 is conducted to determine if a vessel, as built and operated, has a minimum level of initial stability. Failure of the simplified test does not necessarily mean that the vessel lacks stability for the intended route, service, and operating condition, but that calculations or other methods must be used to evaluate the stability of the vessel.

#### § 178.325 Intact stability requirements for a sailing vessel.

(a) Except as provided in paragraphs (b), (c) and (e) of this section, each sailing vessel must undergo a simplified stability proof test in accordance with § 178.330 of this part in the presence of a Coast Guard marine inspector.

(b) Each of the following sailing vessels must meet the intact stability standards of §§ 170.170 and 171.055 in subchapter S of this chapter:

(1) A vessel to be operated on exposed waters;

(2) A vessel to be operated during non-daylight hours;

(3) A vessel of unusual type, rig, or hull form, including vessels without a weathertight deck, such as open boats;

(4) A vessel that carries more than 49 passengers;

(5) A sailing school vessel that carries a combined total of six or more sailing school students or instructors;

(6) A vessel on which downflooding occurs at angles of 60° or less; and

(7) A vessel which has a cockpit longer than Length Over Deck (LOD)/5.

(c) A catamaran must meet the intact stability requirements of § 171.057 in subchapter S of this chapter while under sail as well as the intact stability requirements of § 170.170 in subchapter S of this chapter or § 178.320 under barepoles (if an auxiliary sailing vessel) and with storm sails set and trimmed flat (if a sailing vessel).

(d) A sailing vessel that is not listed in paragraph (b) or (c) of this section and operates on partially protected waters must be equipped with a self-bailing cockpit.

(e) The cognizant OCMI may perform operational tests to determine whether the vessel has adequate stability and satisfactory handling characteristics under sail for protected waters or partially protected waters, in lieu of

conducting a simplified stability proof test.

(f) Commanding Officer, Marine Safety Center, may prescribe additional or different stability requirements for a broad, shallow draft vessel with little or no ballast outside the hull.

**§ 178.330 Simplified stability proof test.**

(a) A vessel must be in the condition specified in this paragraph when a simplified stability proof test is performed.

(1) The construction of the vessel must be complete in all respects.

(2) Ballast, if necessary, must be in compliance with § 178.510 and must be on board and in place.

(3) Each fuel and water tank must be approximately three-quarters full.

(4) A weight equal to the total weight of all passengers, crew, and other loads permitted on the vessel must be on board and distributed so as to provide normal operating trim and to simulate the vertical center of gravity causing the least stable condition that is likely to occur in service. Unless otherwise specified, weight and vertical center of gravity is assumed to be as follows:

(i) The weight of primary lifesaving equipment should be simulated at its normal location, if not on board at the time of the test;

(ii) The weight of one person is considered to be 72.6 kilograms (160 pounds) except the weight of one person is considered to be 63.5 kilograms (140 pounds) if the vessel operates exclusively on protected waters and the passenger load consists of men, women, and children;

(iii) The vertical center for the simulated weight of passengers, crew, and other loads must be at least 760 millimeters (2.5 feet) above the deck; and

(iv) If the vessel carries passengers on diving excursions, the total weight of diving gear must be included in the loaded condition as follows:

(A) The total weight of individual diving gear for each passenger carried is assumed to be 36 kilograms (80 pounds), which includes the weight of scuba tanks, harness, regulator, weight belt, wet suit, mask, and other personal diving equipment; and

(B) The weight of any air compressors carried.

(5) All non-return closures on cockpit scuppers or on weather deck drains must be kept open during the test.

(b) A vessel must not exceed the limitations in paragraph (f) of this section, when subjected to the greater of the following heeling moments:

$$M_p = (W) (B_p)/6; \text{ or}$$

$$M_w = (P) (A) (H)$$

where:

$M_p$  = passenger heeling moment in kilogram-meters (foot-pounds);

$W$  = the total passenger weight using 72.6 kilograms (160 pounds) per passenger, or, if the vessel operates exclusively on protected waters and the passenger load consists of men, women, and children, 63.5 kilograms (140 pounds) per passenger may be used;

$B_p$  = the maximum transverse distance in meters (feet) of a deck that is accessible to passengers;

$M_w$  = wind heeling moment in kilogram-meters (foot-pounds);

$P$  = wind pressure of:

- (1) 36.6 kilograms/square meter (7.5 pounds/square foot) for operation on protected waters;
- (2) 48.8 kilogram/square meter (10.0 pounds/square foot) for operation on partially protected waters; or
- (3) 73.3 kilograms/square meter (15.0 pounds/square foot) for operation on exposed waters;

$A$  = area, in square meters (square feet), of the projected lateral surface of the vessel above the waterline (including each projected area of the hull, superstructure and area bounded by railings and structural canopies). For sailing vessels this is the bare poles area, or, if the vessel has no auxiliary power, with storm sails set; and

$H$  = height, in meters (feet), of the center of area (A) above the waterline, measured up from the waterline.

(c) For sailing vessels the heeling moment used for this test must be the greater of the following:

(1) Passenger heeling moment from paragraph (b) of this section.

(2) Wind heeling moment from paragraph (b) of this section.

(3) Wind heeling moment calculated from the wind heeling moment equation in paragraph (b) of this section, where:

$M_w$  = wind heeling moment in kilogram-meters (foot-pounds);

$P=4.9$  kilograms/square meter (1.0 pounds/square foot) for both protected and partially protected waters.

$A$ =the windage area of the vessel in square meters (square feet) with all sails set and trimmed flat;

$H$ =height, in meters (feet), of the center of effort of area (A) above the waterline, measured up from the waterline; and

(d) A vessel must not exceed the following limits of heel:

(1) On a flush deck vessel, not more than one-half of the freeboard may be immersed.

(2) On a well deck vessel, not more than one-half of the freeboard may be

immersed, except that, on a well deck vessel that operates on protected waters and has non-return scuppers or freeing ports, the full freeboard may be immersed if the full freeboard is not more than one-quarter of the distance from the waterline to the gunwale.

(3) On a cockpit vessel, the maximum allowable immersion is calculated from the following equation:

(i) On exposed waters—

$$i=f(2L-1.5L)/4L$$

(ii) On protected or partially protected waters—

$$i=f(2L-L)/4L$$

where:

$i$ =maximum allowable immersion in meters (feet);

$f$ =freeboard in meters (feet);

$L$ =length of the weather deck, in meters (feet); and

$L^1$ =length of cockpit in meters (feet).

(4) On an open boat, not more than one quarter of the freeboard may be immersed.

(5) On a flush deck sailing vessel, the full freeboard may be immersed.

(6) In no case may the angle of heel exceed 14 degrees.

(e) The limits of heel must be measured at:

(1) The point of minimum freeboard; or

(2) At a point three-quarters of the vessel's length from the bow if the point of minimum freeboard is aft of this point.

(f) When demonstrating compliance with paragraph (d) of this section, the freeboard must be measured as follows:

(1) For a flush deck or well deck vessel, the freeboard must be measured to the top of the weatherdeck at the side of the vessel; and

(2) For a cockpit vessel or for an open boat, the freeboard must be measured to the top of the gunwale.

(g) A ferry must also be tested in a manner acceptable to the cognizant OCMI to determine whether the trim or heel during loading or unloading will submerge the deck edge. A ferry passes this test if, with the total number of passengers and the maximum vehicle weight permitted on board, the deck edge is not submerged during loading or unloading of the vessel.

**§ 178.340 Stability standards for pontoon vessels on protected waters.**

(a) The portion of the deck accessible to passengers on a pontoon vessel must not extend beyond the outboard edge of either pontoon, nor beyond the forward or aft ends of the pontoons.

(b) A pontoon vessel that has more than 2 pontoons or has decks higher than 150 millimeters (6 inches) above the

pontoons must meet a stability standard acceptable to the Commanding Officer, Marine Safety Center.

(c) A pontoon vessel must be in the condition described in § 178.330(c) of this part when the simplified stability proof test is performed, except that the simulated load of passengers, crew, and

other weights is initially centered on the vessel so that trim and heel are minimized.

(d) A pontoon vessel has the minimum acceptable level of initial stability if it meets the following:

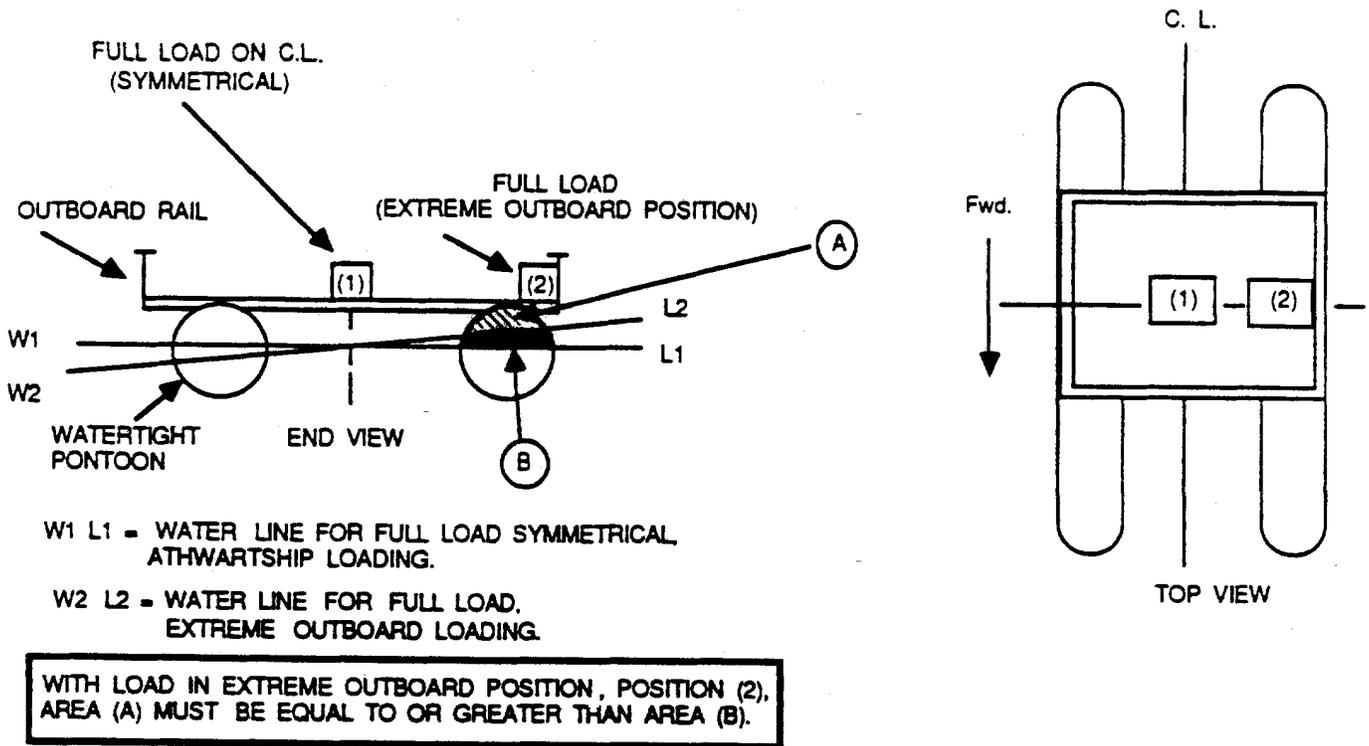
(1) With the simulated load located at the extreme outboard position of the

deck on the side with the least initial freeboard, the remaining exposed cross sectional area of the pontoon on that side must be equal to or greater than the cross sectional area submerged due to the load shift, as indicated in Figure 178.340(d)(1); and

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FIGURE 178.340(d)(1)

## TRANSVERSE STABILITY STANDARD



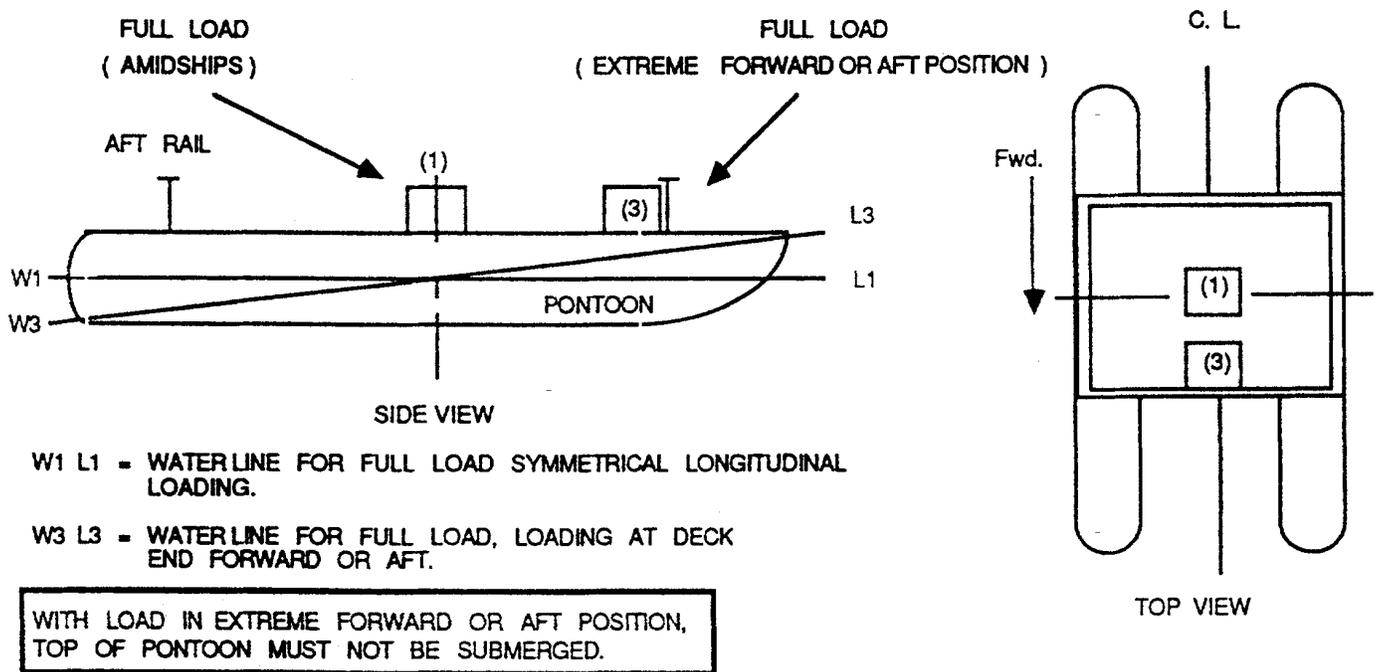
BILLING CODE 4910-14-C

(2) With the simulated load located on the centerline at the extreme fore or aft end of the deck, whichever position is further from the initial position of the load, the top of the pontoon must not be submerged at any location, as indicated in Figure 178.340(d)(2).

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FIGURE 178.340(d)(2)

## LONGITUDINAL STABILITY STANDARD



BILLING CODE 4910-14-C

### Subpart D—Drainage of Weather Decks

#### § 178.410 Drainage of flush deck vessels.

(a) Except as provided in paragraph (b) of this section, the weather deck on a flush deck must be watertight and have no obstruction to overboard drainage.

(b) Each flush deck vessel may have solid bulwarks in the forward one-third length of the vessel if:

- (1) The bulwarks do not form a well enclosed on all sides; and
- (2) The foredeck of the vessel has sufficient sheer to ensure drainage aft.

#### § 178.420 Drainage of cockpit vessels.

(a) Except as follows, the cockpit on a cockpit vessel may be watertight:

- (1) A cockpit may have companionways if the companionway openings have watertight doors, or watertight doors and coamings which meet § 179.360 of this subchapter.
- (2) A cockpit may have ventilation openings along its inner periphery if the vessel operates only on protected or partially protected waters.

(b) The cockpit deck of a cockpit vessel that operates on exposed or partially protected waters must be at least 255 millimeters (10 inches) above

the deepest load waterline unless the vessel complies with:

(1) The intact stability requirements of §§ 170.170, 170.173, 171.050, 171.055, and 171.057 in subchapter S of this chapter;

(2) The Type II subdivision requirements in §§ 171.070, 171.072, and 171.073 in subchapter S of this chapter; and

(3) The damage stability requirements in § 171.080 in subchapter S of this chapter.

(c) The cockpit deck of a cockpit vessel that does not operate on exposed or partially protected waters must be located as high above the deepest load waterline as practicable.

(d) The cockpit must be self-bailing. Scuppers or freeing ports for the cockpit deck of a cockpit vessel must:

- (1) Be located to allow rapid clearing of water in all probable conditions of list and trim;
- (2) Have a combined drainage area of at least the area required by § 178.450 of this part; and
- (3) If the deck is less than 255 millimeters (10 inches) above the deepest load waterline of the vessel, be fitted with non-return devices.

#### § 178.430 Drainage of well deck vessels.

(a) The weather deck on a well deck vessel must be watertight.

(b) The area required on a well deck vessel for drainage of well formed by the bulwarks shall be determined by § 178.450.

(c) The freeing ports or scuppers on a well deck vessel must be located to allow rapid clearing of water in all probable conditions of list and trim.

(d) The deck of well deck vessel that operates on exposed or partially protected waters must be at least 255 millimeters (10 inches) above the deepest load waterline unless the vessel complies with:

(1) The intact stability requirements of §§ 170.170, 170.173, 171.050, 171.055, and 171.057 in subchapter S of this chapter;

(2) The Type II subdivision requirements in §§ 171.070, 171.072, and 171.073 in subchapter S of this chapter; and

(3) The damage stability requirements in § 171.080 in subchapter S of this chapter.

#### § 178.440 Drainage of open boats.

The deck within the hull of an open boat must drain to the bilge. Overboard drainage of the deck is not permitted.

**§ 178.450 Calculation of drainage area for cockpit and well deck vessels.**

(a) The drainage area required on a vessel must be computed using the following formula:

For protected waters required drainage =  $1 \times \text{Basic Drainage}$

For partially protected waters required drainage =  $.5 \times \text{Basic Drainage}$

For exposed waters required drainage =  $\text{Basic Drainage}$

where:

Basic Drainage area in centimeters<sup>2</sup> =  $4389.12 \times [(\text{Recess Volume} \times \text{Recess Ratio}) + (\text{Weather Deck Volume} \times \text{Weather Deck Ratio})]$ ; or

Basic Drainage area in inch<sup>2</sup> =  $(\text{Recess Volume} \times \text{Recess Ratio}) + (\text{Weather Deck Volume} \times \text{Weather Deck Ratio})$

Recess Volume =  $(B_R \times D_R) - V_R$

$B_R$  = average height in centimeters (feet) of the bulwark above the well deck or cockpit deck;

$D_R$  = total deck area of the cockpit or well deck in the after  $\frac{2}{3}$  of the vessel length (LOD) measured in centimeters<sup>2</sup> (feet<sup>2</sup>).

$V_R$  = volume of any weather tight structure below the bulwark of the well deck or cockpit deck.

Recess Ratio =  $L_R / L_C$

$L_R$  = the length of the recess in the after  $\frac{2}{3}$  vessel length (LOD).

Weather Deck Volume =  $(B_D \times D_D) - V_S$

$B_D$  = average height in centimeters (feet) of the bulwark above the weather deck;

$D_D$  = total deck area of the weather deck adjacent to bulwarks but not in way of the cockpit or well deck in the after  $\frac{2}{3}$  of the vessel length (LOD) measured in centimeters<sup>2</sup> (feet<sup>2</sup>).

$V_S$  = volume of any weather tight superstructure below the bulwark on the weather deck located within  $D_D$ .

Weather Deck Ratio =  $L_D / L_C$

$L_D$  = the length of the weather deck bulwark in the after  $\frac{2}{3}$  of the vessel length (LOD).

$L_C$  =  $\frac{2}{3}$  vessel length (LOD).

(b) Vessels with bulwarks in the forward part of the vessel shall not form a well with the deckhouse which retains water.

**Subpart E—Special Installations****§ 178.510 Ballast.**

(a) Any solid fixed ballast used to comply with the requirements of Parts 170, 171, 178, and 179 of this chapter must be:

(1) Stowed in a manner that prevents shifting of the ballast; and

(2) Installed to the satisfaction of the cognizant OCMI.

(b) Solid fixed ballast may not be located forward of the collision bulkhead unless the installation and arrangement of the ballast and the collision bulkhead minimizes the risk of the ballast penetrating the bulkhead in a collision.

(c) Solid fixed ballast may not be removed from a vessel or relocated unless approved by the cognizant OCMI except that ballast may be temporarily moved for a vessel examination or repair if it is replaced to the satisfaction of the OCMI.

(d) Water ballast, either as an active system or permanent, must be approved by the Commanding Officer, Marine Safety Center.

**PART 179—SUBDIVISION, DAMAGE STABILITY AND WATERTIGHT INTEGRITY REQUIREMENTS****Subpart A—General Provision**

Sec.

179.115 Applicability to existing vessels.

**Subpart B—Subdivision and Damage Stability Requirements**

179.210 Collision bulkhead.

179.212 Watertight bulkheads for subdivision.

179.220 Location of watertight bulkheads for subdivision.

179.230 Damage stability requirements.

179.240 Foam flotation material.

**Subpart C—Watertight Integrity Requirements**

179.310 Collision bulkheads.

179.320 Watertight bulkheads.

179.330 Watertight doors.

179.340 Trunks.

179.350 Openings in the side of a vessel below the bulkhead or weather deck.

179.360 Watertight integrity.

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

**Subpart A—General Provisions****§ 179.115 Applicability to existing vessels.**

An existing vessel must comply with the subdivision, damage stability, and watertight integrity regulations which were applicable to the vessel on March 10, 1996, or, as an alternative, the vessel may comply with the regulations in this part.

**Subpart B—Subdivision and Damage Stability Requirements****§ 179.210 Collision bulkhead.**

(a) A vessel of more than 19.8 meters (65 feet) in length must have a collision bulkhead.

(b) A vessel of not more than 19.8 meters (65 feet) in length must have a collision bulkhead if it:

(1) Carries more than 49 passengers;

(2) Operates on exposed waters;

(3) Is of more than 12.2 meters (40 feet) in length and operates on partially protected waters; or

(4) Is constructed of wood on or after March 11, 2001, and operates in cold water.

(c) A double-ended ferry required to have a collision bulkhead must have a collision bulkhead at each end of the vessel.

**§ 179.212 Watertight bulkheads for subdivision.**

(a) A vessel of not more than 19.8 meters (65 feet) in length must comply with § 179.220 of this part if it:

(1) Carries more than 49 passengers; or

(2) Is constructed of wood on or after March 11, 2001, and operates in cold water.

As an alternative, the above vessels may comply with the intact stability requirements of §§ 170.170, 170.173, 171.050 and 171.055 of this chapter, and comply with the Type II subdivision requirements of §§ 171.070 through 171.073 in subchapter S of this chapter.

(b) A vessel of more than 19.8 meters (65 feet) in length must comply with the Type II subdivision requirements of §§ 171.070 through 171.073 in subchapter S of this chapter.

(c) A vessel that carries more than 12 passengers on an international voyage must meet the Type II subdivision requirements of §§ 171.070 through 171.073 in subchapter S of this chapter.

**§ 179.220 Location of watertight bulkheads for subdivision.**

(a) The maximum distance between adjacent main transverse watertight bulkheads on a vessel, required by § 179.212(a) of this part to comply with this section, must not be more than the smaller of the following:

(1) One third of the length of the bulkhead deck; or

(2) The distance given by the following equation:

$$d = \frac{(F)(f)(L)}{D}$$

where:

d = the maximum length of the bulkhead deck in meters (feet) between adjacent main transverse watertight bulkheads;

F = the floodable length factor from Table 179.220(a);

f = the effective freeboard in meters (feet) calculated for each pair of adjacent bulkheads in accordance with paragraph (b) of this section;

L = Length Over Deck in meters (feet) measured over the bulkhead deck; and

D=the depth in meters (feet), measured amidships at a point one-quarter of the maximum beam out from the centerline, from the inside of the bottom planking or plating to the level of the top of the bulkhead deck at side as shown in Figure 179.220(a).

TABLE 179.220(a).—TABLE OF FLOODABLE LENGTH FACTORS

(d/L)×100	F
0–15	0.33
20	0.34
25	0.36

TABLE 179.220(a).—TABLE OF FLOODABLE LENGTH FACTORS—Continued

(d/L)×100	F
30	0.38
35	0.43
40	0.48
45	0.54
50	0.61
55	0.63
60	0.58
65	0.53
70	0.48
75	0.44
80	0.40

TABLE 179.220(a).—TABLE OF FLOODABLE LENGTH FACTORS—Continued

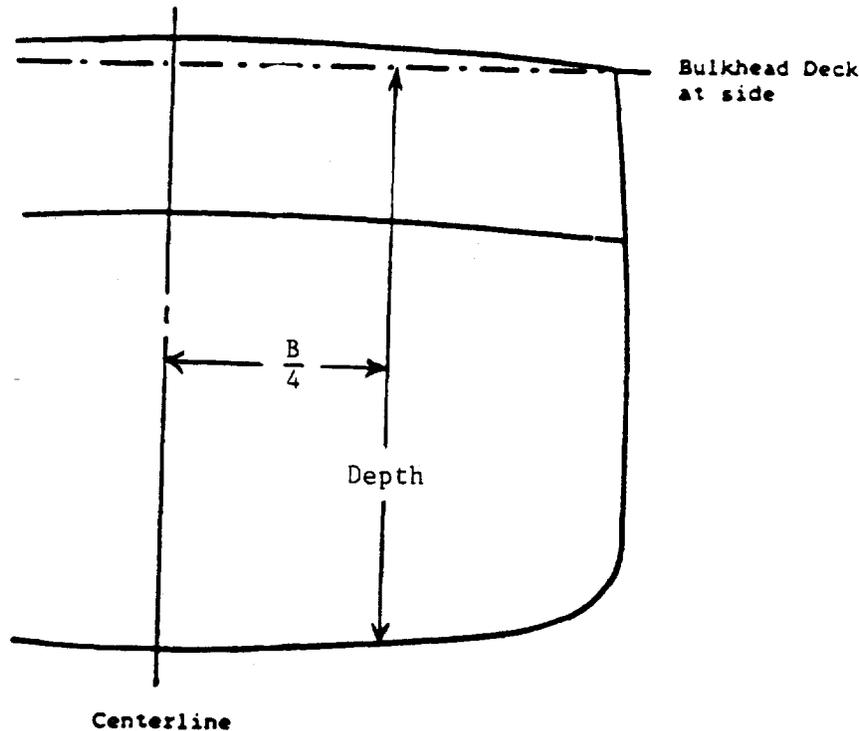
(d/L)×100	F
85	0.37
90–100	0.34

NOTE 1: Where: d=distance in meters (feet) from the midpoint of the compartment to the forward-most point on the bulkhead deck excluding sheer; and L=length over deck in meters (feet) measured over the bulkhead deck.  
NOTE 2: Intermediate values of floodable length factor may be obtained by interpolation.

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Figure 179.220(a)

Transverse Location for Measuring Depth (D)



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(b) The effective freeboard for each compartment is calculated by the following equation:

$$f = (a+b)/2$$

where:

f=the effective freeboard in meters (feet).

a=the freeboard in meters (feet) measured:

- (1) At the forward main transverse watertight bulkhead; and
- (2) From the deepest waterline to:
  - (i) The top of the bulkhead deck on a flush deck vessel; or
  - (ii) If a vessel has a stepped bulkhead deck, the line shown in Figure 179.220(b); or
  - (iii) If a vessel has an opening port light below the bulkhead deck, the line shown in Figure 179.220(c).

b=the freeboard in meters (feet) measured:

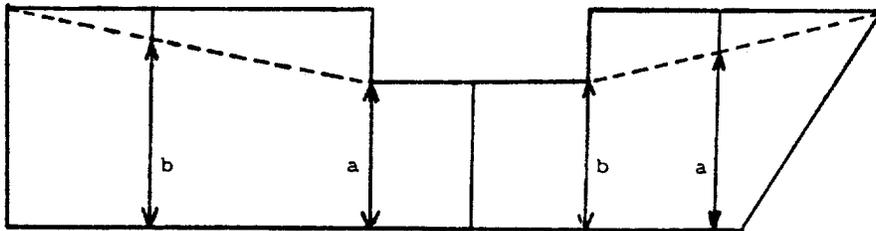
- (1) At the aft main transverse watertight bulkhead; and
- (2) From the deepest waterline to:
  - (i) The top of the bulkhead deck on a flush deck vessel; or
  - (ii) If a vessel has a stepped bulkhead deck, the line shown in Figure 1 to § 179.220(b); or

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Figure 1 to § 179.220(b)

Freeboard Measurement -

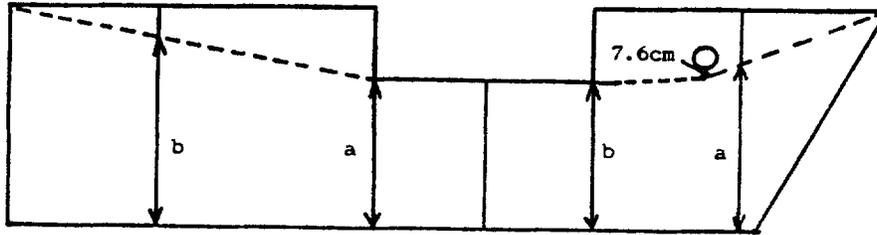
Vessel with Stepped Bulkhead Deck



(a and b shown for two sample compartments)

Figure 2 to § 179.220(b)

Freeboard Measurement -  
Vessel with Stepped Bulkhead Deck and  
a Port Light Below the Bulkhead Deck



(a and b shown for two sample compartments)

BILLING CODE 4910-14-C

(iii) if a vessel has an opening port light below the bulkhead deck, the line shown in Figure 2 to § 179.220(b).

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**§ 179.230 Damage stability requirements.**

A vessel which, in accordance with § 179.212(b), must meet the requirements of §§ 171.070 through 171.073 in subchapter S of this chapter for Type II subdivision, shall also meet the damage stability requirements of § 171.080 in subchapter S of this chapter.

**§ 179.240 Foam flotation material.**

(a) Foam may only be installed as flotation material on a vessel of not more than 19.8 meters (65 feet) in length, when approved by the cognizant Officer in Charge, Marine Inspection (OCMI).

(b) If foam is installed as flotation material on a vessel, the owner shall ensure that the following tests are conducted and requirements are met, to the satisfaction of the cognizant OCMI:

(1) All foam must comply with MIL-P-21929B "Plastic Material, Cellular Polyurethane, Foam-in-Place, Rigid (2 and 4 pounds per cubic foot)," including the requirements for fire resistance;

(2) Foam may be installed only in void spaces that are free of ignition sources, unless the foam complies with the requirements of 33 CFR 183.114;

(3) Foam may be installed adjacent to fuel tanks only if the boundary between the tank and the space has double continuous fillet welds;

(4) The structure enclosing the foam must be strong enough to accommodate the buoyancy of the foam;

(5) Piping and cables must not pass through foamed spaces unless they are within piping and cable ways accessible from both ends;

(6) Blocked foam must:

(i) Be used in each area that may be exposed to water; and

(ii) Have a protective cover, approved by the cognizant OCMI, to protect it from damage;

(7) A water submergence test must be conducted on the foam for a period of at least 7 days to demonstrate to the satisfaction of the cognizant OCMI that the foam has adequate strength to withstand a hydrostatic head equivalent to that which would be imposed if the

vessel were submerged to its bulkhead deck;

(8) The effective buoyancy of the foam must be determined at the end of the submergence test required by paragraph (b)(7) of this section. The effective buoyancy or 881 kilograms per cubic meter (55 pounds per cubic foot), whichever is less, must be used in determining the location of watertight bulkheads for subdivision required by § 179.212; and

(9) The owner or operator must obtain sample foam specimens during installation of the foam and determine the density of the installed foam.

**Subpart C—Watertight Integrity Requirements**

**§ 179.310 Collision bulkheads.**

(a) Each collision bulkhead required by § 179.210, must be constructed in accordance with § 179.320, except that a collision bulkhead:

(1) Must extend to the weather deck or to one deck above the bulkhead deck,

whichever is lower, for service on oceans or coastwise routes; and

(2) Must not be fitted with any type of penetration or opening except penetrations may be made if they are located as high and as far inboard as practicable and they have a means to make them watertight.

(b) The forward collision bulkhead required to be on a vessel by § 179.210 must be:

(1) Located at least 5 percent but not more than 15 percent of the length between perpendiculars (LBP) aft of the forward perpendicular, or for vessels with bulbous bows extending forward of the forward perpendicular and contributing more than 2 percent of the underwater volume of the vessel, located at least 5 percent but not more than 15 percent of the LBP aft of the mid-length of such extension; and

(2) Installed in a single plane, with no recess or step, up to the bulkhead deck;

(c) The after collision bulkhead on a double-ended ferry of more than 19.8 meters (65 feet) in length must be:

(1) At least 5 percent but not more than 15 percent of the LBP forward of the after perpendicular; and

(2) Installed in a single plane, with no recess or step, at least up to the bulkhead deck.

#### § 179.320 Watertight bulkheads.

(a) Each watertight bulkhead must be of sufficient strength to be capable of remaining watertight with a head of water to the top of the bulkhead.

(b) Each watertight bulkhead must extend to the bulkhead deck and be installed in one plane without steps or recesses insofar as is reasonable and practicable. Any steps or recesses permitted must comply with the applicable subdivision requirements in this subchapter.

(c) The number of penetrations in a watertight bulkhead must be minimized. A penetration in a watertight bulkhead must be as high and as far inboard in the bulkhead as practicable, and made watertight.

(d) Sluice valves are not permitted in watertight bulkheads.

#### § 179.330 Watertight doors.

(a) Hinged watertight doors are not permitted in bulkheads required by §§ 179.210 or 179.212 unless the vessel will not proceed more than 20 nautical miles from shore and:

(1) The door separates a machinery space from an accommodation space and, in the judgment of the cognizant OCMI, the door will be kept closed except when a person is passing through the door; or

(2) The Commandant determines that, due to the arrangements of the vessel,

the door will be kept closed except when a person is passing through the door.

(b) A hinged watertight bulkhead door must be fitted with a quick action closing device operable from both sides of the door and indicator lights at the operating station showing whether the door is open or closed.

(c) Sliding watertight doors must meet the requirements of Part 170, Subpart H in subchapter S of this chapter.

(d) No more than one watertight door may be fitted in a watertight bulkhead, and it must be located as high and as far inboard as practicable.

#### § 179.340 Trunks.

Where a trunk (i.e., an enclosed passageway through a deck or bulkhead) is installed, it must comply with the requirements of § 179.360(a)(1) and with the requirements of § 171.113 in subchapter S of this chapter.

#### § 179.350 Openings in the side of a vessel below the bulkhead or weather deck.

(a) On a vessel operating on exposed or partially protected waters, an opening port light is not permitted below the weather deck unless the sill of the port light is at least 760 millimeters (30 inches) above the deepest load waterline.

(b) A port light must have an inside, hinged dead cover regardless of whether the port light is or is not capable of being opened.

(c) Except for engine exhausts, each inlet or discharge pipe that penetrates the hull below a line drawn parallel to and at least 150 millimeters (6 inches) above the deepest load waterline must have means to prevent water from entering the vessel if the pipe fractures or otherwise fails.

(d) A positive action valve or cock that is located as close as possible to the hull is an acceptable means for complying with paragraph (c) of this section.

(e) If an inlet or discharge pipe is inaccessible, the means for complying with paragraph (c) of this section must be a shut-off valve that is:

(1) Operable from the weather deck or any other accessible location above the bulkhead deck; and

(2) Labeled at the operating point for identity and direction of closing.

(f) Any connecting device or valve in a hull penetration must not be cast iron.

(g) Each plug cock in an inlet or discharge pipe must have a means, other than a cotter pin, to prevent its loosening or removal from the body.

#### § 179.360 Watertight integrity.

(a) A hatch exposed to the weather must be watertight, except that the following hatches may be weathertight:

(1) A hatch on a watertight trunk that extends at least 305 millimeters (12 inches) above the weather deck;

(2) A hatch in a cabin top; and

(3) A hatch on a vessel that operates only on protected waters.

(b) A hatch cover must:

(1) Have securing devices; and

(2) Be attached to the hatch frame or coaming by hinges, captive chains, or other devices of substantial strength to prevent its loss.

(c) A hatch cover that provides access to accommodation spaces must be operable from either side.

(d) A weathertight door must be provided for each opening located in a deck house or companionway. Permanent watertight coamings must be provided as follows:

(1) On a vessel on an exposed or partially protected route, a watertight coaming with a height of at least 150 millimeters (6 inches) must be provided under each weathertight door in a cockpit or a well, or on the main deck of a flush deck vessel.

(2) On a vessel on a protected route, a watertight coaming with a height of at least 75 millimeters (3 inches) must be provided under each weathertight door in a cockpit or a well.

(3) The height of the watertight coaming for a hinged watertight door need only be sufficient to accommodate the door.

### PART 180—LIFESAVING EQUIPMENT AND ARRANGEMENTS

#### Subpart A—General Provisions

Sec.

180.10 Applicability to vessels on an international voyage.

180.15 Applicability to existing vessels.

180.25 Additional requirements.

#### Subpart B—Emergency Communications

180.64 Emergency Position Indicating Radiobeacons (EPIRB).

180.68 Distress flares and smoke signals.

#### Subpart C—Life Buoys and Life jackets

180.70 Ring life buoys.

180.71 Life jackets.

180.72 Personal flotation devices carried in addition to life jackets.

180.75 Life jackets lights.

180.78 Stowage of life jackets.

#### Subpart D—Survival Craft Arrangements and Equipment

180.130 Stowage of survival craft.

180.137 Stowage of life floats and buoyant apparatus.

180.150 Survival craft embarkation arrangements.

180.175 Survival craft equipment.

**Subpart E—Number and Type of Survival Craft**

- 180.200 Survival craft—general.  
 180.202 Survival craft—vessels operating on oceans routes.  
 180.204 Survival craft—vessels operating on coastwise routes.  
 180.205 Survival craft—vessels operating on limited coastwise routes.  
 180.206 Survival craft—vessels operating on Great Lakes routes.  
 180.207 Survival craft—vessels operating on lakes, bays, and sounds routes.  
 180.208 Survival craft—vessels operating on rivers routes.  
 180.210 Rescue boats.

Authority: 46 U.S.C. 2104, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

**Subpart A—General Provisions****§ 180.10 Applicability to vessels on an international voyage.**

A vessel on an international voyage must meet the requirements in subchapter W of this chapter for passenger vessels in the same service, instead of the requirements of this part.

**§ 180.15 Applicability to existing vessels.**

An existing vessel must comply with the requirements of this part except as otherwise specified by this section.

(a) Before March 11, 2001, or 10 years after the vessel's keel was laid or the vessel was at a similar stage of construction, whichever is later, an existing vessel may comply with the requirements in effect for the vessel prior to March 11, 1996, for the number and type of survival craft, stowage arrangements, and launching appliances for survival craft.

(b) On or before March 11, 2001, or 10 years after the vessel's keel was laid or the vessel was at a similar stage of construction, whichever is later, an existing vessel must:

(1) Be equipped with the number of survival craft required for its route under §§ 180.202, 180.204, 180.205, 180.206, 180.207, or 180.208, as applicable; and

(2) Comply with the stowage and launching appliance requirements for survival craft in §§ 180.130 through 180.150, inclusive.

(c) A vessel that meets the following requirements shall be considered in compliance with the subdivision requirements contained in §§ 180.202, 180.204, 180.205, 180.206, 180.207 and 180.208:

(1) The vessel was constructed before March 11, 2001.

(2) The vessel is of not more than 19.8 meters (65 feet) in length and carries not more than 49 passengers;

(3) The vessel meets the standards for collision bulkheads in § 179.310 of this chapter; and

(4) The vessel meets the standards for one-compartment subdivision in §§ 179.220 and 179.320 of this chapter, at least in way of the engine room and lazarette.

(d) Each inflatable liferaft, inflatable buoyant apparatus, life float, and buoyant apparatus on the vessel on March 11, 1996, may be used to meet the requirements of this part for these survival craft as long as the survival craft is continued in use on the vessel, and is in good and serviceable condition.

(e) When any lifesaving equipment on a vessel is replaced or a vessel undergoes repairs, alterations, or modifications of a major character involving replacement of, or any addition to, the existing lifesaving equipment, each new piece of lifesaving equipment must meet this part.

(f) A combination flare and smoke distress signal approved in accordance with § 160.023 in subchapter Q of this chapter may be used on an existing vessel until the expiration date of the distress signal but no later than March 11, 1999, as one of the distress signals required by § 180.68.

(g) Until February 1, 1999, a Coast Guard approved 121.5/243 MHz Class A Emergency Position Indicating Radiobeacon (EPIRB) may be used to meet the requirement for an EPIRB under § 180.64, if the EPIRB:

- (1) Is operable;
- (2) Is installed to automatically float-free and activate;
- (3) Was manufactured on or after October 1, 1988; and
- (4) Was installed on the vessel on or before March 11, 1996.

(h) Until February 1, 1999, a Federal Communications Commission (FCC) Type Accepted VHF-FM Class C EPIRB may be used to meet the requirement for an EPIRB on a vessel operating on a Great Lakes route under § 180.64, if the EPIRB:

- (1) Is operable; and
- (2) Was installed on the vessel on or before March 11, 1996.

(i) Until March 11, 1997, an existing vessel on a limited coastwise route, need not comply with § 180.64.

(j) An existing vessel need not comply with § 180.78(a)(4).

(k) An existing vessel must comply with § 180.210 or may comply with the regulations for rescue boats that were in effect for the vessel prior to March 11, 1996.

**§ 180.25 Additional requirements.**

(a) Each item of lifesaving equipment carried on board a vessel but not

required under this part, must be approved by the Commandant.

(b) The cognizant Officer in Charge, Marine Inspection (OCMI) may require a vessel to carry specialized or additional lifesaving equipment if:

- (1) The OCMI determines the conditions of the voyage render the requirements of this part inadequate; or
- (2) The vessel is operated in Arctic, Antarctic, or other severe conditions not covered under this part.

**Subpart B—Emergency Communications****§ 180.64 Emergency Position Indicating Radiobeacons (EPIRB).**

Each vessel that operates on the high seas, or that operates beyond three miles from the coastline of the Great Lakes, must have on board a FCC Type Accepted Category 1, 406 MHz EPIRB, installed to automatically float free and activate.

**§ 180.68 Distress flares and smoke signals.**

(a) *Oceans, coastwise, and Great Lakes routes.* A vessel on an oceans, coastwise, or Great Lakes route must carry:

(1) Six hand red flare distress signals approved in accordance with § 160.021 in subchapter Q of this chapter, or other standard specified by the Commandant; and

(2) Six hand orange smoke distress signals approved in accordance with § 160.037 in subchapter Q of this chapter, or other standard specified by the Commandant.

(b) *Lakes, bays, and sounds, and rivers routes.* A vessel on a lakes, bays, and sounds, or rivers route must carry:

(1) Three hand red flare distress signals approved in accordance with § 160.021 in subchapter Q of this chapter, or other standard specified by the Commandant; and

(2) Three hand orange smoke distress signals approved in accordance with § 160.037 in subchapter Q of this chapter, or other standard specified by the Commandant.

(c) *Substitutions.* (1) A rocket parachute flare approved in accordance with § 160.036 in subchapter Q of this chapter, or other standard specified by the Commandant may be substituted for any of the hand red flare distress signals required under paragraph (a) of this section.

(2) One of the following may be substituted for any of the hand orange smoke distress signals required under paragraph (a) or (b) of this section:

(i) A rocket parachute flare approved in accordance with § 160.036 in

subchapter Q of this chapter, or other standard specified by the Commandant.

(ii) A hand red flare distress signal approved in accordance with § 160.021 in subchapter Q of this chapter, or other standard specified by the Commandant.

(iii) A floating orange smoke distress signal approved in accordance with § 160.022 in subchapter Q of this chapter, or other standard specified by the Commandant.

(d) *Exemption for vessels on short runs.* A vessel operating on short runs limited to approximately 30 minutes away from the dock is not required to carry distress flares and smoke signals under this section.

(e) *Stowage.* Each flare carried to meet this section must be stowed in one of the following:

(1) A portable watertight container marked as required by § 185.614 of this chapter, carried at the operating station; or

(2) A pyrotechnic locker secured above the freeboard deck, away from heat, in the vicinity of the operating station.

### Subpart C—Life Buoys and Life jackets

#### § 180.70 Ring life buoys.

(a) A vessel must have one or more ring life buoys as follows:

(1) A vessel of not more than 7.9 meters (26 feet) in length must carry a minimum of one life buoy of not less than 510 millimeters (20 inches) in diameter;

(2) A vessel of more than 7.9 meters (26 feet) in length, but not more than 19.8 meters (65 feet), must carry a minimum of one life buoys of not less than 610 millimeters (24 inches) in diameter; and

(3) A vessel of more than 19.8 meters (65 feet) in length must carry a minimum of three life buoys of not less than 610 millimeters (24 inches) in diameter.

(b) Each ring life buoy on a vessel must:

(1) Be approved in accordance with § 160.050 in subchapter Q of this chapter, or other standard specified by the Commandant;

(2) Be readily accessible;

(3) Be stowed in a way that it can be rapidly cast loose;

(4) Not be permanently secured in any way; and

(5) If on a vessel on an oceans or coastwise route, be orange in color.

(c) At least one ring life buoy must be fitted with a lifeline. If more than one ring life buoy is carried, at least one must not have a lifeline attached. Each lifeline on a ring life buoy must:

(1) Be buoyant;

(2) Be of at least 18.3 meters (60 feet) in length;

(3) Be non-kinking;

(4) Have a diameter of at least 7.9 millimeters ( $\frac{5}{16}$  inch);

(5) Have a breaking strength of at least 510 kilograms (1,124 pounds); and

(6) Be of a dark color if synthetic, or of a type certified to be resistant to deterioration from ultraviolet light.

(d) A vessel must carry one floating waterlight, unless it is limited to daytime operation, in which case no floating waterlight is required.

(1) Each floating waterlight must be approved in accordance with § 160.010 in subchapter Q of this chapter, or other standard specified by the Commandant.

(2) Each ring life buoy with a floating waterlight must have a lanyard of at least 910 millimeters (3 feet) in length, but not more than 1,830 millimeters (6 feet), securing the waterlight around the body of the ring life buoy.

(3) Each floating waterlight installed after March 11, 1997, on a vessel carrying only one ring buoy, must be attached to the lanyard with a corrosion-resistant clip. The clip must have a strength of at least 22.7 kilograms (50 pounds), and allow the waterlight to be quickly disconnected from the ring life buoy.

#### § 180.71 Life jackets.

(a) An adult life jacket must be provided for each person carried on board a vessel.

(b) In addition, a number of child size life jackets equal to at least 10% of the number of the person permitted on board must be provided, or such greater number as necessary to provide a life jacket for each person being carried that is smaller than the lower size limit of the adult life jackets provided to meet this section, except that:

(1) Child-size life jackets are not required if the vessel's Certificate of Inspection is endorsed for the carriage of adults only; or

(2) When all "extended size" life preservers (those with a lower size limit for persons of 1,195 millimeters (47 inches) in height or weighing 20.4 kilograms (45 pounds)) are carried on board, a minimum of only 5% additional child size devices need be carried.

(c) Except as allowed by paragraph (d) of this section, each life jacket must be approved in accordance with either §§ 160.002, 160.005, or 160.055 in subchapter Q of this chapter, or other standard specified by the Commandant.

(d) Cork and balsam wood lifejackets previously approved in accordance with §§ 106.003, or 160.004 in subchapter Q of this section, on board an existing

vessel prior to March 11, 1996, may continue to be used to meet the requirements of this section until March 11, 1999, of the interim rules provided the lifejackets are maintained in good and serviceable condition.

#### § 180.72 Personal flotation devices carried in addition to life jackets.

(a) Equipment carried under this section is not acceptable in lieu of any portion of the required number of approved life jackets and must not be substituted for the approved life jackets required to be worn during drills and emergencies.

(b) Wearable marine buoyant devices that include "ski vests," "boating vests," and "fishing vests," approved in accordance with § 160.064 in subchapter Q of this chapter, or other standard specified by the Commandant, may be carried as additional equipment.

(c) Buoyant work vests approved in accordance with § 160.053 in subchapter Q of this chapter, or other standard specified by the Commandant, may be carried as additional equipment for use of persons working near or over the water.

(d) Commercial hybrid personal flotation devices (PFD) approved in accordance with § 160.077 of this chapter, or other standard specified by the Commandant, may be carried as additional equipment for use of persons working near or over the water. Each commercial hybrid PFD must be:

(1) Used, stowed, and maintained in accordance with the procedures set out in the manual required for these devices under § 160.077-29 in subchapter Q of this chapter and any limitation(s) marked on them; and

(2) Of the same or similar design and have the same method of operation as each other hybrid PFD carried on board.

#### § 180.75 Life jacket lights.

(a) Each life jacket carried on a vessel on oceans, coastwise, or Great Lakes route, must have a life jacket light approved in accordance with § 161.012 in subchapter Q of this chapter, or other standard specified by the Commandant. Each life jacket light must be securely attached to the front shoulder area of the life jacket.

(b) Notwithstanding the requirements of paragraph (a) of this section, life jacket lights are not required for life jackets on:

(1) Ferries; and

(2) Vessels with Certificates of Inspection endorsed only for routes that do not extend more than 20 miles from a harbor of safe refuge.

**§ 180.78 Stowage of life jackets.**

(a) *General.* Unless otherwise stated in this section, life jackets must be stored in convenient places distributed throughout accommodation spaces.

(1) Each stowage container for life jackets must not be capable of being locked. If practicable, the container must be designed to allow the life jackets to float free.

(2) Each life jacket kept in a stowage container must be readily available.

(3) Each life jacket stowed overhead must be supported in a manner that allows quick release for distribution.

(4) If life jackets are stowed more than 2,130 millimeters (7 feet) above the deck, a means for quick release must be provided and must be capable of operation by a person standing on the deck.

(5) Each child size life jacket must be stowed in a location that is appropriately marked and separated from adult life jackets so the child size life jackets are not mistaken for adult life jackets.

(b) *Additional personal flotation devices.* The stowage locations of the personal flotation devices carried in addition to life jackets under § 180.72, must be separate from the life jackets, and such as not to be easily confused with that of the life jackets.

**Subpart D—Survival Craft Arrangements and Equipment****§ 180.130 Stowage of survival craft.**

(a) Each survival craft must be:

(1) Secured to the vessel by a painter with a float-free link permanently attached to the vessel except that a float-free link is not required if the vessel operates only on waters not as deep as the length of the painter;

(2) Stowed so that when the vessel sinks the survival craft floats free and, if inflatable, inflates automatically;

(3) Stowed in a position that is readily accessible to crew members for launching, or else provided with a remotely operated device that releases the survival craft into launching position or into the water;

(4) Stowed in a way that permits manual release from its securing arrangements;

(5) Ready for immediate use so that crew members can carry out preparations for embarkation and launching in less than 5 minutes;

(6) Provided with means to prevent shifting;

(7) Stowed in a way that neither the survival craft nor its stowage arrangements will interfere with the embarkation and operation of any other survival craft at any other launching station;

(8) Stowed in a way that any protective covers will not interfere with launching and embarkation;

(9) Fully equipped as required under this part; and

(10) Stowed, as far as practicable, in a position sheltered from breaking seas and protected from damage by fire.

(b) A hydrostatic release unit when used in a float-free arrangement must be approved in accordance with § 160.062 in subchapter Q of this chapter, or other standard specified by the Commandant.

(c) A mechanical, manually operated device to assist in launching a survival craft must be provided if:

(1) The survival craft weights more than 90.7 kilograms (200 pounds); and

(2) The survival craft requires lifting more than 300 vertical millimeters (one vertical foot) to be launched.

**§ 180.137 Stowage of life floats and buoyant apparatus.**

(a) In addition to meeting § 180.130, each life float and buoyant apparatus must be stowed as required under this section.

(b) The float-free link required by § 180.130(a)(1) must be:

(1) Certified to meet § 160.073 in subchapter Q of this chapter, or other standard specified by the Commandant;

(2) Of proper strength for the size of the life float or buoyant apparatus as indicated on its identification tag; and

(3) Secured to the painter at one end and to the vessel on the other end.

(c) The means used to attach the float-free link to the vessel must:

(1) Have a breaking strength of at least the breaking strength of the painter;

(2) If synthetic, be of a dark color or of a type certified to be resistant to deterioration from ultraviolet light; and

(3) If metal, be corrosion resistant.

(d) If the life float or buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that:

(1) Encircles the body of the device;

(2) Will not slip off;

(3) Has a breaking strength that is at least the strength of the painter; and

(4) If synthetic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(e) If the vessel carried more than one life float or buoyant apparatus in a group with each group secured by a single painter:

(1) The combined weight of each group of life floats and buoyant apparatus must not exceed 181 kilograms (400 pounds);

(2) Each group of life floats and buoyant apparatus is considered a single survival craft for the purposes of § 180.130(c);

(3) Each life float and buoyant apparatus must be individually attached to the painter by a line meeting §§ 180.175(e)(3) (ii), (iii), and (iv) and long enough that each life float or buoyant apparatus can float without contacting any other life float or buoyant apparatus in the group; and

(4) The strength of the float-free link under paragraph (b)(2) of this section and the strength of the painter under § 180.175(e)(3)(ii) must be determined by the combined capacity of the group of life floats and buoyant apparatus.

(f) Life floats and buoyant apparatus must not be stowed in tiers more than 1,220 millimeters (4 feet) high. When stowed in tiers, the separate units must be kept apart by spacers.

**§ 180.150 Survival craft embarkation arrangements.**

(a) A launching appliance that complies with the installation and arrangement requirements for launching appliances in subchapter W of this chapter must be provided for each inflatable liferaft and inflatable buoyant apparatus when either:

(1) The embarkation station for the survival craft is on a deck more than 4.5 meters (15 feet) above the waterline; or

(2) The inflatable liferaft and inflatable buoyant apparatus is boarded prior to being placed in the water.

(b) A embarkation ladder, approved in accordance with § 160.017 in subchapter Q of this chapter, or other standard specified by the Commandant, must be at each embarkation station if the distance from the deck on which an embarkation station is located to the vessel's lightest operating waterline is more than 3,050 millimeters (10 feet).

**§ 180.175 Survival craft equipment.**

(a) *General.* Each item of survival craft equipment must be of good quality, and efficient for the purpose it is intended to serve. Unless otherwise stated in this section, each item of equipment carried, whether required under this section or not, must be secured by lashings, stored in lockers, compartments, brackets, or have equivalent mounting or storage arrangements that do not:

(1) Reduce survival craft capacity;

(2) Reduce space available to the occupants;

(3) Interfere with launching, recovery, or rescue operations; or

(4) Adversely affect seaworthiness of the survival craft.

(b) *Inflatable liferafts.* Each inflatable liferaft must have one of the following equipment packs as shown by the markings on its container:

(1) Safety of Life at Sea (SOLAS) B Pack; or

(2) SOLAS A Pack.  
 (c) *Life floats*. Each life float must be fitted with a lifeline, pendants, two paddles, a painter, and a light.

(d) *Buoyant apparatus*. Each buoyant apparatus must be fitted with a lifeline, pendants, a painter, and a light.

(e) *Equipment specifications for life floats and buoyant apparatus*. The equipment required for life floats and buoyant apparatus must meet the following specifications:

(1) *Lifeline and pendants*. The lifeline and pendants must be as furnished by the manufacturer with the approved life float or buoyant apparatus. Replacement lifelines and pendants must meet the requirements in Subpart 160.010 of this chapter.

(2) *Paddle*. Each paddle must be of at least 1,220 millimeters (4 feet) in length, lashed to the life float to which it belongs and buoyant.

(3) *Painter*. The painter must:

(i) Be of at least 30.5 meters (100 feet) in length, but not less than 3 times the distance between the deck where the life float or buoyant apparatus it serves is stowed and the lowest load waterline of the vessel;

(ii) Have a breaking strength of at least 680 kilograms (1,500 pounds), except that if the capacity of the life float or buoyant apparatus is 50 persons or more, the breaking strength must be at least 1,360 kilograms (3,000 pounds);

(iii) Be of a dark color if synthetic, or of a type certified to be resistant to deterioration from ultraviolet light; and

(iv) Be stowed in such a way that it runs out freely when the life float or

buoyant apparatus floats away from a sinking vessel.

(4) *Light*. The light must be a floating waterlight approved in accordance with § 161.010 in subchapter Q of this chapter, or other standard specified by the Commandant. The floating waterlight must be attached around the body of the life float or buoyant apparatus by a 12-thread manila, or equivalent, lanyard of at least 5.5 meters (18 feet) in length.

(f) *Other survival craft*. If survival craft other than inflatable liferafts, life floats, inflatable buoyant apparatus, and buoyant apparatus are carried on the vessel, such as lifeboats or rigid liferafts, they must be installed, arranged, and equipped as required under subchapter H (Passenger Vessels) of this chapter for passenger vessels on the same route.

**Subpart E—Number and Type of Survival Craft**

**§ 180.200 Survival craft—general.**

(a) Each survival craft required on a vessel by this part must meet one of the following:

(1) For an inflatable liferaft—Subpart 160.151 in subchapter Q of this chapter, or other standard specified by the Commandant, with the applicable equipment pack, as determined by the cognizant OCMI. Each inflatable liferaft required on a vessel by this part must have a capacity of 6 persons or more. Inflatable liferafts may be substituted for inflatable buoyant apparatus or life floats required under this section;

(2) For a life float—Subpart 160.027 in subchapter Q of this chapter, or other

standard specified by the Commandant. Buoyant apparatus may be used to meet requirements for life floats if the buoyant apparatus was installed on board the vessel on or before March 11, 1996, and if the buoyant apparatus remains in good and serviceable condition;

(3) For an inflatable buoyant apparatus—Subpart 160.010 in subchapter Q of this chapter, or other standard specified by the Commandant. Inflatable buoyant apparatus may be substituted for life floats required under this section.

(4) For a buoyant apparatus—Subpart 160.010 in subchapter Q of this chapter, or other standard specified by the Commandant. An existing buoyant apparatus may not be used to satisfy the requirements for life floats on existing vessels wishing to upgrade the total number of passengers carried on an oceans route.

(b) If the vessel carries a small boat or boats, the capacity of these boats may be counted toward the buoyant apparatus or life float capacity required by this part. Such boats must meet the requirements for safe loading and flotation in 33 CFR Part 183, and must meet the stowage, launching, and equipment requirements in this part for the survival craft they replace.

(c) A summary of survival craft requirements is provided in Table 180.200(c). The citations in brackets identify the sections of this part that contain the specific requirements.

TABLE 180.200(c)

Route	Survival craft requirements
Oceans .....	(a) cold water <sup>1</sup> —100% IBA—§180.202(a)(1). (i) w/subdivision <sup>2</sup> —100% LF—§ 180.202(a)(2). (c) warm water <sup>3</sup> —67% IBA <sup>4</sup> —§180.202(b).
Coastwise .....	(a) wood vsls in cold water. (i) 67% IBA—§ 180.204(a)(1). (ii) w/subdivision—100% LF—§180.204(a)(2). (b) nonwood and vsls operating in warm water. (i) 100% LF—§ 180.204 (b) and (c). (c) within three miles of shore. (i) w/o subdivision—100% LF—§ 180.204(d)(1). (ii) w/subdivision—50% LF—§ 180.204(d)(2). (iii) w/float free 406 MHz EPIRB—50% LF—§ 180.204(d)(3).
Limited Coastwise (Not more than 20 miles from a harbor of safe refuge).	(a) wood vsls in cold water. (i) 67% IBA—§ 180.205(a)(1). (ii) w/subdivision—100% LF—§ 180.205(a)(2). (b) nonwood vessels in cold water—100% LF—§ 180.205(b). (c) within three miles of shore—§ 180.205(d). (A) w/o subdivision—100% LF. (B) w/subdivision—50% LF. (C) w/float free 406 MHz EPIRB—50% LF. (d) vessels operating in warm water. (i) 50% LF—§ 180.205(c). (ii) within three miles of shore. (A) w/o subdivision—50% LF—§ 180.205(e)(1). (B) w/subdivision—NONE—§ 180.205(e)(2).

TABLE 180.200(c)—Continued

Route	Survival craft requirements
Great Lakes .....	(C) w/float free 406 MHz EPIRB—NONE— § 180.205(e)(3). (a) same as Limited Coastwise (a) & (b)—§ 180.206(a). (b) within one mile of shore—NONE <sup>5</sup> —§ 180.206(b).
Lakes, Bays, & Sounds <sup>6,7</sup> .....	(a) wood vsls in cold water. (i) 100% LF—§ 180.207(a)(1). (ii) w/subdivision—50% LF—§ 180.207(a)(2). (b) nonwood—50% LF—§ 180.207(b). (c) within 1 mile of shore—NONE—§ 180.207(e). (d) warm water—NONE—§ 180.207(c).
RIVERS <sup>7,8</sup> .....	(a) cold water. (i) w/o subdivision—50% LF—§ 180.208(a)(1). (ii) w/subdivision—NONE—§ 180.208(a)(2). (iii) within one mile of shore—NONE—§ 180.208(d). (b) warm water—NONE—§ 180.208(b).

Abbreviations used:  
 ILR=Inflatable liferaft  
 IBA=Inflatable Buoyant Apparatus  
 LF=Life Float. As allowed by § 180.15(d) any buoyant apparatus in use on an existing vessel on March 11, 1996, may be used to meet the requirements for LF as long as the buoyant apparatus is in good and serviceable condition.

Footnotes:  
<sup>1</sup> Cold water means the cognizant OCMI has determined the monthly mean low temperature of the water is ≤ 15° C (59° F).  
<sup>2</sup> Vessels ≤ 65 ft carrying ≤ 49 passengers built before March 11, 2001, may meet the collision bulkhead standards in § 179.310 and one-compartment subdivision standards in §§ 179.220 and 179.320 at least in way of the engine room and lazarette in lieu of the subdivision requirements contained in this Part.  
<sup>3</sup> Warm water means the cognizant OCMI has determined the monthly mean low temperature of the water is > 15° C (59° F).  
<sup>4</sup> Vessels operating in warm water may substitute 100% LF in lieu of 67% IBA—§ 180.202(d).  
<sup>5</sup> OCMI may reduce primary lifesaving for seasonal or ferry type operations on the Great Lakes—§ 180.206(b).  
<sup>6</sup> Shallow water exception—§ 180.207(e).  
<sup>7</sup> OCMI may reduce survival craft requirements based upon the route, communications schedule and participation in VTS—§ 180.207(f) and § 180.208(e).  
<sup>8</sup> Shallow water exception—§ 180.208(e)C.

**§ 180.202 Survival craft—vessels operating an oceans routes.**

(a) Each vessel certificated to operate on an oceans route in cold water must either:

(1) Be provided with inflatable buoyant apparatus of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board; or

(2) Meet either the standards for collision bulkheads in §§ 179.310 in this chapter or 171.085 in subchapter S of this chapter, and the standards for subdivision in §§ 179.220 and 179.320 of this chapter, or the standards for subdivision and damaged stability in §§ 171.070 through 171.073 and 171.080 in subchapter S of this chapter, as appropriate, and be provided with life floats of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board.

(b) Each vessel certificated to operate on an oceans route in warm water must either:

(1) Be provided with inflatable buoyant apparatus of an aggregate capacity that will accommodate at least 67% of the total number of persons permitted on board; or

(2) Be provided with life floats of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board.

**§ 180.304 Survival craft—vessels operating on coastwise routes.**

(a) Except as allowed by paragraph (c) of this section, each vessel constructed of wood certificated to operate on a coastwise route in cold water must either:

(1) Be provided with inflatable buoyant apparatus of an aggregate capacity that will accommodate at least 67% of the total number of persons permitted on board; or

(2) Meet either the standards for collision bulkheads in §§ 179.310 of this chapter or 171.085 in subchapter S of this chapter and the standards for subdivision in §§ 179.220 and 179.320 of this chapter, or the standards for subdivision and damaged stability in §§ 171.070 through 171.073 and 171.080 in subchapter S of this chapter, as appropriate, and be provided with life floats of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board.

(b) Each vessel constructed of a material other than wood certificated to operate on a coastwise route in cold water must be provided with life floats of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board.

(c) Except as allowed by paragraph (d) of this section, each vessel certificated to operate on a coastwise route in warm water must be provided with life floats

of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board.

(d) Each vessel certificated to operate on a coastwise route within three miles of land must either:

(1) Be provided with life floats of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board; or

(2) Meet either the standards for collision bulkheads in §§ 179.310 of this subchapter or 171.085 in subchapter S of this chapter, and the standards for subdivision in §§ 179.220 and 179.320 of this chapter, or the standards for subdivision and damaged stability in §§ 171.070 through 171.073 and 171.080 in subchapter S of this chapter, as appropriate, and be provided with life floats of an aggregate capacity that will accommodate at least 50% of the total number of persons permitted on board.

(3) Have on board a FCC Type Accepted Category 1 406 MHz EPIRB, installed to automatically float free and activate, and be provided with life floats of an aggregate capacity that will accommodate at least 50% of the total number of persons permitted on board.

**§ 180.205 Survival craft—vessels operating on limited coastwise routes.**

(a) Except as allowed by paragraph (d) of this section, each vessel constructed

of wood certificated to operate on a limited coastwise route in cold water must either:

(1) Be provided with inflatable buoyant apparatus of an aggregate capacity that will accommodate at least 67% of the total number of persons permitted on board; or

(2) Meet either the standards for collision bulkheads in §§ 179.310 of this chapter or 171.085 in subchapter S of this chapter, and the standards for subdivision in §§ 179.220 and 179.320 of this chapter, or the standards for subdivision and damaged stability in §§ 171.070 through 171.073 and 171.080 in subchapter S of this chapter, as appropriate, and be provided with life floats of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board.

(b) Except as allowed by paragraph (d) of this section, each vessel constructed of a material other than wood certificated to operate on a limited coastwise route in cold water must be provided with life floats of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board.

(c) Except as allowed by paragraph (e) of this section, each vessel certificated to operate on a limited coastwise route in warm water must be provided with life floats of an aggregate capacity that will accommodate at least 50% of the total number of persons permitted on board.

(d) Each vessel certificated to operate on a limited coastwise route within three miles of land in cold water must be provided with the survival craft required by § 180.204(d).

(e) Each vessel certificated to operate on a limited coastwise route within three miles of land in warm water must either:

(1) Be provided with life floats of an aggregate capacity that will accommodate at least 50% of the total number of persons permitted on board; or

(2) Meet either the standards for collision bulkheads in §§ 179.310 of this chapter or 171.085 in subchapter S of this chapter, and the standards for subdivision in §§ 179.220 and 179.320 of this chapter, or the standards for subdivision and damaged stability in §§ 171.070 through 171.073 and 171.080 in subchapter S of this chapter, as appropriate, and not be required to carry survival craft; or

(3) Have on board a FCC Type Accepted Category 1 406 MHz EPIRB, installed to automatically float free and activate, and not be required to carry survival craft.

**§ 180.206 Survival craft—vessels operating on Great Lakes routes.**

(1) Except as allowed by paragraph (b) of this section, each vessel certificated to operate on a Great Lakes route must be provided with the survival craft required by §§ 180.204 (a) through (e), as appropriate.

(b) Each vessel certificated to operate on a Great Lakes route within one mile of land is not required to carry survival craft if the OCMI determines that it is safe to do so, taking into consideration the vessel's scope of operation, hazards of the route, and availability of assistance.

**§ 180.207 Survival craft—vessels operating on lakes, bays, and sounds routes.**

(a) Except as allowed by paragraphs (d), (e) and (f) of this section, each vessel constructed of wood certificated to operate on a lakes, bays, and sounds route in cold water must either:

(1) Be provided with life floats of an aggregate capacity that will accommodate at least 100% of the total number of persons permitted on board; or

(2) Meet either the standards for collision bulkheads in §§ 179.310 of this chapter or 171.085 in subchapter S of this chapter, and the standards for subdivision in §§ 179.220 and 179.320 of this chapter, or the standards for subdivision and damaged stability in §§ 171.070 through 171.073 and 171.080 in subchapter S of this chapter, as appropriate, and be provided with life floats of an aggregate capacity that will accommodate at least 50% of the total number of persons permitted on board.

(b) Except as allowed by paragraphs (e) and (f) of this section, each vessel constructed of a material other than wood certificated to operate on a lakes, bays, and sounds route in cold water must be provided with buoyant apparatus of an aggregate capacity that will accommodate at least 50% of the total number of persons permitted on board.

(c) A vessel certificated to operate on a lakes, bays, and sounds route in warm water is not required to carry survival craft.

(d) A vessel certificated to operate on a lake, bays, and sounds route within one mile of land is not required to carry survival craft.

(e) For a vessel certificated to operate on a lakes, bays, and sounds route in shallow water where the vessel can not sink deep enough to submerge the topmost passenger deck or where survivors can wade ashore, the cognizant OCMI may waive a requirement for life floats, if the OCMI

determines that it is safe to do so, taking into consideration the vessel's scope of operation, hazards of the route, and availability of assistance.

(f) Each vessel operating with a set schedule on a specific route that does not take it more than 20 nautical miles from a harbor of safe refuge, and that maintains a 15 minute radio communications schedule with an operations base, or participates in a Vessel Traffic Service (VTS), may be granted a reduction in the survival craft requirements of this section if the cognizant OCMI is satisfied that a sufficient level of safety exists.

**§ 180.208 Survival Craft—vessels operating on rivers routes.**

(a) Except as allowed by paragraphs (c), (d) and (e) of this section, each vessel certificated to operate on a rivers route in cold water must either:

(1) Be provided with life floats of an aggregate capacity that will accommodate at least 50% of the total number of persons permitted on board; or

(2) Meet either the standards for collision bulkheads in §§ 179.310 of this chapter or 171.085 in subchapter S of this chapter, and the standards for subdivision in §§ 179.220 and 179.320 of this chapter, or the standards for subdivision and damaged stability in §§ 171.070 through 171.073 and 171.080 in subchapter S of this chapter, as appropriate, and not be required to carry survival craft.

(b) A vessel certificate to operate on a rivers route in warm water is not required to carry survival craft.

(c) A vessel certificated to operate on a rivers route within one mile of land is not required to carry survival craft.

(d) For a vessel certificated to operate on a rivers route in shallow water where the vessel can not sink deep enough to submerge the topmost passenger deck or where survivors can wade ashore, the cognizant OCMI may waive a requirement for life floats, if the OCMI determines that it is safe to do so, taking into consideration the vessel's scope of operation, hazards of the route, and availability of assistance.

(e) Each vessel operating with a set schedule on a specific route that maintains a 15 minute radio communications schedule with an operations base, or participates in a Vessel Traffic Service (VTS), may be granted a reduction in the survival craft requirement of this section if the cognizant OCMI is satisfied that a sufficient level of safety exists.

**§ 180.210 Rescue boats.**

(a) A vessel of more than 19.8 meters (65 feet) in length must carry at least

one rescue boat unless the cognizant OCMI determines that:

(1) The vessel is sufficiently maneuverable, arranged, and equipped to allow the crew to recover a helpless person from the water;

(2) Recovery of a helpless person can be observed from the operating station; and

(3) The vessel does not regularly engage in operations that restrict its maneuverability.

(b) A vessel of not more than 19.8 meters (65 feet) in length is not required to carry a rescue boat unless:

(1) The vessel carries passengers on an open or partially enclosed deck; and

(2) The cognizant OCMI determines that the vessel is designed, arranged, or involved in operations so that the vessel itself cannot serve as an adequate rescue craft.

(c) On a vessel of more than 19.8 meters (65 feet) in length, a required rescue boat and its installation must meet the requirements in subchapter H (Passenger Vessels) of this chapter for a rescue boat on a passenger vessel having the same route. On a vessel of not more than 19.8 meters (65 feet) in length, a required rescue boat must be acceptable to the cognizant OCMI.

## PART 181—FIRE PROTECTION EQUIPMENT

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

## Subpart A—General Provisions

### § 181.115 Applicability to existing vessels.

(a) Except as otherwise required by paragraphs (b) and (c) of this section, an existing vessel must comply with the fire protection equipment regulations applicable to the vessel on March 10, 1996, or, as an alternative, the vessel may comply with the regulations in this part.

(b) An existing vessel with a hull, or a machinery space boundary bulkhead or deck, composed of wood or fiber reinforced plastic, or sheathed on the interior in fiber reinforced plastic, must comply with the requirements of § 181.400 of this part on or before March 11, 1999.

(c) New installations of fire protection equipment on an existing vessel, which are completed to the satisfaction of the cognizant Officer in Charge, Marine Inspection (OCMI) on or after March 11, 1996, must comply with the regulations of this part. Replacement of existing equipment installed on the vessel prior to March 11, 1996, need not comply with the regulations in this part.

### § 181.120 Equipment installed but not required.

Fire extinguishing and detecting equipment installed on a vessel in excess of the requirements of §§ 181.400 and 181.500 must be designed, constructed, installed and maintained in accordance with a recognized industry standard acceptable to the Commandant.

## Subpart B—Reserved

## Subpart C—Fire Main System

### § 181.300 Fire pumps.

(a) A self priming, power driven fire pump must be installed on each vessel:

(i) Of not more than 19.8 meters (65 feet) in length which is a ferry vessel;

(ii) Of not more than 19.8 meters (65 feet) in length that carries more than 49 passengers; or

(iii) Of more than 19.8 meters (65 feet) in length.

(b) On a vessel of not more than 19.8 meters (65 feet) in length carrying more than 49 passengers, and on a vessel of more than 19.8 meters (65 feet) in length, the minimum capacity of the fire pump must be 189 liters (50 gallons) per minute at a pressure of not less than 414 kPa (60 psi) at the pump outlet. The pump outlet must be fitted with a pressure gauge.

(c) On a ferry vessel of not more than 19.8 meters (65 feet) in length carrying not more than 49 passengers, the minimum capacity of the fire pump

must be 38 liters (10 gallons) per minute. The fire pump must be capable of projecting a hose stream from the highest hydrant, through the hose and nozzle required by § 181.320 of this part, a distance of 7.6 meters (25 feet).

(d) A fire pump may be driven by a propulsion engine. A fire pump must be permanently connected to the fire main and may be connected to the bilge system to meet the requirements of § 182.520 of this chapter.

(e) A fire pump must be capable of both remote operation from the operating station and local, manual operations at the pump.

### § 181.310 Fire main and hydrants.

(a) A vessel that has a power driven fire pump must have a sufficient number of fire hydrants to reach any part of the vessel using a single length of fire hose.

(b) Piping, valves, and fittings in a fire main system must comply with Subpart G, Part 182, of this chapter.

### § 181.320 Fire hoses and nozzles.

(a) A fire hose with a nozzle must be attached to each fire hydrant at all times. For fire stations located on open decks or cargo decks, where no protection is provided, hoses may be temporarily removed during heavy weather or cargo handling operations, respectively. Hoses so removed must be stored in nearby accessible locations.

(b) On a vessel of not more than 19.8 meters (65 feet) in length carrying more than 49 passengers, and on a vessel of more than 19.8 meters (65 feet) in length, each hose must:

(1) Be lined commercial fire hose that conforms to Underwriters Laboratory (UL) 19 "Lined Fire Hose and Hose Assemblies," or hose that is listed and labeled by an independent laboratory recognized by the Commandant as being equivalent in performance;

(2) Be 15.25 meters (50 feet) in length and 40 millimeters (1.5 inches) in diameter; and

(3) Have fittings of brass or other suitable corrosion-resistant material that comply with National Fire Protection Association (NFPA) 1963 "Standard for Fire Hose Connections," or other standard specified by the Commandant.

(c) Each fire hose on a vessel of not more than 19.8 meters (65 feet) in length carrying not more than 49 passengers must:

(1) Comply with paragraphs (b)(1) and (b)(3) of this section or be garden type hose of not less than 16 millimeters (0.625 inches) nominal inside diameter;

(2) Be of one piece not less than 7.6 meters (25 feet) and not more than 15.25 meters (50 feet) in length; and

(3) If of the garden type, be of a good commercial grade constructed of an inner rubber tube, plies of braided fabric reinforcement, and an outer cover of rubber tube, plies of braided fabric reinforcement, and an outer cover of rubber or equivalent material, and of sufficient strength to withstand the maximum pressure that can be produced by the fire pump. All fittings on the hose must be of suitable corrosion-resistant material.

(d) Each nozzle must be of corrosion-resistant material and be capable of being changed between a solid stream and a spray pattern. A nozzle on a vessel of not more than 19.8 meters (65 feet) in length carrying more than 49 passengers, and on a vessel of more than 19.8 meters (65 feet) in length, must:

(1) Be of a type approved in accordance with § 160.027 in subchapter Q of this chapter; or

(2) Be of a type recognized by the Commandant as being equivalent in performance.

#### Subpart D—Fixed Fire Extinguishing and Detecting Systems

##### § 181.400 Where required.

(a) The following spaces must be equipped with a fixed gas fire extinguishing system, in compliance with § 181.410, or other fixed fire extinguishing system specifically approved by the Commandant, except as otherwise allowed by paragraph (b) of this section:

(1) A space containing propulsion machinery;

(2) A space containing an internal combustion engine of more than 37.3 kW (50 hp);

(3) A space containing an oil fired boiler;

(4) A space containing machinery powered by gasoline or other fuels having a flash point of 43.3° C (110° F) or lower;

(5) A space containing a fuel tank for gasoline or any other fuel having a flash point of 43.3° C (110° F) or lower;

(6) A space containing combustible cargo or ship's stores inaccessible during the voyage (in these types of spaces only carbon dioxide, and not Halon, systems will be allowed);

(7) A paint locker; and

(8) A storeroom containing flammable liquids (including liquors of 80 proof or higher where liquor is packaged in individual containers of 9.5 liters (2.5 gallons) capacity or greater).

(b) Alternative system types and exceptions to the requirements of paragraph (a) of this section are:

(1) A fixed gas fire extinguishing system, which is capable of automatic

discharge upon heat detection, may only be installed in a normally unoccupied space with a gross volume of not more than 170 cubic meters (6,000 cubic feet);

(2) A pre-engineered fixed gas fire extinguishing system must be in compliance with § 181.420 of this part and may only be installed in a normally unoccupied machinery space, a paint locker, or a storeroom containing flammable liquids (including liquors of 80 proof or higher where liquor is packaged in individual containers of 9.5 liters (2.5 gallons) capacity or greater), with a gross volume of not more than 57 cubic meters (2,000 cubic feet);

(3) A B-II portable fire extinguisher installed outside the space may be substituted for a fixed gas fire extinguishing system in a storeroom containing flammable liquids (including liquors of 80 proof or higher where liquor is packaged in individual containers of 9.5 liters (2.5 gallons) capacity or greater) or a paint locker, with a volume of not more than 5.7 cubic meters (200 cubic feet);

(4) A space which is so open to the atmosphere that a fixed gas fire extinguishing system would be ineffective, as determined by the cognizant OCMI, is not required to have a fixed gas fire extinguishing system; and

(5) Where the amount of carbon dioxide gas required in a fixed fire extinguishing system can be supplied by one portable extinguisher or a semiportable extinguisher, such an extinguisher may be used subject to the following:

(i) Cylinders shall be installed in a fixed position outside the space protected;

(ii) The applicator shall be installed in a fixed position so as to discharge into the space protected; and

(iii) Controls shall be installed in an accessible location outside the space protected.

(c) The following spaces must be equipped with a fire detecting system of an approved type that is installed in accordance with § 76.27 in subchapter H of this chapter, except when a fixed gas fire extinguishing system that is capable of automatic discharge upon heat detection is installed or when the space is manned:

(1) A space containing propulsion machinery;

(2) A space containing an internal combustion engine of more than 50 hp;

(3) A space containing an oil fired boiler;

(4) A space containing machinery powered by gasoline or any other fuels having a flash point of 43.3° C (110° F) or lower; and

(5) A space containing a fuel tank for gasoline or any other fuel having a flash point of 43.3° C (110° F) or lower.

(d) All grills, broilers, and deep fat fryers must be fitted with a grease extraction hood in compliance with § 181.425.

(e) Each overnight accommodation space on a vessel with overnight accommodations for passengers must be fitted with an independent modular smoke detecting and alarm unit in compliance with § 181.450.

(f) An enclosed vehicle space must be fitted with an automatic sprinkler system that meets the requirements of § 76.25 in subchapter H of this chapter; and

(1) A fire detecting system of an approved type that is installed in accordance with § 76.27 in subchapter H of this chapter; or

(2) A smoke detecting system of an approved type that is installed in accordance with § 76.33 in subchapter H of this chapter.

(g) A partially enclosed vehicle space must be fitted with a manual sprinkler system that meets the requirements of § 76.23 in subchapter H of this chapter.

##### § 181.410 Fixed gas fire extinguishing systems.

(a) *General.* (1) A fixed gas fire extinguishing system aboard a vessel must be approved by the Commandant, and be custom engineered to meet the requirements of this section unless the system meets the requirements of § 181.420.

(2) System components must be listed and labeled by an independent laboratory. A component from a different system, even if from the same manufacturer, must not be used unless included in the approval of the installed system.

(3) System design and installation must be in accordance with the Marine Design, Installation, Operation, and Maintenance Manual approved for the system by the Commandant.

(4) A fixed gas fire extinguishing system may protect more than one space. The quantity of extinguishing agent must be at least sufficient for the space requiring the greatest quantity as determined by the requirements of paragraphs (f)(4) and (g)(2) of this section.

(b) *Controls.* (1) Controls and valves for operation of fixed gas fire extinguishing system must be:

(i) Located outside the space protected by the system; and

(ii) Not located in a space that might be inaccessible in the event of fire in the space protected by the system.

(2) Except as provided in paragraph (c)(2) of this section, release of an

extinguishing agent into a space must require two distinct operations.

(3) A system must have local manual controls at the storage cylinders capable of releasing the extinguishing agent. In addition, a normally manned space must have remote controls for releasing the extinguishing agent at the primary exit from the space.

(4) Remote controls must be located in a breakglass enclosure to preclude accidental discharge.

(5) Valves and controls must be of an approved type and protected from damage or accidental activation. A pull cable used to activate the system controls must be enclosed in conduit.

(6) A system protecting more than one space must have a manifold with a normally closed stop valve for each space protected.

(7) A gas actuated valve or device must be capable of manual override at the valve or device.

(8) A system, that has more than one storage cylinder for the extinguishing agent and that relies on pilot cylinders to activate the primary storage cylinders, must have at least two pilot cylinders. Local manual controls, in compliance with paragraph (b)(3) of this section, must be provided to operate the pilot cylinders but are not required for the primary storage cylinders.

(9) A system protecting a manned space must be fitted with an approved time delay and alarm arranged to require the alarm to sound for at least 20 seconds or the time necessary to escape from the space, whichever is greater, before the agent is released into the space. Alarms must be conspicuously and centrally located. The alarm must be powered by the extinguishing agent.

(10) A device must be provided to automatically shut down power ventilation serving the protected space and engines that draw intake air from the protected space prior to release of the extinguishing agency into the space.

(11) Controls and storage cylinders must not be in a locked space unless the key is in a breakglass type box conspicuously located adjacent to the space.

(c) *Storage space.* (1) Except as provided in paragraph (c)(2) of this section, a storage cylinder for a fixed gas extinguishing system must be:

(i) Located outside the space protected by the system; and

(ii) Not located in a space that might be inaccessible in the event of a fire in the space protected by the system.

(2) A normally unoccupied space of less than 170 cubic meters (6,000 cubic feet) may have the storage cylinders located within the space protected.

When the storage cylinders are located in the space:

(i) The system must be capable of automatic operation by a heat actuator within the space; and

(ii) Have manual controls in compliance with paragraph (b) of this section except for paragraphs (b)(2) and (b)(3).

(3) A space containing a storage cylinder must be maintained at a temperature within the range from  $-30^{\circ}\text{C}$  ( $-20^{\circ}\text{F}$ ) to  $55^{\circ}\text{C}$  ( $130^{\circ}\text{F}$ ) or at another temperature as listed by the independent laboratory and stated in the manufacturer's approved manual.

(4) A storage cylinder must be securely fastened, supported, and protected against damage.

(5) A storage cylinder must be accessible and capable of easy removal for recharging and inspection. Provisions must be available for weighing each storage cylinder in place.

(6) Where subject to moisture, a storage cylinder must be installed to provide a space of at least 51 millimeters (2 inches) between the deck and the bottom of the storage cylinder.

(7) A Halon 1301 storage cylinder must be stowed in an upright position unless otherwise listed by the independent laboratory. A carbon dioxide cylinder may be inclined not more than  $30^{\circ}$  from the vertical, unless fitted with flexible or bent siphon tubes, in which case they may be inclined not more than  $80^{\circ}$  from the vertical.

(8) Where a check valve is not fitted on an independent storage cylinder discharge, a plug or cap must be provided for closing the outlet resulting from storage cylinder removal.

(9) Each storage cylinder must meet the requirements of § 147.60 in subchapter N of this chapter, or other standard specified by the Commandant.

(10) A storage cylinder space must have doors that open outwards or be fitted with kickout panels installed in each door.

(d) *Piping.* (1) A pipe, valve, or fitting of ferrous material must be protected inside and outside against corrosion unless otherwise approved by the Commandant. Aluminum or other low melting material must not be used for a component of a fixed gas fire extinguishing system except as specifically approved by the Commandant.

(2) A distribution line must extend at least 51 millimeters (2 inches) beyond the last orifice and be closed with a cap or plug.

(3) Piping, valves, and fittings must be securely supported, and where necessary, protected against damage.

(4) Drains and dirt traps must be fitted where necessary to prevent the accumulation of dirt or moisture and located in accessible locations.

(5) Piping must be used for no other purpose except that it may be incorporated with the fire detecting system.

(6) Piping passing through accommodation spaces must not be fitted with drains or other openings within such spaces.

(7) Installation test requirements for carbon dioxide systems. The distribution piping of a carbon dioxide fixed gas extinguishing systems must be tested as required by this paragraph, upon completion of the piping installation, using only carbon dioxide, compressed air, or nitrogen gas.

(i) Piping between a storage cylinder and a stop valve in the manifold must be subjected to a pressure of 6,894 kPa (1,000 psi), except as permitted in paragraph (d)(7)(iii) of this section. Without additional gas being introduced to the system, the pressure drop must not exceed 2,068 kPa (300 psi) after two minutes.

(ii) A distribution line to a space protected by the system must be subjected to a test similar to that described in paragraph (d)(7)(i) of this section except the pressure used must be 4,136 kPa (600 psi). For the purpose of this test, the distribution piping must be capped within the space protected at the first joint between the nozzles and the storage cylinders.

(iii) A small independent system protecting a space such as a paint locker may be tested by blowing out the piping with air at a pressure of not less than 689 kPa (100 psi) instead of the tests prescribed in the paragraphs (d)(7)(i) and (d)(7)(ii) of this section.

(8) Installation test requirements for Halon 1301 systems. The distribution piping of a Halon 1301 fixed gas extinguishing system must be tested, as required by this paragraph, upon completion of the piping installation, using only carbon dioxide, compressed air, or nitrogen.

(i) When pressurizing the piping, pressure must be increased in small increments. Each joint must be subjected to a soap bubble leak test, and all joints must be leak free.

(ii) Piping between the storage cylinders and the manifold stop valve must be subjected to a leak test conducted at a pressure of 4,136 kPa (600 psi). Without additional gas being added to the system, there must be no loss of pressure over a two minute period after thermal equilibrium is reached.

(iii) Distribution piping between the manifold stop valve and the first nozzle in the system must be capped and pneumatically tested for a period of 10 minutes at 1,034 kPa (150 psi). At the end of 10 minutes, the pressure drop must not exceed 10% of the test pressure.

(e) *Pressure relief.* When required by the cognizant OCMI, spaces that are protected by a fixed gas fire extinguishing system and that are relatively air tight, such as refrigeration spaces, paint lockers, etc., must be provided with suitable means for relieving excessive pressure within the space when the agent is released.

(f) *Specific requirements for carbon dioxide systems.* A custom engineered fixed gas fire extinguishing system, which uses carbon dioxide as the extinguishing agent, must meet the requirements of this paragraph.

(1) Piping, valves, and fittings must have a bursting pressure of not less than 41,360 kPa (6,000 psi). Piping, in nominal sizes of not more than 19 millimeters (0.75 inches), must be at least Schedule 40 (standard weight), and in nominal sizes of over 19 millimeters (0.75 inches), must be at least Schedule 80 (extra heavy).

(2) A pressure relief valve or equivalent set to relieve at between 16,550 and 19,300 kPa (2,400 and 2,800 psi) must be installed in the distribution manifold to protect the piping from over-pressurization.

(3) Nozzles must be approved by the Commandant.

(4) When installed in a machinery space, paint locker, a space containing flammable liquid stores, or a space with a fuel tank, a fixed carbon dioxide system must meet the following requirements.

(i) The quantity of carbon dioxide in kilograms (pounds) that the system must be capable of providing to a space must not be less than the gross volume of the space divided by the appropriate factor given in Table 181.410(f)(4)(i). If fuel can drain from a space being protected to an adjacent space or if the spaces are not entirely separate, the volume of both spaces must be used to determine the quantity of carbon dioxide to be provided. The carbon dioxide must be arranged to discharge into both such spaces simultaneously.

TABLE 181.410(f)(4)(i)

Factor	Gross volume of space in cubic meters (feet)	
	Over	Not Over
0.94 (15)	.....	14 (500)
1.0 (16)	14 (500)	45 (1,600)

TABLE 181.410(f)(4)(i)—Continued

Factor	Gross volume of space in cubic meters (feet)	
	Over	Not Over
1.1 (18)	45 (1,600)	125 (4,500)
1.2 (20)	125 (4,500)	1400 (50,000)
1.4 (22)	1400 (50,000)	.....

(ii) The minimum size of a branch line to a space must be as noted in Table 181.410(f)(4)(ii).

TABLE 181.410(f)(4)(ii)

Maximum quantity of carbon dioxide required kg (lbs)	Minimum nominal pipe size mm (inches)
45.4 (100)	12.7 (0.5)
102 (225)	19 (0.75)
136 (300)	25 (1.0)
272 (600)	30 (1.25)
454 (1000)	40 (1.5)
1111 (2450)	50 (2.0)
1134 (2,500)	65 (2.5)
2018 (4,450)	75 (3.0)
3220 (7,100)	90 (3.5)
4739 (10,450)	100 (4.0)
6802 (15,000)	113 (4.5)

(iii) Distribution piping within a space must be proportioned from the distribution line to give proper supply to the outlets without throttling.

(iv) The number, type, and location of discharge outlets must provide uniform distribution of carbon dioxide throughout a space.

(v) The area of each discharge outlet must not exceed 85 percent nor be less than 35 percent of the nominal cylinder outlet area or the area of the supply pipe, whichever is smaller. The nominal cylinder outlet area in square millimeters is determined by multiplying the factor 0.015 (0.0022 if using square inches) by the total capacity in kilograms of all carbon dioxide cylinders in the system, except in no case must the outlet area be of less than 71 square millimeters (0.110 square inches if using pounds).

(vi) The discharge of at least 85 percent of the required amount of carbon dioxide must be completed within two minutes.

(5) When installed in an enclosed ventilation system for rotating electrical propulsion equipment a fixed carbon dioxide extinguishing system must meet the following requirements.

(i) The quantity of carbon dioxide in kilograms must be sufficient for initial and delayed discharges as required by this paragraph. The initial discharge must be equal to the gross volume of the system divided by 160 (10 if using pounds) for ventilation systems having a volume of less than 57 cubic meters

(2,000 cubic feet), or divided by 192 (12 if using pounds) for ventilation systems having a volume of at least 57 cubic meters (2,000 cubic feet). In addition, there must be sufficient carbon dioxide available to permit delayed discharges to maintain at least a 25 percent concentration until the equipment can be stopped. If the initial discharge achieves this concentration, a delayed discharge is not required.

(ii) The piping sizes for the initial discharge must be in accordance with Table 181.410(f)(4)(ii) and the discharge of the required amount must be completed within two minutes.

(iii) Piping for the delayed discharge must not be less than 12.7 millimeters (0.5 inches) nominal pipe size, and need not meet specific requirement for discharge rate.

(iv) Piping for the delayed discharge may be incorporated with the initial discharge piping.

(6) When installed in a cargo space a fixed carbon dioxide extinguishing system must meet the following requirements.

(i) The number of kilograms (pounds) of carbon dioxide required for each space in cubic meters (feet) must be equal to the gross volume of the space in cubic meters (feet) divided by 480 (30 if using pounds).

(ii) System piping must be of at least 19 millimeters (0.75 inches).

(iii) No specific discharge rate is required.

(g) *Specific requirements for Halon 1301 systems.* (1) A custom engineering fixed gas fire extinguishing system, which uses Halon 1301, must comply with the applicable sections of UL Standard 1058 "Halogenated Agent Extinguishing System Units," and the requirements of this paragraph.

(2) The Halon 1301 quantity and discharge requirements of UL 1058 apply, with the exception that the Halon 1301 design concentration must be 6 percent at the lowest ambient temperature expected in the space. If the lowest temperature is not known, a temperature of -18° C (0° F) must be assumed.

(3) Each storage cylinder in a system must have the same pressure and volume.

(4) Computer programs used in designing systems must have been approved by an independent laboratory.

Note to § 181.410(g): As of Jan. 1, 1994, the United States banned the production of Halon. The Environmental Protection Agency placed significant restrictions on the servicing and maintenance of systems containing Halon. Vessels operating on an international voyage, subject to SOLAS requirements, are prohibited from installing

fixed gas fire extinguishing systems containing Halon.

**§ 181.420 Pre-engineered fixed gas fire extinguishing systems.**

- (a) A pre-engineered fixed gas fire extinguishing system must:
  - (1) Be approved by the Commandant;
  - (2) Be capable of manual actuation from outside the space in addition to automatic actuation by a heat detector;
  - (3) Automatically shut down all power ventilation systems and all engines that draw intake air from within the protected space; and
  - (4) Be installed in accordance with the manufacturer's instructions.
- (b) A vessel on which a pre-engineered fixed gas fire extinguishing system is installed must have the following equipment at the operating station:
  - (1) A light to indicate discharge;
  - (2) An audible alarm that sounds upon discharge; and

- (3) A means to reset devices used to automatically shut down ventilation systems and engines as required by paragraph (a)(3) of this section.
- (c) Only one pre-engineered fixed gas fire extinguishing system is allowed to be installed in each space protected by such a system.

**§ 181.425 Galley hood fire extinguishing systems.**

- (a) A grease extraction hood required by § 181.400 must meet UL 710 "Exhaust Hoods for Commercial Cooking Equipment," or other standard specified by the Commandant.
- (b) A grease extraction hood must be equipped with a dry or wet chemical fire extinguishing system meeting the applicable sections of NFPA 17 "Dry Chemical Extinguishing Systems," 17A "Wet Chemical Extinguishing Systems," or other standard specified by the Commandant, and must be listed by an independent laboratory recognized by the Commandant.

**§ 181.450 Independent modular smoke detecting units.**

- (a) An independent modular smoke detecting unit must:
  - (1) Meet UL Standard 217 and be listed as a "Single Station Smoke detector—Also suitable for use in Recreational Vehicles," or other standard specified by the Commandant;
  - (2) Contain an independent power source; and
  - (3) Alarm on low power.

**Subpart E—Portable Fire Extinguishers**

**§ 181.500 Required number, type, and location.**

- (a) Each portable fire extinguisher on a vessel must be of an approved type. The minimum number of portable fire extinguishers required on a vessel must be acceptable to the cognizant OCMI, but must be not less than the minimum number required by Table 181.500(a) and other provisions of this section.

TABLE 181.500(a)

Space protected	Minimum No. required	Type extinguisher permitted		
		CG class	Medium	Min size
Operating Station .....	1 .....	B-I, C-I .....	Halon .....	1.1 kg (2.5 lb).
Machinery Space .....	1 .....	B-II, C-II located just outside exit.	C02 .....	1.8kg (4 lb).
			Dry Chemical .....	0.9 kg (2 lb).
Open Vehicle Deck .....	1 for every 10 vehicles .....	B-II .....	C02 .....	6.8 kg (15 lb).
			Dry chemical .....	4.5 kg (10 lb).
			Foam .....	9.5 L (2.5 gal).
			Halon .....	4.5 kg (10 lb).
			C02 .....	6.8 kg (15 lb).
Accommodation Space .....	1 for each 232.3 square meters (2,500 square feet) or fraction thereof.	A-II .....	Dry Chemical .....	4.5 kg (10 lb).
			Foam .....	9.5 L (2.5 gal).
			Dry Chemical .....	2.3 kg (5 lb).
Galley, Pantry, Concession Stand.	1 .....	A-II, B-II .....	Foam .....	9.5 L (2.5 gal).
			Dry Chemical .....	4.5 kg (10 lb).

- (b) A vehicle deck without a fixed sprinkler system and exposed to weather must have one B-II portable fire extinguisher for every five vehicles, located near an entrance to the space.

- (c) The cognizant OCMI may permit the use of a larger portable fire extinguisher, or a semiportable fire extinguisher, in lieu of those required by this section.

- (d) The frame or support of each B-V fire extinguisher permitted by paragraph (d) of this section must be welded or otherwise permanently attached to a bulkhead or deck.

**§ 181.520 Installation and location.**

Portable fire extinguishers must be located so that they are clearly visible and readily accessible from the space

being protected. The installation and location must be to the satisfaction of the Officer in Charge, Marine Inspection.

**Subpart F—Additional Equipment**

**§ 181.600 Fire axe.**

A vessel of more than 19.8 meters (65 feet) in length must have at least one fire axe located in or adjacent to the primary operating station.

**§ 181.610 Fire bucket.**

A vessel not required to have a power driven fire pump by § 181.610 must have at least three 9.5 liter (2½ gallon) buckets, with an attached lanyard satisfactory to the cognizant OCMI, placed so as to be easily available

during an emergency. The words "FIRE BUCKET" must be stenciled in a contrasting color on each bucket.

**PART 182—MACHINERY INSTALLATION**

**Subpart A—General Provisions**

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- 182.460 Ventilation of spaces containing machinery powered by, or fuel tanks for, gasoline.
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- 182.480 Flammable vapor detection systems.

**Subpart E—Bilge and Ballast Systems**

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- 182.510 Bilge piping system.
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**Subpart F—Steering Systems**

- 182.600 General.
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- 182.700 General.
- 182.710 Piping for vital systems.
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- 182.720 Nonmetallic piping materials.
- 182.730 Nonferrous metallic piping materials.

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

**Subpart A—General Provisions****§ 182.100 Intent.**

This part contains requirements for the design, construction, installation, and operation of propulsion and auxiliary machinery, piping and pressure systems, steering apparatus, and associated safety systems. Machinery and equipment installed on each vessel must be suitable for the vessel and its operation and for the purpose intended. All machinery and equipment must be installed and maintained in such a manner as to afford adequate protection from causing fire, explosion, machinery failure, and personnel injury.

**§ 182.115 Applicability to existing vessels.**

(a) Except as otherwise required by paragraphs (b), (c) and (d) of this section, an existing vessel must comply

with the regulations on machinery, bilge and ballast system equipment, steering apparatus, and piping systems or components that were applicable to the vessel on March 10, 1996 or, as an alternative, the vessel may comply with the regulations in this part.

(b) New installations of machinery, bilge and ballast system equipment, steering equipment, and piping systems or components on an existing vessel, which are completed to the satisfaction of the cognizant Officer in Charge, Marine Inspection (OCMI) on or after March 11, 1996, must comply with the regulations of this part. Replacement of existing equipment installed on the vessel prior to March 11, 1996, need not comply with the regulations in this part.

(c) An existing vessel equipped with machinery powered by gasoline or other fuels having a flash point of 43.3° C (110° F) or lower must comply with the requirements of § 182.410(c) on or before March 11, 1999.

(d) On or before March 11, 1999, an existing vessel must comply with the bilge high level alarm requirements in § 182.530.

**§ 182.130 Alternative standards.**

A vessel of not more than 19.8 meters (65 feet) in length carrying not more than 12 passengers propelled by gasoline or diesel internal combustion engines, other than a High Speed Craft, may comply with the following American Boat and Yacht Council (ABYC) Projects or 33 CFR subchapter S (Boating Safety), where indicated in this part, in lieu of complying with those requirements:

(a) H-2—“Ventilation of Boats Using Gasoline”, or 33 CFR 183, Subpart K, “Ventilation”;

(b) H-22—“DC Electric Bilge Pumps Operating Under 50 Volts”;

(c) H-24—“Gasoline Fuel Systems”, or 33 CFR 183, Subpart J—“Fuel System”;

(d) H-25—“Portable Gasoline Fuel Systems for Flammable Liquids”;

(e) H-32—“Ventilation of Boats Using Diesel Fuel”;

(f) H-33—“Diesel Fuel Systems”;

(g) P-1—“Installation of Exhaust Systems for Propulsion and Auxiliary Engines”; and

(h) P-4—“Marine Inboard Engines”.

**Subpart B—Propulsion Machinery****§ 182.200 General.**

(a) Propulsion machinery must be suitable in type and design for propulsion requirements of the hull in which it is installed and capable of operating at constant marine load under such requirements without exceeding its designed limitations.

(b) All engines must have at least two means for stopping the engine(s) under any operating conditions. The fuel oil shutoff required at the engine by § 182.455(b)(4) will satisfy one means of stopping the engine.

**§ 182.220 Installations.**

(a) Except as otherwise provided in this section, propulsion machinery installations must comply with the provisions of this part.

(b) The requirements for machinery and boilers for steam and electrically propelled vessels are contained in applicable regulations in subchapter F (Marine Engineering) and subchapter J (Electrical Engineering) of this chapter.

(c) Propulsion machinery of an unusual type for small passenger vessels must be given separate consideration and is subject to such requirements as determined necessary by the cognizant OCMI. These unusual types of propulsion machinery include:

- (1) Gas turbine machinery installations;
- (2) Air screws;
- (3) Hydraulic jets; and
- (4) Machinery installations using lift devices.

**Subpart C—Auxiliary Machinery****§ 182.310 Installations.**

(a) Auxiliary machinery of the internal combustion piston type must comply with the provisions of this part.

(b) Auxiliary machinery of the steam or gas turbine type will be given separate consideration and must meet the applicable requirements of subchapter F (Marine Engineering) of this chapter as determined necessary by the cognizant OCMI.

(c) Auxiliary boilers and heating boilers and their associated piping and fittings will be given separate consideration and must meet the applicable requirements of subchapter F (Marine Engineering) of this chapter as determined necessary by the cognizant OCMI, except that heating boilers must be tested or examined every three years.

**§ 182.320 Water heaters.**

(a) A water heater must meet the requirements of Parts 53 and 63 of this chapter if rated at more than 689 kPa (100 psig) or 121° C (250° F).

(b) A water heater must meet the requirements of Parts 53 and 63 of this chapter if rated at not more than 689 kPa (100 psig) and 121° C (250° F), except that an electric water heater is also acceptable if it:

- (1) Has a capacity of not more than 454 liters (120 gallons);
- (2) Has a heat input of not more than 58.6 kilowatts (200,000 Btu per hour);

(3) Is listed by Underwriters Laboratories (UL) under UL 174, "Household Electric Storage Tank Water Heaters," UL 1453, "Electric Booster and Commercial Storage Tank Water Heaters," or other standard specified by the Commandant; and

(4) Is protected by a pressure-temperature relief device.

(c) A water heater must be installed and secured from rolling by straps or other devices to the satisfaction of the cognizant OCMI.

#### **§ 182.330 Pressure vessels.**

All unfired pressure vessels must be installed to the satisfaction of the cognizant OCMI. The design, construction, and original testing of such unfired pressure vessels must meet the applicable requirements of subchapter F (Marine Engineering) of this chapter.

#### **Subpart D—Specific Machinery Requirements**

##### **§ 182.400 Applicability.**

(a) This subpart applies to all propulsion and auxiliary machinery installations of the internal combustion piston type.

(b) Requirements of this subpart that are only applicable to engines that use gasoline or other fuels having a flashpoint of 43.3° C (110° F) or lower are specifically designated in each section.

(c) Requirements of this subpart that are only applicable to engines that use diesel fuel or other fuels having a flashpoint of more than 43.3° C (110° F) are specifically designated in each section.

(d) Where no specific gasoline, diesel, or other fuel designation exists, the requirements of this subpart are applicable to all types of fuels and machinery.

##### **§ 182.405 Fuel restrictions.**

The use of alternative fuels, other than diesel fuel or gasoline, as fuel for an internal combustion engine will be reviewed on a case by case basis by Commandant.

##### **§ 182.410 General requirements.**

(a) Starting motors, generators, and any spark producing device must be mounted as high above the bilges as practicable. Electrical equipment in spaces, compartments, or enclosures that contain machinery powered by, or fuel tanks for, gasoline or other fuels having a flashpoint of 43.3° C (110° F) or lower must be explosion-proof, intrinsically safe, or ignition protected for use in a gasoline atmosphere as required by § 183.530 of this chapter.

(b) Gauges to indicate engine revolutions per minute (RPM), jacket water discharge temperature, and lubricating oil pressure must be provided for all propulsion engines installed in the vessel. The gauges must be readily visible at the operating station.

(c) An enclosed space containing machinery powered by gasoline or other fuels having a flash point of 43.3° C (110° F) or lower must be equipped with a flammable vapor detection device in compliance with § 182.480.

(d) In systems and applications where flexible hoses are permitted to be clamped:

(1) Double hose clamping is required where practicable;

(2) The clamps must be of a corrosion resistant metallic material;

(3) The clamps must not depend on spring tension for their holding power; and

(4) Two clamps must be used on each end of the hose, or one hose clamp can be used if the pipe ends are expanded or beaded to provide a positive stop against hose slippage.

##### **§ 182.415 Carburetors.**

(a) All carburetors except the downdraft type must be equipped with integral or externally fitted drip collectors of adequate capacity and arranged so as to permit ready removal of fuel leakage. Externally fitted drip collectors, must be covered with flame screens. Drip collectors, where practicable, should automatically drain back to engine air intakes.

(b) All gasoline engines installed in a vessel, except outboard engines, must be equipped with an acceptable means of backfire flame control. Installation of backfire flame arresters bearing basic Approval Numbers 162.015 or 162.041 or engine air and fuel induction systems bearing basic Approval Numbers 162.042 or 162.043 may be continued in use as long as they are serviceable and in good condition. New installations or replacements must meet the applicable requirements of this section.

(c) The following are acceptable means of backfire flame control for gasoline engines:

(1) A backfire flame arrester complying with Society of Automotive Engineers (SAE) J-1928, "Devices Providing Backfire Flame Control for Gasoline Engines in Marine Applications," or UL 1111, "Marine Carburetor Flame Arrestors," and marked accordingly. The flame arrester must be suitably secured to the air intake with a flametight connection.

(2) An engine air and fuel induction system that provides adequate

protection from propagation of backfire flame to the atmosphere equivalent to that provided by an acceptable backfire flame arrester. A gasoline engine utilizing an air and fuel induction system, and operated without an approved backfire flame arrester, must either include a reed valve assembly or be installed in accordance with SAE J-1928, or other standard specified by the Commandant.

(3) An arrangement of the carburetor or engine air induction system that will disperse any flames caused by engine backfire. The flames must be dispersed to the atmosphere outside the vessel in such a manner that the flames will not endanger the vessel, persons on board, or nearby vessels and structures. Flame dispersion may be achieved by attachments to the carburetor or location of the engine air induction system. All attachments must be of metallic construction with flametight connections and firmly secured to withstand vibration, shock, and engine backfire. Such installations do not require formal approval and labeling but must comply with this subpart.

(4) An engine air induction system on a vessel with an integrated engine-vessel design must be approved, marked, and tested under § 162.043 in subchapter Q of this chapter, or other standard specified by the Commandant.

##### **§ 182.420 Engine cooling.**

(a) Except as otherwise provided in paragraphs (b), (c), (d), and (e) of this section, all engines must be water cooled and meet the requirements of this paragraph.

(1) The engine head, block, and exhaust manifold must be water-jacketed and cooled by water from a pump that operates whenever the engine is operating.

(2) A suitable hull strainer must be installed in the circulating raw water intake line of an engine cooling water system.

(3) A closed fresh water system may be used to cool the engine.

(b) An engine water cooling system on a vessel of not more than 19.8 meters (65 feet) in length carrying not more than 12 passengers, may comply with the requirements of ABYC Project P-4, "Marine Inboard Engines," instead of the requirements of paragraph (a) of this section.

(c) On a vessel of not more than 19.8 meters (65 feet) in length carrying not more than 12 passengers, a propulsion gasoline engine may be air cooled when in compliance with the requirements of ABYC Project P-4.

(d) An auxiliary gasoline engine may be air cooled when:

(1) It has a self-contained fuel system and it is installed on an open deck; or  
 (2) On a vessel of not more than 19.8 meters (65 feet) in length carrying not more than 12 passengers, it is in compliance with the requirements of ABYC P-4.

(e) A propulsion or auxiliary diesel engine may be air cooled or employ an air cooled jacket water radiator when:

(1) Installed on an open deck and sufficient ventilation for machinery cooling is available;

(2) Installed in an enclosed or partially enclosed space for which ventilation for machinery cooling is provided, which complies with the requirement of § 182.465(b), and other necessary safeguards are taken so as not to endanger the vessel; or

(3) Installed on a vessel of not more than 19.8 meters (65 feet) in length carrying not more than 12 passengers, in compliance with the requirements of ABYC Project P-4.

**§ 182.422 Keel and grid cooler installations.**

(a) A keel or grid cooler installation used for engine cooling must be designed to prevent flooding.

(b) Except as provided in paragraph (e), a shutoff valve must be located where the cooler piping penetrates the shell, as near the shell as practicable, except where the penetration is forward of the collision bulkhead.

(c) The thickness of the inlet and discharge connections, outboard of the shutoff valves required by paragraph (b) of this section, must be at least Schedule 80.

(d) Short lengths of approved nonmetallic flexible hose, fixed by two hose clamps at each end of the hose, may be used at machinery connections for a keel cooler installation.

(e) Shutoff valves are not required for keel or grid coolers that are integral to the hull. A keel cooler is considered integral to the hull if the following conditions are satisfied:

(1) The cooler structure is fabricated from material of the same thickness and quality as the hull;

(2) The flexible connections are located well above the deepest subdivision draft;

(3) The end of the structure is faired to the hull with a slope no greater than 4 to 1; and

(4) Full penetration welds are employed in the fabrication of the structure and its attachment to the hull.

**§ 182.425 Engine exhaust cooling.**

(a) Except as otherwise provided in this paragraph, all engine exhaust pipes must be water cooled.

(1) Vertical dry exhaust pipes are permissible if installed in compliance with §§ 177.405(b) and 177.970 of this chapter.

(2) Horizontal dry exhaust pipes are permitted only if:

(i) They do not pass through living or berthing spaces;

(ii) They terminate above the deepest load waterline;

(iii) They are so arranged as to prevent entry of cold water from rough or boarding seas;

(iv) They are constructed of corrosion resisting material at the hull penetration; and

(v) They are installed in compliance with §§ 177.405(b) and 177.970 of this chapter.

(b) The exhaust pipe cooling water system must comply with the requirements of this paragraph.

(1) Water for cooling the exhaust pipe must be obtained from the engine cooling water system or a separate engine driven pump.

(2) Water for cooling the exhaust pipe, other than a vertical exhaust, must be injected into the exhaust system as near to the engine manifold as practicable. The water must pass through the entire length of the exhaust pipe.

(3) The part of the exhaust system between the point of cooling water injection and the engine manifold must be water-jacketed or effectively insulated and protected in compliance with §§ 177.405(b) and 177.970 of this chapter.

(4) Vertical exhaust pipes must be water-jacketed or suitably insulated as required by § 182.430(g).

(5) When the exhaust cooling water system is separate from the engine cooling water system, a suitable warning device, visual or audible, must be installed at the operating station to indicate any reduction in normal water flow in the exhaust cooling system.

(6) A suitable hull strainer must be installed in the circulating new water intake line for the exhaust cooling system.

(c) Engine exhaust cooling system built in accordance with the requirements of ABYC Project P-1, "Installation of Exhaust Systems for Propulsion and Auxiliary Machinery," will be considered as meeting the requirements of this section.

**§ 182.430 Engine exhaust pipe installation.**

(a) The design of all exhaust systems must ensure minimum risk of injury to personnel. Protection must be provided in compliance with § 177.970 of this chapter at such locations where persons or equipment might come in contact with an exhaust pipe.

(b) Exhaust gas must not leak from the piping or any connections. The piping must be properly supported by noncombustible hangers or blocks.

(c) The exhaust piping must be so arranged as to prevent backflow of water from reaching engine exhaust ports under normal conditions.

(d) An exhaust pipe discharge located less than 75 millimeters (3 inches) above the deepest load waterline must be installed with a means to prevent the entrance of water.

(e) Pipes used for wet exhaust lines must be Schedule 80 or corrosion-resistant material and adequately protected from mechanical damage.

(f) Where flexibility is necessary, a section of flexible metallic hose may be used. Nonmetallic hose may be used for wet exhaust systems provided it is especially adapted to resist the action of oil, acid, and heat, has a wall thickness sufficient to prevent collapsing or panting, and is double clamped where practicable.

(g) Where an exhaust pipe passes through a watertight bulkhead, the watertight integrity of the bulkhead must be maintained. Noncombustible packing must be used in bulkhead penetration glands for dry exhaust systems. A wet exhaust pipe may be welded to a steel or equivalent bulkhead in way of a penetration and a fiberglass wet exhaust pipe may be fiberglassed to a fiberglass reinforced plastic bulkhead if suitable arrangements are provided to relieve the stresses resulting from the expansion of the exhaust piping.

(h) A dry exhaust pipe must:

(1) If it passes through a combustible bulkhead or partition, be kept clear of, and suitably insulated or shielded from, combustible material.

(2) Be provided with noncombustible hangers and blocks for support.

(i) An exhaust pipe discharge terminating in a transom must be located as far outboard as practicable so that exhaust gases cannot reenter the vessel.

(j) Arrangements must be made to provide access to allow complete inspection of the exhaust piping throughout its length.

(k) An exhaust installation subject to pressures in excess of 135 kPa (5 psig) gauge or having exhaust pipes passing through living or working spaces must meet the material requirements of Part 56 of subchapter F (Marine Engineering) of this chapter.

(1) Engine exhaust installations built in accordance with the requirements of ABYC Project P-1, will be considered as meeting the requirements of this section.

**§ 182.435 Integral fuel tanks.**

- (a) Gasoline fuel tanks must be independent of the hull.
- (b) Diesel fuel tanks may not be built integral with the hull of a vessel unless the hull is made of:
  - (1) Steel;
  - (2) Aluminum; or
  - (3) Fiber reinforced plastic when:
    - (i) Sandwich construction is not used; or
    - (ii) Sandwich construction is used with only a core material of closed cell polyvinyl chloride.

(c) During the initial inspection for certification of a vessel, integral fuel tanks must withstand a hydrostatic pressure test of 35 kPa (5 psig), or the maximum pressure head to that they may be subjected in service, whichever is greater. A standpipe of 3.5 meters (11.5 feet) in height attached to the tank may be filled with water to accomplish the 35 kPa (5 psig) test.

**§ 182.440 Independent fuel tanks.**

(a) *Materials and construction.* Independent fuel tanks must be designed and constructed of materials in

compliance with the requirements of this paragraph.

(1) The material used and the minimum thickness allowed must be as indicated in Table 182.440(a)(1), except that other materials that provide equivalent safety may be approved for use under paragraph (a)(3) of this section. Tanks having a capacity of more than 570 liters (150 gallons) must be designed to withstand the maximum head to which they may be subjected in service, but in no case may the thickness be less than that specified in Table 182.440(a)(1).

TABLE 182.440(a)(1)

Material	ASTM specification (latest edition)	Thickness in millimeters (inches) and [gage number] <sup>1</sup> vs. tank capacities for:		
		4 to 300 liter (1 to 80 gal) tanks	More than 300 liter (80 gal) and not more than 570 liter (150 gal) tanks	Over 570 liter (150 gal) <sup>2</sup> tanks
Nickel-cooper .....	B127, hot rolled sheet or plate.	0.94 (0.037) [USSG 20] <sup>3</sup> ...	1.27 (0.050) [USSG 18] .....	2.72 (0.107) [USSG 12]
Copper-nickel <sup>4</sup> .....	B122, UNS alloy C71500	1.14 (0.045) [AWG 17] .....	1.45 (0.057) [AWG 15] .....	3.25 (0.128) [AWG 8]
Copper <sup>4</sup> .....	B152, UNS alloy C11000	1.45 (0.057) [AWG 15] .....	2.06 (0.081) [AWG 12] .....	4.62 (0.182) [AWG 5]
Copper-silicon <sup>4</sup> .....	B97, alloys A, B, and C ...	1.29 (0.051) [AWG 16] .....	1.63 (0.064) [AWG 14] .....	3.66 (0.144) [AWG 7]
Steel or iron <sup>5,6</sup> .....	* * * * *	1.90 (0.0747) [MSG 14] .....	2.66 (0.1046) [MSG 12] .....	4.55 (0.1793) [MSG 7]
Aluminum <sup>7</sup> .....	B209, alloy 5052, 5083, 5086.	6.35 (0.250) [USSG 3] .....	6.35 (0.250) [USSG 3] .....	6.35 (0.250) [USSG 3]
Fiber reinforced plastic ....	* * * * *	As required <sup>8</sup> .....	As required <sup>8</sup> .....	As required <sup>8</sup>

<sup>1</sup> The gage numbers used in this table may be found in many standard engineering reference books. The letters "USSG" stand for "U.S. Standard Gage," which was established by the act of March 3, 1892 (15 U.S.C. 206), for sheet and plate iron and steel. The letters "AWG" stand for "American Wire Gage" (or Brown and Sharpe Gage) for nonferrous sheet thicknesses. The letters "MSG" stand for "Manufacturers' Standard Gage" for sheet steel thickness.

<sup>2</sup> Tanks over 1514 liters (400 gallons) shall be designed with a factor of safety of four on the ultimate strength of the material used with a design head of not less than 1220 millimeters (4 feet) of liquid above the top of the tank.

<sup>3</sup> Nickel-copper not less than 0.79 millimeter (0.031 inch) [USSG 22] may be used for tanks up to 114-liter (30-gallon) capacity.

<sup>4</sup> Acceptable only for gasoline service.

<sup>5</sup> Gasoline fuel tanks constructed of iron or steel, which are less than 5 millimeter (0.1875) inch thick, shall be galvanized inside and outside by the hot dip process. Tanks intended for use with diesel oil shall not be internally galvanized.

<sup>6</sup> Stainless steel tanks are not included in this category.

<sup>7</sup> Anodic to most common metals. Avoid dissimilar metal contact with tank body.

<sup>8</sup> The requirements of § 182.440(a)(2) apply.

(2) Fiber reinforced plastic may be used for diesel fuel tanks under the following provisions:

- (i) The materials must be fire retardant. Flammability of the material must be determined by the standard test methods in America Society for Testing and Materials (ASTM) D635, "Rate of Burning and/or Extent and Time of Burning of Self-supporting Plastics in a Horizontal Position," and ASTM D2863, "Measuring the Minimum Oxygen Concentration to Support Candle-like Combustion of Plastics (Oxygen Index)," or other standard specified by the Commandant. The results of these tests must show that the average extent of burning is less than 10 millimeters (0.394 inches), the average time of burning is less than 50 seconds, and the limiting oxygen index is greater than 21.
- (ii) Tanks must meet UL 1102, "Non integral Marine Fuel Tanks," or other standard specified by the Commandant.

Testing may be accomplished by an independent laboratory or by the fabricator to the satisfaction of the OCMI.

- (iii) Tanks must be designed to withstand the maximum head to which they may be subjected to in service.
- (iv) Installation of nozzles, flanges or other fittings for pipe connections to the tanks must be acceptable to the cognizant OCMI.
- (v) Baffle plates, if installed, must be of the same material and not less than the minimum thickness of the tank walls. Limber holes at the bottom and air holes at the top of all baffles must be provided. Baffle plates must be installed at the time the tests required by UL Standard 1102, or other standard specified by the Commandant, are conducted.
- (3) Materials other than those listed in Table 182.440(a)(1) must be approved by the Commandant. An independent tank using material approved by the

Commandant under this paragraph must meet the testing requirements of UL Standard 1102, or other standard specified by the Commandant. Testing may be accomplished by an independent laboratory or by the fabricator to the satisfaction of the OCMI.

- (4) Tanks with flanged-up top edges that may trap and hold moisture are prohibited.
- (5) Openings for fill pipes, vent pipes, and machinery fuel supply pipes, and openings for fuel level gauges, where used, must be on the topmost surfaces of tanks. Tanks may not have any openings in bottoms, sides, or ends, except for:
  - (i) An opening fitted with a threaded plug or cap installed for tank cleaning purposes; and
  - (ii) In a diesel fuel tank, openings for supply piping and tubular gauge glasses.
- (6) All tank joints must be welded or brazed. Lap joints may not be used.

(7) Nozzles, flanges, or other fittings for pipe connections to a metal tank must be welded or brazed to the tank. Tank openings in way of pipe connections must be properly reinforced where necessary. Where fuel level gauges are used on a metal tank, the flanges to which gauge fittings are attached must be welded or brazed to the tank. No tubular gauge glasses may be fitted to gasoline fuel tanks. Tubular gauge glasses, if fitted to diesel fuel tanks, must be of heat resistant materials, adequately protected from mechanical damage, and provided at the tank connections with devices that will automatically close in the event of rupture of the gauge or gauge lines.

(8) A metal tank exceeding 760 millimeters (30 inches) in any horizontal dimension must:

(i) Be fitted with vertical baffle plates, which meet subparagraph (a)(9) of this section, at intervals not exceeding 760 millimeters (30 inches) to provide strength and to control the excessive surge of fuel; or

(ii) The owner shall submit calculations to the cognizant OCM I demonstrating the structural adequacy of the tank in a fully loaded static condition and in a worst case dynamic (sloshing) condition.

(9) Baffle plates, where required in metal tanks, must be of the same material and not less than the minimum thickness required in the tank walls and must be connected to the tank walls by welding or brazing. Limber holes at the bottom and air holes at the top of all baffles must be provided.

(10) Iron or steel diesel fuel tanks must not be galvanized on the interior. Galvanizing, paint, or other suitable coating must be used to protect the outside of iron and steel diesel fuel tanks and the inside and outside of iron and steel gasoline fuel tanks.

(b) *Location and installation.* Independent fuel tanks must be located and installed in compliance with the requirements of this paragraph.

(1) Fuel tanks must be located in, or as close as practicable to, machinery spaces.

(2) Fuel tanks and fittings must be so installed as to permit examination, testing, or removal for cleaning with minimum disturbance to the hull structure.

(3) Fuel tanks must be adequately supported and braced to prevent movement. The supports and braces must be insulated from contact with the tank surfaces with a nonabrasive and nonabsorbent material.

(4) All fuel tanks must be electrically bonded to a common ground.

(c) *Tests.* Independent fuel tanks must be tested in compliance with the requirements of this part prior to being used to carry fuel.

(1) Prior to installation, tanks vented to the atmosphere must be hydrostatically tested to, and must withstand, a pressure of 35 kPa (5 psig) or 1½ times the maximum pressure head to which they may be subjected in service, whichever is greater. A standpipe of 3.5 meters (11.5 feet) in height attached to the tank may be filled with water to accomplish the 35 kPa (5 psig) test. Permanent deformation of the tank will not be cause for rejection unless accompanied by leakage.

(2) After installation of the fuel tank on a vessel, the complete installation must be tested in the presence of a marine inspector, or individual specified by the cognizant OCM I, to a head not less than that to which the tank may be subjected in service. Fuel may be used as the testing medium.

(3) All tanks not vented to the atmosphere must be constructed and tested in accordance with § 182.330 of this part.

(d) *Alternative procedures.* A vessel of not more than 19.8 meters (65 feet) in length carrying not more than 12 passengers, with independent gasoline fuel tanks built in accordance with ABYC Project H-24, or 33 CFR 183, Subpart J, or with independent diesel fuel tanks built in accordance with ABYC Project H-33, will be considered as meeting the requirements of this section. However, tanks must not be fabricated from any material not listed in Table 182.440(a)(1) without approval by the Commandant under paragraph (a)(3) of this section.

#### § 182.445 Fill and sounding pipes for fuel tanks.

(a) Fill pipes for fuel tanks must be not less than 40 millimeters (1.5 inches) nominal pipe size.

(b) There must be a means of accurately determining the amount of fuel in each fuel tank either by sounding, through a separate sounding pipe or a fill pipe, or by an installed marine type fuel gauge.

(c) Where sounding pipes are used, their openings must be at least as high as the opening of the fill pipe and they must be kept closed at all times except during sounding.

(d) Fill pipes and sounding pipes must be so arranged that overflow of liquid or vapor cannot escape to the inside of the vessel.

(e) Fill pipes and sounding pipes must run as directly as possible, preferably in a straight line, from the deck connection to the top of the tank.

Such pipes must terminate on the weather deck and must be fitted with shutoff valves, watertight deck plates, or screw caps, suitably marked for identification. Gasoline fill pipes and sounding pipes must extend to within one-half of their diameter from the bottom of the tank. Diesel fill pipes and sounding pipes may terminate at the top of the tank.

(f) A vessel of not more than 19.8 meters (65 feet) carrying not more than 12 passengers, with a gasoline fuel system built in accordance with ABYC Project H-24, or 33 CFR 183, Subpart J, or with a diesel fuel system built in accordance with ABYC Project H-33, will be considered as meeting the requirements of this section.

(g) Where a flexible fill pipe section is necessary, suitable flexible tubing or hose having high resistance to salt water, petroleum oils, heat and vibration, may be used. Such hose must overlap metallic pipe ends at the least 1½ times the pipe diameter and must be secured at each end by clamps. The flexible section must be accessible and as near the upper end of the fill pipe as practicable. When the flexible section is a nonconductor of electricity, the metallic sections of the fill pipe separated thereby must be joined by a conductor for protection against generation of a static charge when filling with fuel.

#### § 182.450 Vent pipes for fuel tanks.

(a) Each unpressurized fuel tank must be fitted with a vent pipe connected to the highest point of the tank.

(b) The net cross sectional area of the vent pipe for a gasoline fuel tank must not be less than that of 19 millimeters (0.75 inches) outer diameter (O.D.) tubing (0.9 millimeter (0.035 inch) wall thickness, 20 gauge), except that, where the tank is filled under pressure, the net cross sectional area of the vent pipe must be not less than that of the fill pipe.

(c) The minimum net cross sectional area of the vent pipe for diesel fuel tanks must be as follows:

(1) Not less than the cross sectional area of 16 millimeters (0.625 inches) outer diameter (O.D.) tubing (0.9 millimeter (0.035-inch) wall thickness, 20 gauge), if the fill pipe terminates at the top of the tank;

(2) Not less than the cross sectional area of 19 millimeters (0.75 inches) O.D. tubing (0.9 millimeter (0.035-inch) wall thickness, 20 gauge), if the fill pipe extends into the tank; and

(3) Not less than the cross sectional area of the fill pipe if the tank is filled under pressure.

(d) The discharge ends of fuel tank vent pipes must terminate on the hull exterior as high above the waterline as practicable and remote from any hull openings, or they must terminate in U-bends as high above the weather deck as practicable and as far as practicable from openings into any enclosed spaces. Vent pipes terminating on the hull exterior must be installed or equipped to prevent the accidental contamination of the fuel by water under normal operating conditions.

(e) The discharge ends of fuel tank vent pipes must be fitted with removable flame screens or flame arresters. The flame screens must consist of a single screen of corrosion resistant wire of at least 30x30 mesh. The flame screens or flame arresters must be of such size and design as to prevent reduction in the net cross sectional area of the vent pipe and permit cleaning or renewal of the flame screens or arrester elements.

(f) A vessel of not more than 19.8 meters (65 feet) in length carrying not more than 12 passengers, with fuel gasoline tank vents built in accordance with ABYC Project H-24, or 33 CFR 183, Subpart J, or with diesel fuel tank vents built in accordance with ABYC Project H-33, will be considered as meeting the requirements of this section.

(g) Where a flexible vent pipe section is necessary, suitable flexible tubing or hose having high resistance to salt water, petroleum oils, heat and vibration, may be used. Such hose must overlap metallic pipe ends at least 1½ times the pipe diameter and must be secured at each end by clamps. The flexible section must be accessible and as near the upper end of the vent pipe as practicable.

(h) Fuel tank vent pipes shall be installed to gradient upward to prevent fuel from being trapped in the line.

#### § 182.455 Fuel piping.

(a) *Materials and workmanship.* The materials and construction of fuel lines, including pipe, tube, and hose, must comply with the requirements of this paragraph.

(1) Fuel lines must be annealed tubing of copper, nickel-copper, or copper-nickel having a minimum wall thickness of 9 millimeters (0.035 inch) except that:

(i) Diesel fuel piping of other materials, such as seamless steel pipe or tubing, which provide equivalent safety may be used;

(ii) Diesel fuel piping of aluminum is acceptable on aluminum hull vessels provided it is a minimum of Schedule 80 wall thickness; and

(iii) when used, flexible hose must meet the requirements of § 182.720(e) of this part.

(2) Tubing connections and fittings must be of nonferrous drawn or forged metal of the flared type except that flareless fittings of the non-bite type may be used when the tubing system is of nickel-copper or copper-nickel. When making tube connections, the tubing must be cut square and flared by suitable tools. Tube ends must be annealed before flaring.

(3) Cocks are prohibited except for the solid bottom type with tapered plugs and union bonnets.

(4) Valves for gasoline fuel must be of a suitable nonferrous type.

(b) *Installation.* The installation of fuel lines, including pipe, tube, and hose, must comply with the requirements of this paragraph.

(1) Gasoline fuel lines must be connected at the top of the fuel tank and run at or above the level of the tank top to a point as close to the engine connection as practicable, except that lines below the level of the tank top are permitted if equipped with anti-siphon protection.

(2) Diesel fuel lines may be connected to the fuel tank at or near the bottom of the tank.

(3) Fuel lines must be accessible, protected from mechanical injury, and effectively secured against excessive movement and vibration by the use of soft nonferrous metal straps which have no sharp edges and are insulated to protect against corrosion. Where passing through bulkheads, fuel lines must be protected by close fitting ferrules or stuffing boxes. All fuel lines and fittings must be accessible for inspection.

(4) Shutoff valves, installed so as to close against the fuel flow, must be fitted in the fuel supply lines, one at the tank connection and one at the engine end of the fuel line to stop fuel flow when servicing accessories. The shutoff valve at the tank must be manually operable from outside the compartment in which the valve is located, preferably from an accessible position on the weather deck. If the handle to the shutoff valve at the tank is located inside the machinery space, it must be located so that the operator does not have to reach more than 300 millimeters (12 inches) into the machinery space and the valve handle must be shielded from flames by the same material the hull is constructed of, or some noncombustible material. Electric solenoid valves must not be used, unless used in addition to the manual valve.

(5) A loop of copper tubing or a short length of flexible hose must be installed

in the fuel supply line at or near the engines. The flexible hose must meet the requirements of § 182.720(e).

(6) A suitable metal marine type strainer, meeting the requirements of the engine manufacturer, must be fitted in the fuel supply line in the engine compartment. Strainers must be leak free. Strainers must be the type of opening on top for cleaning screens. A drip pan fitted with flame screen must be installed under gasoline strainers. Fuel filter and strainer bowls must be highly resistant to shattering due to mechanical impact and resistant to failure due to thermal shock. Fuel filters fitted with bowls of other than steel construction must be approved by the Commandant and be protected from mechanical damage. Approval of bowls of other than steel construction will specify if a flame shield is required.

(7) All accessories installed in the fuel line must be independently supported.

(8) Outlets in gasoline fuel lines that would permit drawing fuel below deck, for any purpose, are prohibited.

(9) Valves for removing water or impurities from diesel fuel in water traps or stainers are permitted. These valves must be provided with caps or plugs to prevent fuel leakage.

(c) *Alterative procedures.* A vessel of not more than 19.8 meters (65 feet) carrying no more than 12 passengers, with machinery powered by gasoline and a fuel system built in accordance with ABYC Project H-24, or 33 CFR 193, Subpart J, or with machinery powered by diesel fuel and a fuel system built in accordance with ABYC Project H-33, will be considered as meeting the requirements of this section.

#### § 182.458 Portable fuel systems.

(a) Portable fuel systems, including portable tanks and related fuel lines and accessories, are prohibited except where used for outboard motor installations.

(b) The design, construction and stowage of portable tanks and related fuel lines and accessories must meet the requirements of ABYC Projected H-25, "Portable Gasoline Fuel systems for Flammable Liquids," or other standard specified by the Commandant.

#### § 182.460 Ventilation of spaces containing machinery powered by, or fuel tanks for, gasoline.

(a) A space containing machinery powered by, or fuel tanks for, gasoline must have a ventilation system that complies with this section and consists of:

(1) For an enclosed space:

(i) At least two natural ventilation supply ducts located at one end of the

space and that extend to the lowest part of the space or to the bilge on each side of the space; and

(ii) A mechanical exhaust system consisting of at least two ventilation exhaust ducts located at the end of the space opposite from where the supply ducts are fitted, which extend to the lowest part or the bilge of the space on each side of the space, and which are led to one or more powered exhaust blowers; and

(2) For a partially enclosed space, at least one ventilation duct installed in the forward part of the space and one ventilation duct installed in the after part of the space, or as otherwise required by the cognizant OCMI. Ducts for partially enclosed spaces must have cowls or scoops as required by paragraph (i) of this section.

(b) A mechanical exhaust system required by paragraph (a)(1)(ii) of this section must be such as to assure the air changes as noted in Table 182.460(b) depending upon the size of the space.

TABLE 182.460(b)

Size of space in cubic meters (feet)		Minutes per air change
Over	Not over	
0	14 (500)	2
14 (500)	28.50 (1000)	3
28.50 (1000)	43 (1500)	4
43 (1500)	.....	5

(c) An exhaust blower motor may not be installed in a duct, and if mounted in any space required to be ventilated by this section, must be located as high above the bilge as practicable. Blower blades must be nonsparking with reference to their housings.

(d) Where a fixed gas fire extinguishing system is installed in a space, all powered exhaust blowers for the space must automatically shut down upon release of the extinguishing agent.

(e) Exhaust blower switches must be located outside of any space required to be ventilated by this section, and must be of the type interlocked with the starting switch and the ignition switch so that the blowers are started before the engine starter motor circuit or the engine ignition is energized. A red warning sign at the switch must state that the blowers must be operated prior to starting the engines for the time sufficient to insure at least one complete change of air in the space served.

(f) The area of the ventilation ducts must be sufficient to limit the air velocity to a maximum of 10 meters per second (2,000 feet per minute). A duct may be of any shape, provided that in

no case will one cross sectional dimension exceed twice the other.

(g) A duct must be so installed that ordinary collection of water in the bilge will not block vapor flow.

(h) A duct must be of rigid permanent construction, which does not allow any appreciable vapor flow except through normal openings, and made of the same material as the hull or of noncombustible material. The duct must lead as directly as possible from its intake opening to its terminus and be securely fastened and supported.

(i) A supply duct must be provided at its intake opening with a cowl or scoop having a free area not less than twice the required duct area. When the cowl or scoop is screened, the mouth area must be increased to compensate for the area of the screen wire. A cowl or scoop must be kept open at all times except when the weather is such as to endanger the vessel if the openings are not temporarily closed.

(j) Dampers may not be fitted in a supply duct.

(k) A duct opening may not be located where the natural flow of air is unduly obstructed, adjacent to possible sources of vapor ignition, or where exhaust air may be taken into a supply duct.

(l) Provision must be made for closing all supply duct cowls or scoops and exhaust duct discharge openings for a space protected by a fixed gas extinguishing system. All closure devices must be readily available and mounted in the vicinity of the vent.

(m) A vessel of not more than 19.8 meters (65 feet) in length carrying not more than 12 passengers, with ventilation installations in accordance with ABYC Project H-2, "Ventilation of Boats Using Gasoline," or 33 CFR 183, Subpart K, "Ventilation," will be considered as meeting the requirements of this section.

**§ 182.465 Ventilation of spaces containing diesel machinery.**

(a) A space containing diesel machinery must be fitted with adequate means such as drip-proof ventilators, ducts, or louvers, to provide sufficient air for proper operation of main engines and auxiliary engines.

(b) Air-cooled propulsion and auxiliary diesel engines installed below deck, as permitted by § 182.420, must be fitted with air supply ducts or piping from the weather deck. The ducts or piping must be so arranged and supported to be capable of safely sustaining stresses induced by weight and engine vibration and to minimize transfer of vibration to the supporting structure. Prior to installation of ventilation system for such engines,

plans or sketches showing machinery arrangement including air supplies, exhaust stack, method of attachment of ventilation ducts to the engine, location of spark arresting mufflers and capacity of ventilation blowers must be submitted to the cognizant OCMI for approval.

(c) A space containing diesel machinery must be fitted with at least two ducts to furnish natural or powered supply and exhaust ventilation. The total inlet area and the total outlet area of each ventilation duct may not be less than one square inch for each foot of beam of the vessel. These minimum areas must be increased as necessary when the ducts are considered as part of the air supply to the engines.

(d) A duct must be of rigid permanent construction, which does not allow any appreciable vapor flow except through normal openings, and made of the same material as the hull or of noncombustible material. The duct must lead as directly as possible from its intake opening to its terminus and be securely fastened and supported.

(e) A supply duct must be provided with a cowl or scoop having a free area not less than twice the required duct area. When the cowl or scoop is screened, the mouth area must be increased to compensate for the area of the screen wire. A cowl or scoop must be kept open at all times except when the weather is such as to endanger the vessel if the openings are not temporarily closed.

(f) Dampers may not be fitted in a supply duct.

(g) A duct opening may not be located where the natural flow of air is unduly obstructed, adjacent to possible sources of vapor ignition, or where exhaust air may be taken into a supply duct.

(h) provision must be made for closing all supply duct cowls or scoops and exhaust duct discharge openings for a space protected by a fixed gas extinguishing system. All closure devices must be readily available and mounted in the vicinity of the vent.

(i) A vessel of not more than 19.8 meters (65 feet) in length carrying not more than 12 passengers, with ventilation installations in accordance with ABYC Project H-32, "Ventilation of Boats Using Diesel Fuel," will be considered as meeting the requirements of this section.

**§ 182.470 Ventilation of spaces containing diesel fuel tanks.**

(a) Unless provided with ventilation that complies with § 182.465, a space containing a diesel fuel tank and no machinery must meet the requirements of this section.

(1) A space of 14 cubic meters (500 cubic feet) or more in volume must have a gooseneck vent of not less than 65 millimeters (2.5 inches) in diameter.

(2) A space of less than 14 cubic meters (500 cubic feet) in volume must have a gooseneck vent of not less than 40 millimeters (1.5 inches) in diameter.

(b) Vent openings may not be located adjacent to possible sources of vapor ignition.

(c) A vessel of not more than 19.8 meters (65 feet) in length carrying not more than 12 passengers, with ventilation installations in accordance with ABYC Project H-32, "Ventilation of Boats Using Diesel Fuel," will be considered as meeting the requirements of this section.

**§ 182.480 Flammable vapor detection systems.**

(a) A flammable vapor detection system required by § 182.410(c) must meet UL Standard 1110, "Marine Combustible Gas Indicators," or be approved by an independent laboratory.

(b) Procedures for checking the proper operation of a flammable vapor detection system must be posted at the primary operating station. The system must be self-monitoring and include a ground fault indication alarm.

(c) A flammable vapor detection system must be operational for 30 seconds prior to engine startup and continue sensing the entire time the engine is running.

(d) A flammable vapor detection system must provide a visual and audible alarm at the operating station.

(e) A sensor must be located above the expected bilge water level in the following locations:

(1) The lowest part of a machinery space;

(2) The lowest part of a space containing a fuel tank when separate from the machinery space; and

(3) Any other location when required by the cognizant OCMI.

(f) A flammable vapor detection system must be installed so as to permit calibration in a vapor free atmosphere.

(g) Electrical connections, wiring, and components for a flammable vapor detection system must comply with Part 183 of this chapter.

(h) An operation and maintenance manual for the flammable vapor detection system must be kept onboard.

**Subpart E—Bilge and Ballast Systems**

**§ 182.500 General.**

(a) A vessel must be provided with a satisfactory arrangement for draining any watertight compartment, other than small buoyancy compartments, under all practicable conditions. Sluice valves are not permitted in watertight bulkheads.

(b) A vessel of not more than 19.8 meters (65 feet) in length carrying not more than 12 passengers may meet the requirements of ABYC Project H-22, "DC Electric Bilge Pumps Operating Under 50 Volts," in lieu of the requirements of this subpart, provided that each watertight compartment, other than small buoyancy compartments and the compartment forward of the collision bulkhead, is provided with a means for dewatering.

(c) Special consideration may be given to vessels, such as high speed craft, which have a high degree of subdivision and utilize numerous small buoyancy compartments. Where the probability of flooding of the space is limited to external hull damage, compartment drainage may be omitted provided it can be shown by stability calculations, submitted to the cognizant OCMI, that the safety of the vessel will not be impaired.

**§ 182.510 Bilge piping system.**

(a) A vessel of at least 7.9 meters (26 feet) in length must be provided with individual bilge lines and bilge suction for each watertight compartment, except that the space forward of the collision

bulkhead need not be fitted with a bilge suction line when the arrangement of the vessel is such that ordinary leakage may be removed from this compartment by the use of a hand portable bilge pump or other equipment, and such equipment is provided.

(b) A bilge pipe in a vessel of not more than 19.8 meters (65 feet) in length must be not less than 25 millimeters (1 inch) nominal pipe size. A bilge pipe in a vessel of more than 19.8 meters (65 feet) in length must be not less than 40 millimeters (1.5 inches) nominal pipe size. A bilge suction must be fitted with a suitable strainer having an open area not less than three times the area of the bilge pipe.

(c) Except when individual pumps are provided for separate spaces, individual bilge suction lines must be led to a central control point or manifold and provided with a stop valve at the control point or manifold and a check valve at some accessible point in the bilge line. A stop-check valve located at a control point or manifold will meet the requirements for both a stop valve and a check valve.

(d) A bilge pipe piercing the collision bulkhead must be fitted with a screw-down valve located on the forward side of the collision bulkhead and operable from the weather deck, or, if it is readily accessible under service conditions, a screw-down valve without a reach rod may be fitted to the bilge line on the after side of the collision bulkhead.

**§ 182.520 Bilge pumps.**

(a) A vessel must be provided with bilge pumps in accordance with Table 182.520(a). A second power pump is an acceptable alternative to a hand pump if it is supplied by a source of power independent of the first power bilge pump. Individual power pumps used for separate spaces are to be controlled from a central control point and must have a light or other visual means at the control point to indicate operation.

TABLE 182.520(A)

Number of passengers	Length of vessel	Bilge pumps required	Min. capacity required per pump ltrs/min (gal/min)
Any number .....	More than 19.8 m (65 ft) .....	2 fixed power pumps .....	190 LPM (50 GPM).
More than 49 passengers and all ferry vessels .....	Not more than 19.8 m (65 ft) .....	1 fixed power pump and .....	95 LPM (25 GPM).
Not more than 49 passengers (Other than ferry vessels)	7.9 m, 26 feet up to 19.8 m (65 ft).	1 portable hand pump .....	38 LPM (10 GPM).
		1 fixed power pump and 1 portable hand pump or .....	38 LPM (10 GPM).
		1 fixed hand pump and .....	38 LPM (10 GPM).
Less than 7.9 m (26 ft) .....	Less than 7.9 m (26 ft) .....	1 portable hand pump .....	19 LPM (5 GPM).
		1 portable hand pump .....	19 LPM (5 GPM).

(b) A portable hand bilge pump must be:

(1) Capable of pumping water, but not necessarily simultaneously, from all watertight compartments; and

(2) Provided with suitable suction and discharge hoses capable of reaching the bilges for each watertight compartment.

(c) Each fixed power bilge pump must be self priming. It may be driven off the main engine or other source of power. It must be permanently connected to the bilge manifold and may also be connected to the fire main. If of sufficient capacity, a power bilge pump may also serve as a fire pump.

(d) Where two fixed power bilge pumps are installed, they must be driven by different sources of power. If one pump is driven off the main engine in a single propulsion engine installation, the other must be independently driven. In a twin propulsion engine installation, each pump may be driven off a different propulsion engine.

(e) A submersible electric bilge pump may be used as a power bilge pump required by Table 182.520(a) only on a vessel of not more than 19.8 meters (65 feet) in length carrying not more than 49 passengers, other than a ferry, provided that:

(1) The pump is listed by Underwriters' Laboratories Inc. or another independent laboratory;

(2) The pump is used to dewater not more than one watertight compartment;

(3) The pump is permanently mounted;

(4) The pump is equipped with a strainer that can be readily inspected and cleaned without removal;

(5) The pump discharge line is suitably supported;

(6) The opening in the hull for the pump discharge is placed as high above the waterline as possible;

(7) A positive shutoff valve is installed at the hull penetration; and

(8) The capacity of the electrical system, including wiring, and size and number of batteries, is designed to allow all bilge pumps to be operated simultaneously.

(f) A flexible tube or hose may be used instead of fixed pipe for the discharge line of a submersible electric bilge pump provided the hose or tube does not penetrate any required watertight bulkheads and is:

(1) Of good quality and of substantial construction, suitable for the intended use; and

(2) Highly resistant to salt water, petroleum oil, heat, and vibration.

(g) If a fixed hand pump is used to comply with Table 182.520(a), it must be permanently connected to the bilge system.

(h) On a vessel of not more than 19.8 meters (65 feet) in length, a power driven fire pump required by § 181.300 of this chapter may serve as a fixed power bilge pump required by this subpart, provided it has the minimum flow rate required by Table 182.520(a).

(i) On a vessel of more than 19.8 meters (65 feet) in length, a power driven fire pump required by § 181.300 of this subchapter may serve as one of the two fixed power bilge pumps required by this subpart, provided:

(1) The bilge and fire pump systems are interconnected;

(2) The dedicated bilge pump is capable of pumping the bilges at the same time the fire/bilge pump charges the firemain; and

(3) Stop valves and check valves are installed in the piping to isolate the systems during simultaneous operation and prevent possible flooding through the bilge system.

(j) A catamaran vessel must be equipped with bilge pumps for each hull, as if each hull is a separate vessel, in accordance with Table 182.520(a), except where:

(1) On dedicated pump is located in each hull;

(2) Each dedicated pump is driven by an independent source of power; and

(3) The bilge system is permanently cross connected between hulls.

#### § 182.530 Bilge high level alarms.

(a) On a vessel of at least 7.9 meters (26 feet) in length, a visual and audible alarm must be provided at the operating station to indicate a high water level in each of the following normally unmanned spaces:

(1) A space with a through-hull fitting below the deepest load waterline, such as a lazarette;

(2) A machinery space bilge, bilge well, shaft alley bilge, or other spaces subject to flooding from sea water piping within the space; and

(3) A space with a non-watertight closure, such as a space with a non-watertight hatch on the main deck.

(b) Vessels constructed of wood must, in addition to paragraph (a), provide bilge level alarms in all watertight compartments except small buoyancy chambers.

(c) A visual indicator must be provided at the operating station to indicate when any automatic bilge pump is operating.

#### § 182.540 Ballast systems.

(a) Ballast piping must not be installed in any compartment integral with the hull of a wooden vessel. Where the carriage of liquid ballast in such a vessel is necessary, suitable ballast

tanks, structurally independent of the hull, must be provided.

(b) Solid and water ballast must comply with the requirements of Part 178 of this subchapter.

### Subpart F—Steering Systems

#### § 182.600 General.

A self-propelled vessel must comply with the provisions of this subpart.

#### § 182.610 Main steering gear.

(a) A vessel must be provided with a main steering gear that is:

(1) Of adequate strength and capable of steering the vessel at all service speeds;

(2) Designed to operate at maximum astern speed without being damaged or jammed; and

(3) Capable of moving the rudder from 35 degrees on one side to 30 degrees on the other side in not more than 28 seconds with the vessel moving ahead at maximum service speed.

(b) Control of the main steering gear, including control of any necessary associated devices (motor, pump, valve, etc.), must be provided from the operating station.

(c) The main steering gear must be designed so that transfer from the main steering gear or control to the auxiliary means of steering required by § 182.620 can be achieved rapidly. Any tools or equipment necessary to make the transfer must be readily available.

(d) The operating station must be arranged to permit the person steering to have the best possible all around vision.

(e) Strong and effective rudder stops must be provided to prevent jamming and damage to the rudder and its fittings. These stops may be structural or internal to the main steering gear.

(f) In addition to meeting the requirements of paragraphs (a) through (e) of this section, a vessel with a power driven main steering gear must be provided with the following:

(1) A disconnect switch located in the steering compartment, and instantaneous short circuit protection for electrical power and control circuits sized and located in accordance with §§ 111.93–11(d) and (e) in subchapter J of this chapter. Overload protection is prohibited;

(2) An independent rudder angle indicator at the operating station;

(3) An arrangement that automatically resumes operation, without reset, when power is restored after a power failure;

(4) A manual means to center and steady the rudder(s) in an emergency; and

(5) A limit switch to stop the steering gear before it reaches the rudder stops required by paragraph (e) of this section.

(g) In addition to meeting the requirements of paragraphs (a) through (f) of this section, a vessel more than 19.8 meters (65 Feet) in length with a power driven main steering gear must be provided with the following:

- (1) A visual means, located at the operating station, to indicate operation of the power units; and
- (2) Instructions for transfer procedures from the main steering gear or control to the auxiliary means of steering required by § 182.620, posted at the location where the transfer is carried out.

**§ 182.620 Auxiliary means of steering.**

(a) Except as provided in paragraph (c) of this section, a vessel must be provided with an auxiliary means of steering that is:

- (1) Of adequate strength;
- (2) Capable of moving the rudder from 15 degrees on one side to 15 degrees on the other side is not more than 60 seconds with the vessel at one-half its maximum service speed ahead, or 7 knots, whichever is greater; and
- (3) Controlled from a location that permits safe maneuvering of the vessel and does not expose the person operating the auxiliary means of steering to personnel hazards during normal or heavy weather operation.

(b) A suitable hand tiller may be acceptable as the auxiliary means of steering where satisfactory to the cognizant OCMI.

(c) An auxiliary means of steering need not be provided if:

- (1) The main steering gear and its controls are provided in duplicate;
- (2) Multiple screw propulsion, with independent pilothouse control for each screw, is provided, and the vessel is capable of being steered using pilothouse control;
- (3) No regular rudder is fitted and steering action is obtained by a change of setting of the propelling unit; or
- (4) Where a rudder and hand tiller are the main steering gear.

**Subpart G—Piping Systems**

**§ 182.700 General.**

Materials used in piping systems must meet the requirements of this subpart and be otherwise acceptable to the cognizant OCMI.

**§ 182.710 Piping for vital systems.**

(a) Vital systems are those systems that are vital to a vessel's survivability and safety. For the purpose of this part the following are vital systems:

- (1) Fuel system;
- (2) Fire main;
- (3) CO<sub>2</sub> and Halon systems;

- (4) Bilge system;
- (5) Steering system;
- (6) Propulsion system and its necessary auxiliaries and controls;
- (7) Ship's service and emergency electrical generation system and its necessary auxiliaries; and
- (8) A marine engineering system identified by the cognizant OCMI as being crucial to the survival of the vessel or to the protection of the personnel on board.

(b) For the purpose of this part, a system not identified in paragraph (a) of this section is a non-vital system.

(c) Piping used in a vital system must:

- (1) Be composed of ferrous materials except when:
  - (i) Nonmetallic piping materials are permitted by § 182.720; or
  - (ii) Nonferrous metallic piping materials are permitted by § 182.730; and
- (2) If subject to a pressure of more than 1,034 kPa (150 psig), be designed, fabricated, and inspected in accordance with the principles of American National Standards Institute (ANSI) B 31.1, "Code for Pressure Piping, Power Piping," or other standard specified by the Commandant.

**§ 182.715 Piping subject to more than 1,034 kPa (150 psig) in non-vital systems.**

Piping subject to more than 1,034 kPa (150 psig) in a non-vital system must be designed, fabricated, and inspected in accordance with the principles of ANSI B 31.1, or other industry standard acceptable to the Commandant.

**§ 182.720 Nonmetallic piping materials.**

- (a) Rigid nonmetallic materials (plastic) may be used only in non-vital systems and in accordance with paragraphs (c) and (d) of this section.
- (b) Flexible nonmetallic materials (hose) may be used in vital and non-vital systems where permitted by paragraph (e) of this section.
- (c) Nonmetallic piping must not be used in gasoline or diesel fuel systems. Flexible nonmetallic materials (hose) may be used where permitted by paragraph (e) of this section.
- (d) Where rigid nonmetallic material (plastic) is permitted for use in piping systems by this section, the following restrictions apply:

- (1) Penetrations of required watertight decks and bulkheads by any rigid plastic pipe are prohibited unless the following requirements are met:
  - (i) Each penetration must be accomplished using an acceptable metallic through deck or through bulkhead fitting that is welded or otherwise attached to the bulkhead or deck by an accepted method; and

(ii) One or more metallic shutoff valves must be installed adjacent to the fitting in one of the following ways:

- (A) Only one metallic shutoff valve must be installed if it is operable from above the bulkhead deck;
- (B) If two metallic shutoff valves are installed, one on either side of the bulkhead, they need not be operable from above the bulkhead deck provided immediate access to both is possible; or
- (C) Where both plastic and metallic materials are used in piping that penetrates a bulkhead, and the two materials exist entirely on opposite sides of the bulkhead, a metallic shutoff valve must be installed at the bulkhead in the metallic part of the system, with the valve being capable of operation from above the bulkhead deck, or locally if immediate access is possible;
- (2) Protection from mechanical damage must be specifically considered and all protective covering or shields must be installed to the satisfaction of the cognizant OCMI;
- (3) Through hull fittings and shutoff valves must be metallic. In the case of nonmetallic hulls, materials that will afford an equal degree of safety and heat resistivity as that afforded by the hull may be approved; and

(4) The material specification must show that the rigid nonmetallic material possesses characteristics adequate for its intended service and environment and must be approved for use by the cognizant OCMI.

(e) Where flexible nonmetallic hose is permitted for use in piping systems by this section, it must meet SAE Standard J-1942, "Hose and Hose Assemblies for Marine Applications," or be specifically approved by the Commandant. The following restrictions apply:

- (1) Flexible nonmetallic hose must be complete with factory-assembled end fittings requiring no further adjustment of the fittings on the hose, or field attachable type fittings may be used. Hose end fittings must comply with SAE J-1475, "Hydraulic Hose Fittings For Marine Applications." Field attachable fittings must be installed following the manufacturer's recommended practice. If special equipment is required, such as crimping machines, it must be of the type and design specified by the manufacturer. If field attachable type fittings are used, each hose assembly must be individually hydrostatically tested to twice the rated pressure stamped thereon;
- (2) Flexible nonmetallic hose may be used in non-vital water and pneumatic systems, subject to the limitations of paragraph (d)(1) through (d)(4) of this section. Unreinforced hoses are limited

to a maximum service pressure of 349 kPa (50 psig), reinforced hoses are limited to a maximum service pressure of 1,034 kPa (150 psig); and

(3) Flexible nonmetallic hose may be used in lube oil, fuel oil and fluid power systems, subject to the following requirements:

(i) Flexible hose may only be used at a pressure not to exceed the manufacturer's rating and must have a high resistance to saltwater, petroleum oils, and vibration;

(ii) Flexible hose runs must be visible, easily accessible, protected from mechanical damage, and must not penetrate watertight bulkheads;

(iii) Flexible hose must be fabricated with an inner tube and a cover of synthetic rubber or other suitable material reinforced with wire braid;

(iv) Flexible hose used for alcohol-gasoline blend fuels must meet the permeability requirements specified in 33 CFR Part 183, Subpart J; and

(v) For the purpose of flexibility only, flexible hose installed in lengths of not more than 760 millimeters (30 inches) and subject to pressures of not more than 35 kPa (5 psig), may meet the following requirements:

(A) Suitable compression type connection fittings may be accepted;

(B) Flexible hose designed for use with hose clamps may be installed with two clamps, at both ends of the hose, which:

(1) Do not rely on the spring tension of the clamp for compressive force; and

(2) Are installed beyond the bead or flare or over the serrations of the mating spud, pipe, or hose fitting; and

(C) USCG Type A1, A2, B1, or B2 flexible hose may be accepted in accordance with 33 CFR Part 183, Subpart J.

#### **§ 182.730 Nonferrous metallic piping materials.**

(a) Nonferrous metallic piping materials are acceptable for use in the following:

(1) Non-vital systems;

(2) Aluminum fuel piping, if of a minimum of Schedule 80 wall thickness on an aluminum hulled vessel;

(3) Aluminum bilge, ballast, and firemain piping on an aluminum hulled vessel;

(4) If acceptable to the cognizant OCMI, nonferrous metallic piping with a melting temperature above 927° C (1,700° F) may be used in vital systems that are deemed to be galvanically compatible; and

(5) Other uses specifically accepted by the cognizant OCMI.

(b) Where nonferrous metallic material is permitted for use in piping

systems by this subpart, the restrictions in this paragraph apply:

(1) Provisions must be made to protect piping systems using aluminum alloys in high risk fire areas due to the low melting point of aluminum alloys;

(2) Provisions must be made to prevent or mitigate the effect of galvanic corrosion due to the relative solution potentials of copper, aluminum, and alloys of copper and aluminum, which are used in conjunction with each other, steel, or other metals and their alloys;

(3) A suitable thread compound must be used in making up threaded joints in aluminum pipe to prevent seizing. Pipe in the annealed temper must not be threaded;

(4) The use of aluminum alloys with a copper content exceeding 0.6 percent is prohibited; and

(5) The use of cast aluminum alloys in hydraulic fluid power systems must be in accordance with the requirements of § 58.30–15(f) in subchapter F of this chapter.

### **PART 183—ELECTRICAL INSTALLATION**

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183.550 General alarm systems.

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

#### **Subpart A—General Provisions**

##### **§ 183.100 Intent.**

This part contains requirements for the design, construction, installation, and operation of electrical equipment and systems including power sources, lighting, motors, miscellaneous equipment, and safety systems.

##### **§ 183.115 Applicability to existing vessels.**

(a) Except as otherwise required by paragraphs (b) and (c) of this section, an existing vessel must comply with the regulations on electrical installations, equipment, and material that were applicable to the vessel on March 10, 1996, or, as an alternative, the vessel may comply with the regulations in this part.

(b) An existing vessel must comply with the requirements of §§ 183.420 and 183.430.

(c) New installations of electrical equipment and material, and the repair or replacement of wire and cable, on an existing vessel, which are completed to the satisfaction of the cognizant Officer in Charge, Marine Inspection (OCMI) on or after March 11, 1996, must comply with this part. Replacement of existing equipment, not including wire or cable, installed on the vessel prior to March 11, 1996 need not comply with the regulations in this part.

##### **§ 183.130 Alternative standards.**

(a) A vessel, other than a high speed craft, or not more than 19.8 meters (65 feet) in length carrying not more than 12 passengers, may comply with the following requirements instead of complying with the requirements of this part in their entirety:

(1) Section 183.420; and

(2) The following American Boat and Yacht Council (ABYC) Projects where applicable:

(i) E-8, "Alternating Current (AC) Electrical Systems on Boats;"

(ii) E-9, "Direct Current (DC) Electrical Systems on Boats;" and

(iii) A-16, "Electrical Navigation Lights."

(b) A vessel with an electrical installation operating at less than 50 volts may meet the requirements in 33 CFR 183.430 instead of those in § 183.340.

**Subpart B—General Requirements****§ 183.200 General design, installation, and maintenance requirements.**

Electrical equipment on a vessel must be installed and maintained to:

- (a) Provide services necessary for safety under normal and emergency conditions;
- (b) Protect passengers, crew, other persons, and the vessel from electrical hazards, including fire, caused by or originating in electrical equipment, and electrical shock;
- (c) Minimize accidental personnel contact with energized parts; and
- (d) Prevent electrical ignition of flammable vapors.

**§ 183.210 Protection from wet and corrosive environments.**

(a) Electrical equipment used in the following locations must be dripproof:

- (1) A machinery space;
- (2) A location normally exposed to splashing, water washdown, or other wet conditions within a galley, a laundry, or a public washroom or toilet room that has a bath or shower; or
- (3) Another space with a similar moisture level.

(b) Electrical equipment exposed to the weather must be watertight.

(c) Electrical equipment exposed to corrosive environments must be of suitable construction and corrosion-resistant.

**§ 183.220 General safety provisions.**

(a) Electrical equipment and installations must be suitable for the roll, pitch, and vibration of the vessel underway.

(b) All equipment, including switches, fuses, lampholders, etc., must be suitable for the voltage and current utilized.

(c) Receptacle outlets of the type providing a grounded pole or a specific direct current polarity must be of a configuration that will not permit improper connection.

(d) All electrical equipment and circuits must be clearly marked and identified.

(e) Any cabinet, panel, box, or other enclosure containing more than one source of power must be fitted with a sign warning persons of this condition and identifying the circuits to be disconnected.

**Subpart C—Power Sources and Distribution Systems****§ 183.310 Power sources.**

(a)(1) Each vessel that relies on electricity to power the following loads must be arranged so that the loads can be energized from two sources of electricity:

(i) The vital systems listed in § 182.710 of this chapter;

(ii) Interior lighting except for decorative lights;

(iii) Communication systems including a public address system required under § 184.610 of this chapter; and

(iv) Navigation equipment and lights.  
(2) A vessel with batteries of adequate capacity to supply the loads specified in paragraph (a)(1) of this section for three hours, and a generator or alternator driven by a propulsion engine, complies with the requirement in paragraph (a)(1) of this section.

(b) Where a ship service generator driven by a propulsion engine is used as a source of electrical power, a vessel speed change, throttle movement or change in direction of the propeller shaft rotation must not interrupt power to any of the loads specified in paragraph (a)(1) of this section.

**§ 183.320 Generators and motors.**

(a) Each generator and motor must be:

- (1) In a location that is accessible, adequately ventilated, and as dry as practicable; and

- (2) Mounted above the bilges to avoid damage by splash and to avoid contact with low lying vapors.

(b) Each generator and motor must be designed for an ambient temperature of 50° C (122° F) except that:

- (1) If the ambient temperature in the space where a generator or motor will be located will not exceed 40° C (104° F) under normal operating conditions, the generator or motor may be designed for an ambient temperature of 40° C (104° F); and

- (2) A generator or motor designed for 40° C (104° F) may be used in 50° C (122° F) ambient locations provided the generator or motor is derated to 80 percent of the full load rating, and the rating or setting of the overcurrent devices is reduced accordingly.

(c) A voltmeter and an ammeter, which can be used for measuring voltage and current of a generator that is in operation, must be provided for a generator rated at 50 volts or more. For each alternating current generator, a means for measuring frequency must also be provided.

(d) Each generator must have a nameplate attached to it containing the information required by Article 445 of the National Electric Code (NEC) (National Fire Protection Association (NFPA) 70), and for a generator derated in accordance with paragraph (b)(2) of this section, the derated capacity.

(e) Each motor must have a nameplate attached to it containing the information required by Article 430 of the NEC

(NFPA 70), and for a motor derated in accordance with paragraph (b)(2) of this section, the derated capacity.

(f) Each generator must be protected by an overcurrent device set value not exceeding 115 percent of the generator full load rating.

**§ 183.322 Multiple generators.**

When a vessel is equipped with two or more generators to supply ship's service power, the following requirements must be met:

(a) Each generator must have an independent prime mover; and

(b) The generator circuit breakers must be interlocked to prevent the generators from being simultaneously connected to the switchboard, except for the circuit breakers of a generator operated in parallel with another generator when the installation meets §§ 111.12–11(f) and 111.30–25(d) in subchapter J of this chapter.

**§ 183.324 Dual voltage generators.**

(a) A dual voltage generator installed on a vessel shall be of the grounded type, where:

- (1) The neutral of a dual voltage system must be solidly connected to the switchboard's neutral bus; and
- (2) The neutral bus shall be connected to ground.

(b) The neutral of a dual voltage system must be accessible for checking the insulation resistance of the generator to ground before the generator is connected to the bus.

(c) Ground detection must be provided that:

- (1) For an alternating current system, meets § 111.05–27 in subchapter J of this chapter; and

- (2) For a direct current system, meets § 111.05–29 in subchapter J of this chapter.

**§ 183.330 Distribution panels and switchboards.**

(a) Each distribution panel and switchboard must be in as dry a location as practicable, adequately ventilated, and protected from falling debris and dripping or splashing water.

(b) Each distribution panel or switchboard must be totally enclosed and of the dead front type.

(c) Each switchboard must be fitted with a dripshield.

(d) Distribution panels and switchboards that are accessible from the rear must be constructed to prevent a person from accidentally contacting energized parts.

(e) Working space must be provided around all main distribution panels and switchboards of at least 610 millimeters (24 inches) in front of the switchboard,

and at least 455 millimeters (18 inches) behind the switchboard. Rear access is prohibited when the working space behind the switchboard is less than 455 millimeters (18 inches).

(f) Nonconducting mats or grating must be provided on the deck in front of each switchboard and, if accessible from the rear, on the deck in the rear of the switchboard.

(g) All uninsulated current carrying parts must be mounted on noncombustible, nonabsorbent, high dielectric insulating material.

(h) Equipment mounted on a hinged door of an enclosure must be constructed or shielded so that a person will not accidentally contact energized parts of the door mounted equipment when the door is open and the circuit energized.

(i) In the design of a control, interlock, or indicator circuit, the disconnect device and its connections, including each terminal block for terminating the vessel's wiring, must not have any electrically unshielded or uninsulated surfaces.

(j) Switchboards and distribution panels must be sized in accordance with § 111.30–19(a) of this chapter.

#### § 183.340 Cable and wiring requirements.

(a) If individual wires, rather than cable, are used in systems greater than 50 volts, the wire must be in conduit.

(b) All cable and wire must:

(1) Have stranded copper conductors with sufficient current carrying capacity for the circuit in which they are used;

(2) Be installed in a manner to avoid or reduce interference with radio reception and compass indication;

(3) Be protected from the weather;

(4) Be installed with metal supports spaced not more than 610 millimeters (24 inches) apart, and in such a manner as to avoid chafing and other damage.

The use of plastic tie wraps must be limited to bundling or retention of multiple cable installations, and not used as a means of support, except that on vessels of not more than 19.8 meters (65 feet) in length, installations in accordance with paragraph 14.h of ABYC E–8, and paragraph 15.h of ABYC E–9, are acceptable as meeting the requirements of this section;

(5) Not be installed with sharp bends;

(6) Be protected by metal coverings or other suitable means if in areas subject to mechanical abuse. Horizontal pipes

used for protection shall have 6 millimeter (.25 inch) holes for drainage every 1,520 millimeters (5 feet);

(7) Be suitable for low temperature and high humidity if installed in refrigerated compartments;

(8) Not be located in a tank unless the cable provides power to equipment in the tank; and

(9) Have sheathing or wire insulation compatible with the fluid in a tank when installed as allowed by paragraph (b)(8) of this section.

(c) Conductors in power and lighting circuits must be No. 14 American Wire Gauge (AWG) or larger. Conductors in control and indicator circuits must be No. 22 AWG or larger.

(d) Cable and wire for power and lighting circuits must:

(1) Meet Section 310–13 of the NEC (NFPA 70), except that asbestos insulated cable and dry location cables cannot be used;

(2) Be listed by Underwriters Laboratories (UL), as UL Boat or UL Marine cable; or

(3) Meet § 111.60–1 in subchapter J of this chapter for cable, and § 111.60–11 in subchapter J of this chapter for wire.

(e) Cable or wire serving vital systems listed in § 182.710 of this chapter or emergency loads must be routed as far as practicable from high risk fire areas, such as galleys, laundries, and machinery spaces.

(f) Cable or wire serving duplicated equipment must be separated so that a casualty that affects one cable does not affect the other.

(g) Each connection to a conductor or terminal part of a conductor must be made within an enclosure and have either:

(1) A pressure type connector on each conductor;

(2) A solder lug on each conductor;

(3) A splice made with a pressure type connector to a flexible lead or conductor; or

(4) A splice that is soldered, brazed, or welded to a flexible lead or conductor.

(h) A connector or lug of the set screw type must not be used with a stranded conductor smaller than No. 14 AWG except if there is a nonrotating follower that travels with the set screw and makes pressure contact with the conductor.

(i) Each pressure type wire connector and lug must meet UL 486A, "Electric

Wire Connectors and Soldering Lugs for Use With Copper Conductors," or other standard specified by the Commandant. The use of wire nuts is prohibited.

(j) Each terminal block must have 6–32 terminal screws or larger.

(k) Wire connectors utilized in conjunction with screw type terminal blocks must be of the captive type such as the ring or the flanged spade type.

(l) A cable must not be spliced in a hazardous location.

(m) A cable may be spliced in a location, other than a hazardous location, under the following conditions:

(1) A cable installed in a subassembly may be spliced to a cable installed in another subassembly;

(2) For a vessel receiving alterations, a cable may be spliced to extend a circuit;

(3) A cable having a large size or exceptional length may be spliced to facilitate its installation; and

(4) A cable may be spliced to replace a damaged section of the cable if, before replacing the damaged section, the insulation resistance of the remainder of the cable is measured, and it is determined that the condition of the insulation is unimpaired.

(n) All material in a cable splice must be chemically compatible with all other material in the splice and with the materials in the cable.

(o) Ampacities of wires must meet Section 310–15 of the NEC (NFPA 70), or other standard specified by the Commandant. Ampacities of cable must meet table A6 of Institute of Electrical and Electronic Engineers (IEEE) Standard 45, "Recommended Practice for Electrical Installations on Shipboard," or other standard specified by the Commandant. Ampacities for Navy cable must meet NAVSEA Design Data Sheet (DDS) 304–2 "Electrical Cable, Ratings and Characteristics" as appropriate.

(p) Conductors must be sized so that the voltage drop at the load terminals does not exceed 10 percent. Table 183.340(p) indicates the size of conductor required for corresponding lengths and steady state (stable) values to obtain not more than this voltage drop at the load terminals of a two conductor circuit.

TABLE 183.340(p.)—CONDUCTOR SIZES FOR AMPERES—LENGTHS

Total current on circuit, amperes	Length of conductor in meters (feet) from source of current to most distant fixture										
	3.1(10)	4.5(15)	6.1(20)	7.6(25)	9.2(30)	10.7(35)	12.2(40)	13.7(45)	15.2(50)	16.8(55)	18.3(60)
	12-volts, 2 wire—10 percent drop wire sizes (A.W.G.)										
5 .....	14	14	14	14	14	14	14	14	12	12	12
10 .....	14	14	14	12	12	12	10	10	10	10	8
15 .....	14	14	12	10	10	10	8	8	8	8	8
20 .....	12	12	10	10	8	8	8	8	6	6	6
25 .....	10	10	10	8	8	8	6	6	6	6	4

Other values can be computed by means of the following formula:

$$cm = \frac{K \times I \times L (\times 2 \text{ for two-wire circuit})}{E}$$

Where:

- cm=Circular-mil area of conductor
- K=3.28 ohms/mil-meter (metric)  
=1075 ohm/mil-foot (english)  
(a constant representing the resistance of copper).
- I=Load current, in amperes.
- L=length of conductor from center of distribution, in meters (feet).
- E=Voltage drop at load, in volts.

- (q) If used, each armored cable metallic covering must:
  - (1) Be electrically continuous; and
  - (2) Be grounded at each end of the run to:
    - (i) The metallic hull; or
    - (ii) The common ground plate on nonmetallic vessels; and
  - (3) Have final sub-circuits grounded at the supply and only.
- (r) A portable or temporary electric cord or cable must be constructed and used in compliance with the requirements of § 111.60–13 in subchapter J of this chapter for a flexible electric cord or cable.

**§ 183.350 Batteries—general.**

- (a) Where provisions are made for charging batteries, there must be natural or induced ventilation sufficient to dissipate the gases generated.
- (b) Each battery must be located as high above the bilge as practicable, secured to protect against shifting with the roll and pitch of the vessel, and free from exposure to water splash or spray.
- (c) Batteries must be accessible for maintenance and removal.
- (d) Connections must be made to battery terminals with permanent type connectors. Spring slips or other temporary type clamps are prohibited.
- (e) Batteries must be mounted in trays lined with, or constructed of, a material that is resistant to damage by the electrolyte.
- (f) Battery chargers must have an ammeter connected in the charging circuit.

(g) If the batteries are not adjacent to a distribution panel or switchboard that distributes power to the lighting, motor, and appliance circuits, the battery lead must have a fuse in series as close as practicable to the battery.

(h) Batteries used for engine starting are to be located as close as possible to the engine or engines served.

**§ 183.352 Battery categories.**

This section applies to batteries installed to meet the requirements of § 183.310 for secondary sources of power to vital loads, or sources of power to final emergency loads.

(a) *Large.* A large battery installation is one connected to a battery charger having an output of more than 2 kilowatt (kw), computed from the highest possible charging current and the rated voltage of the battery installation.

(b) *Small.* A small battery installation is one connected to a battery charger having an output of 2 kw or less, computed as above.

**§ 183.354 Battery installations.**

(a) *Large batteries.* Each large battery installation must be located in a locker, room or enclosed box solely dedicated to the storage of batteries. Ventilation must be provided in accordance with § 111.15–10 in subchapter J of this chapter. Electrical equipment located within the battery enclosure must be approved by an independent laboratory for Class I, Division 1, Group B hazardous locations and meet § 111.105 in subchapter J of this chapter.

(b) *Small batteries.* Each small battery installation must be located in a well ventilated space and protected from falling objects. A small battery installation must not be in a closet, storeroom or similar space.

**§ 183.360 Semiconductor rectifier systems.**

(a) Each semiconductor rectifier system must have an adequate heat removal system that prevents overheating.

(b) Where a semiconductor rectifier system is used in a propulsion system or in other vital systems it must:

- (1) Have a current limiting circuit;
- (2) Have external overcurrent protection; and
- (3) Meet Sections 35.84.2 and 35.84.4 of the American Bureau of Shipping (ABS), "Rules for Building and Classing Steel Vessels," or other standard specified by the Commandant.

**§ 183.370 General grounding requirements.**

- (a) A vessel's hull must not carry current as a conductor except for the following systems:
  - (1) Impressed current cathodic protection systems; or
  - (2) Battery systems for engine starting.
- (b) Receptacle outlets and attachment plugs for portable lamps, tools, and similar apparatus operating at 100 volts or more, must have a grounding pole and a grounding conductor in the portable cord.
- (c) Each nonmetallic mast and top mast must have a lightning ground conductor.

**§ 183.372 Equipment and conductor grounding.**

- (a) All metallic enclosures and frames of electrical equipment must be permanently grounded to the hull on a metallic vessel. On a nonmetallic vessel, the enclosures and frames of electrical equipment must be bonded together to a common ground by a normally non-current carrying conductor. Metallic cases of instruments and secondary windings of instrument transformers must be grounded.
- (b) On a nonmetallic vessel, where a ground plate is provided for radio equipment, it must be connected to the common ground.
- (c) Equipment grounding conductors must be sized in accordance with Section 250–95 of the NEC (NFPA 70), or other standard specified by the Commandant.
- (d) Each insulated grounding conductor of a cable must be identified by one of the following means:
  - (1) A green braid or green insulation;

(2) Stripping the insulation from the entire exposed length of the grounding conductor; or

(3) Marking the exposed insulation of the grounding conductor with green tape or green adhesive labels.

(e) Cable armor must not be used to ground electrical equipment or systems.

**§ 183.376 Grounded distribution systems (Neutral grounded).**

(a) If a grounded distribution system is provided, there must be only one connection to ground, regardless of the number of power sources. This ground connection must be at the switchboard or at the common ground plate, which must be accessible.

(b) Each propulsion, power, lighting, or distribution system having a neutral bus or conductor must have the neutral grounded.

(c) The neutral of each grounded generation and distribution system must be grounded at the generator switchboard and have the ground connection accessible for checking insulation resistance of the generator to ground before the generator is connected to the bus, except the neutral of an emergency power generation system must be grounded with:

(1) No direct ground connection at the emergency switchboard;

(2) The neutral bus permanently connected to the neutral bus on the main switchboard; and

(3) No switch, circuit breaker, or fuse in the neutral conductor of the bus-tie feeder connecting the emergency switchboard to the main switchboard.

(d) On a metallic vessel, a grounded alternating current system must be grounded to the hull. On a nonmetallic vessel, the neutral must be connected to the common ground, except that aluminum grounding conductors must not be used.

**§ 183.380 Overcurrent protection.**

(a) Overcurrent protection must be provided for each ungrounded conductor for the purpose of opening the electric circuit if the current reaches a value that causes an excessive or dangerous temperature in the conductor or conductor insulation.

(b) The grounded conductor of a circuit must not be disconnected by a switch or circuit breaker, unless the ungrounded conductors are simultaneously disconnected.

(c) A conductor of a control, interlock, or indicator circuit, such as a conductor for an instrument, pilot light, ground detector light, or potential transformer, must be protected by an overcurrent device.

(d) Conductors must be protected in accordance with their current carrying

capacities. If the allowable current carrying capacity does not correspond to a standard device size, the next larger overcurrent device may be used provided it does not exceed 150 percent of the conductor current carrying capacity.

(e) Steering gear control system circuits must be protected against short circuit.

(f) Each steering gear feeder circuit must be protected by a circuit breaker that meets the requirements of paragraphs (a) and (b) of § 111.93–11 in subchapter J of this chapter.

(g) Each lighting branch circuit must be protected against overcurrent either by fuses or circuit breakers rated at not more than 30 amperes.

(h) Overcurrent devices capable of carrying the starting current of the motor must be installed to protect motors, motor conductors, and control apparatus against:

(1) Overcurrent due to short circuits or ground faults; and

(2) Overload due to motor running overcurrent, in accordance with § 111.70–1 of this chapter. A protective device integral with the motor, which is responsive to both motor current and temperature, may be used.

(i) An emergency switch must be provided in the normally ungrounded main supply conductor from a battery. The switch must be accessible and located as close to the battery as practicable.

(j) Disconnect means must be provided on the supply side of and adjacent to all fuses for the purpose of de-energizing the fuses for inspection and maintenance purposes.

(k) If the disconnect means is not within sight of the equipment that the circuit supplies, means must be provided for locking the disconnect device in the open position.

(l) Fuses must be of the cartridge type only and be listed by Underwriters Laboratories or another independent laboratory recognized by the Commandant.

(m) Each circuit breaker must meet UL 489, "Molded—Case Circuit Breakers and Circuit Breaker Enclosures," or other standard specified by the Commandant, and be of the manually reset type designed for:

(1) Inverse time delay;

(2) Instantaneous short circuit protection; and

(3) Switching duty if the breaker is used as a switch.

(n) Each circuit breaker must indicate whether it is in the open or closed position.

**§ 183.390 Shore power.**

A vessel with an electrical system operating at more than 50 volts, which is provided with a means to connect to shore power, must meet the following:

(a) A shore power connection box or receptacle must be permanently installed at a convenient location;

(b) A cable connecting the shore power connection box or receptacle to the switchboard or main distribution panel must be permanently installed;

(c) A circuit breaker must be provided at the switchboard or main distribution panel for the shore power connection; and

(d) The circuit breaker, required by paragraph (c) of this section, must be interlocked with the vessel's power sources so that shore power and the vessel's power sources may not be operated simultaneously.

**§ 183.392 Radiotelephone installations.**

A separate circuit, with overcurrent protection at the main distribution panel, must be provided for each radiotelephone installation.

**Subpart D—Lighting Systems**

**§ 183.410 Lighting fixtures.**

(a) Each lighting fixture globe, lens, or diffuser must have a guard or be made of high strength material, except in an accommodation space, radio room, galley, or similar space where it is not subject to damage.

(b) A lighting fixture may not be used as a connection box for a circuit other than the branch circuit supplying the fixture.

(c) A lighting fixture must be installed as follows:

(1) Each fixture must comply with § 183.200.

(2) Each lighting fixture and lampholder must be fixed. A fixture must not be supported by the screw shell of a lampholder.

(3) Each pendant type lighting fixture must be suspended by and supplied through a threaded, rigid conduit stem.

(4) Each table lamp, desk lamp, floor lamp, or similar equipment must be secured in place so that it cannot be displaced by the roll or pitch of the vessel.

(d) An exterior lighting fixture in an electrical system operating at more than 50 volts must comply with the requirements of UL 595, "Marine Type Electric Lighting Fixtures," or other standard specified by the Commandant. A lighting fixture in an accommodation space, radio room, galley or similar interior space may comply with, UL 1570, "Fluorescent Lighting Fixtures," UL 1571, "Incandescent Lighting

Fixtures," UL 1572, "High Intensity Discharge Lighting Fixtures," UL 1573, "Stage and Studio Lighting Units," or UL 1574, "Track Lighting Systems," as long as the general marine requirements of UL 595 are satisfied.

**§ 183.420 Navigation lights.**

All vessels must have navigation lights that are in compliance with the applicable sections of the International and Inland Navigation Rules, except that a vessel of more than 19.8 meters (65 feet) in length must also have navigation lights that meet UL 1104, "Standards for Marine Navigation Lights," or other standard specified by the Commandant.

**§ 183.430 Portable lights**

Each vessel must be equipped with at least two operable portable battery lights. One of these lights must be located at the operating station and the other at the access to the propulsion machinery space.

**§ 183.432 Emergency lighting.**

(a) Each vessel must have adequate emergency lighting fitted along the line of escape to the main deck from all passenger and crew accommodation spaces located below the main deck.

(b) The emergency lighting required by paragraph (a) of this section must automatically actuate upon failure of the main lighting system. If a vessel is not equipped with a single source of power for emergency lighting, it must have individual battery powered lights that:

- (1) Are automatically actuated upon loss of normal power;
- (2) Are not readily portable;
- (3) Are connected to an automatic battery charger; and
- (4) Have sufficient capacity for a minimum of 6 hours of continuous operation.

**Subpart E—Miscellaneous Systems and Requirements**

**§ 183.520 Lifeboat winches.**

Each electric power operated lifeboat winch must meet, 111.95 in subchapter J and § 160.015 in subchapter Q of this chapter, or other standard specified by the Commandant.

**§ 183.530 Hazardous areas.**

(a) Electrical equipment in spaces containing machinery powered by, or fuel tanks for, gasoline or other fuels having a flashpoint of 43.3° C (110° F) or lower must be explosion-proof or ignition-protected, or be part of an intrinsically safe system.

(b) Electrical equipment in lockers used to store paint, oil, turpentine, or other flammable liquids must be

explosion-proof or be part of an intrinsically safe system.

(c) Explosion-proof equipment and intrinsically safe systems must meet the requirements of § 111.105 in subchapter S of this chapter.

**§ 183.540 Elevators.**

Each elevator on a vessel must meet the requirements of American National Standards Institute (ANSI) A17.1, "Safety Code for Elevators, and Escalators," or other standard specified by the Commandant.

**§ 183.550 General alarm systems.**

All vessels with overnight accommodations must be equipped with a general alarm system. The public address system required by § 184.610 of this chapter may be used to sound the general alarm signal.

**PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT**

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184.620 Propulsion engine control systems.

**Subpart G—Miscellaneous**

- 184.702 Oil pollution prevention equipment and procedures.  
184.704 Marine sanitation devices.  
184.710 First aid kits.

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

**Subpart A—General Provisions**

**§ 184.100 General requirement.**

(a) Vessel control systems and other miscellaneous systems and equipment

required by this part must be suitable for the purposes intended.

(b) The cognizant Officer in Charge, Marine Inspection (OCMI) may require navigation, control, or communications equipment, in excess of the equipment specifically required by this part, on a vessel that is of a novel design, operates at high speeds in restricted or high traffic areas, operates in a dynamically supported mode, or operates on extended routes or in remote locations.

**§ 184.115 Applicability to existing vessels.**

(a) An existing vessel need not comply with §§ 184.402(c), 184.404, 184.410, and 184.602 unless the cognizant OCMI specifically requires compliance due to the route or service of the vessel.

(b) An existing vessel need not comply with the requirements of § 184.610 until March 11, 2001, or 10 years after its keel was laid or the vessel was at a similar stage of construction, whichever is later.

(c) An existing vessel need not comply with the requirements of § 184.710 until March 11, 1997.

**Subpart B—Cooking and Heating**

**§ 184.200 General.**

Cooking and heating equipment must be suitable for marine use. Equipment designed and installed in accordance with American Boat and Yacht Council (ABYC) A-3, "Galley Stoves," and A-7, "Boat Heating Systems," or with National Fire Protection Association (NFPA) 302, "Pleasure and Commercial Motor Craft," complies with this requirement, except as restricted by § 184.202 of this part.

**§ 184.202 Restrictions.**

(a) The use of gasoline for cooking, heating, or lighting is prohibited on all vessels.

(b) Fireplaces or other space heating equipment with open flames are prohibited from being used on all vessels.

(c) Vessels permitted to use liquefied and non-liquefied gases as cooking fuels by 46 CFR Part 147 must meet the requirements in § 184.240 of this part. The use of these fuels for cooking, heating, and lighting on ferry vessels is prohibited by Part 147 in subchapter N of this chapter.

**§ 184.210 Heating equipment.**

(a) Each heater must be so constructed and installed as to prevent contact with combustible materials such as towels and clothing.

(b) Each electric space heater must be provided with a thermal cutout to prevent overheating.

(c) Each heater element of an electric space heater must be of an enclosed type, and the element case or jacket must be made of a corrosion resistant material.

**§ 184.220 Cooking equipment.**

(a) Doors on a cooking appliance must be provided with heavy duty hinges and locking devices to prevent accidental opening in heavy seas.

(b) A cooking appliance must be installed to prevent movement in heavy seas.

(c) For a grill or similar type of cooking appliance, means must be provided to collect grease or fat and to prevent its spillage on wiring or the deck.

(d) Grab rails must be installed on a cooking appliance when determined by the cognizant OCMI to be necessary for safety.

(e) Sea rails, with suitable barriers to prevent accidental movement of cooking pots, must be installed on a cooking range.

(f) Electric connections for a cooking appliance must be dripproof.

**§ 184.240 Gas systems.**

Cooking systems using liquefied petroleum gas (LPG) and compressed natural gas (CNG) must meet the following requirements:

(a) The design, installation and testing of each LPG system must meet ABYC A-1, "Marine Liquefied Petroleum Gas (LPG) Systems," Chapter 6 of NFPA 302, or other standard specified by the Commandant.

(b) The design, installation and testing of each CNG system must meet ABYC A-22, "Marine Compressed Natural Gas (CNG) Systems," Chapter 6 of NFPA 302, or other standard specified by the Commandant.

(c) Cooking systems using Chapter 6 of NFPA 302 as the standard must meet the following additional requirements:

(1) The storage or use of CNG containers within the accommodation area, machinery spaces, bilges, or other enclosed spaces is prohibited;

(2) LPG or CNG must be odorized in accordance with ABYC A-1 appendix 4 or A-22 appendix 4, respectively;

(3) The marking and mounting of LPG cylinders must be in accordance with ABYC A-1 appendix 7; and

(4) LPG cylinders must be of the vapor withdrawal type as specified in ABYC A-1 section 1.7.

(d) Continuous pilot lights or automatic glow plugs are prohibited for an LPG or CNG installation using ABYC A-1 or A-22 as the standard.

(e) CNG installation using ABYC A-22 as the standard must meet the following additional requirements:

(1) The storage or use of CNG containers within the accommodation area, machinery spaces, bilges, or other enclosed spaces is prohibited;

(2) CNG cylinders, regulating equipment, and safety equipment must meet the installation, stowage, and testing requirements of paragraph 6-5.12 of NFPA 302.

(3) The use or stowage of stoves with attached CNG cylinders is prohibited as specified in paragraph 6-5.1 of NFPA 302.

(f) If the fuel supply line of an LPG or CNG system enters an enclosed space on the vessel, a remote shutoff valve must be installed that can be operated from a position adjacent to the appliance. The valve must be located between the fuel tank and the point where the fuel supply line enters the enclosed portion of the vessel. A power operated valve installed to meet this requirement must be of a type that will fail closed.

(g) The following variances from ABYC A-1 section 1.12 are allowed for CNG:

(1) The storage locker or housing access opening need not be in the top.

(2) The locker or housing need not be above the waterline.

(h) The following variances from NFPA 302 are allowed:

(1) The storage locker or housing for CNG tank installations need not be above the waterline as required by paragraph 6-5.12.1.1(a);

(2) Ignition protection need not be provided as required by paragraph 6-5.4.

**Subpart C—Mooring and Towing Equipment**

**§ 184.300 Ground tackle and mooring lines.**

A vessel must be fitted with ground tackle and mooring lines necessary for the vessel to be safely anchored or moored. The ground tackle and mooring lines provided must be satisfactory for the size of the vessel, the waters on which the vessel operates, subject to the approval of the cognizant OCMI.

**Subpart D—Navigation Equipment**

**§ 184.402 Compasses.**

(a) Except as otherwise provided in this section every vessel must be fitted with a suitable magnetic compass designed for marine use, to be mounted at the primary operating station.

(b) The following vessels need not be fitted with a compass:

(1) A vessel on a rivers route;

(2) A non-self propelled vessel; and

(3) A vessel operating on short restricted routes on lakes, bays, and sounds.

(c) Except on a vessel limited to daytime operations, the compass must be illuminated.

**§ 184.404 Radars.**

(a) A vessel must be fitted with a Federal Communications Commission (FCC) type accepted general marine radar system for surface navigation with a radar screen mounted at the primary operating station if:

(1) The vessel is self-propelled;

(2) The vessel has an oceans, coastwise, limited coastwise, or Great Lakes route; and

(3) The vessel carries more than 49 passengers.

(b) A ferry that carries more than 49 passengers on a rivers route not within one mile of land must be fitted with a FCC Type Accepted general marine radar system for surface navigation with a radar screen mounted at the primary operating station.

(c) The radar and its installation must be suitable for the intended speed and route of the vessel.

(d) A vessel operated on a short restricted route need not be fitted with a radar if the cognizant OCMI determines that a radar is not necessary due to the vessel's route and local weather conditions.

**§ 184.410 Electronic position fixing devices.**

A vessel on an oceans route must be equipped with an electronic position fixing device, capable of providing accurate fixed for the area in which the vessel operates, to the satisfaction of the cognizant OCMI.

**§ 184.420 Charts and nautical publications.**

(a) As appropriate for the intend voyage, a vessel must carry adequate and up-to-date:

(1) Charts of large enough scale to make safe navigation possible;

(2) U.S. Coast Pilot or similar publication;

(3) Coast Guard Light List;

(4) Tide tables; and

(5) Current tables, or a river current publication issued by the U.S. Army Corps of Engineers or a river authority.

(b) Extracts from the publications listed above for the areas to be transited may be provided instead of the complete publication.

**Subpart E—Radio**

**§ 184.502 Requirements for the Federal Communications Commission.**

A vessel must comply with the applicable requirements for any radio

and Electronic Position Indicating Radiobeacon (EPIRB) installations, including the requirements for a station license and installation certificates to be issued by the Federal Communications Commission, as set forth in 47 CFR Part 80.

**§ 184.506 Emergency broadcast placard.**

A durable placard must be posted next to all radiotelephone installations with the emergency broadcast instructions and information, specific to the individual vessel.

**§ 184.510 Recommended emergency broadcast instructions.**

The following emergency broadcast instructions, when placed on a placard, will satisfy the requirement contained in § 184.506 for an emergency broadcast placard:

(a) Emergency Broadcast Instructions.  
(1) Make sure your radiotelephone is on.

(2) Select 156.8 MHz (channel 16 VHF) or 2182 kHz. (Channel 16 VHF and 2182 kHz on SSB are for emergency and calling purposes only.)

(3) Press microphone button and, speaking slowly—clearly—calmly, say:

(i) "MAYDAY—MAYDAY—MAYDAY" for situations involving Immediate Danger to Life and Property; or

(ii) "PAN—PAN—PAN" for urgent situations where there is No Immediate Danger to Life or Property.

(4) Say: "THIS IS (INSERT VESSEL'S NAME), (INSERT VESSEL'S NAME), (INSERT VESSEL'S NAME), (INSERT VESSEL'S CALL SIGN), OVER."

(5) Release the microphone button briefly and listen for acknowledgment. If no one answers, repeat steps 3 & 4.

(6) If there is no acknowledgment, or if the Coast Guard or another vessel responds, say: "MAYDAY" OR "PAN", (INSERT VESSEL'S NAME)."

(7) DESCRIBE YOUR POSITION using latitude and longitude coordinates, LORAN coordinates, or range and bearing from a known point.

(8) STATE THE NATURE OF THE DISTRESS.

(9) GIVE NUMBER OF PERSONS ABOARD AND THE NATURE OF ANY INJURIES.

(10) ESTIMATE THE PRESENT SEAWORTHINESS OF YOUR VESSEL.

(11) BRIEFLY DESCRIBE YOUR VESSEL: (INSERT LENGTH, COLOR, HULL TYPE, TRIM, MASTS, POWER, ANY ADDITIONAL DISTINGUISHING FEATURES).

(12) Say: "I WILL BE LISTENING ON CHANNEL 16/2182."

(13) End message by saying: "THIS IS (INSERT VESSEL'S NAME & CALL SIGN)."

(14) If your situation permits, stand by the radio to await further communications with the Coast Guard or another vessel. If no answer, repeat, then try another channel

(b) [Reserved]

**Subpart F—Control and Internal Communications Systems**

**§ 184.602 Internal communications systems.**

(a) A vessel equipped with pilothouse control must have a fixed means of two-way communications from the operating station to the location where the means of controlling the propulsion machinery, required by § 184.620(a) of this part, is located. Twin screw vessels with pilothouse control for both engines are not required to have a fixed communications system.

(b) A vessel equipped with auxiliary means of steering, required by § 182.620 of this subchapter, must have a fixed means of two-way communications from the operating station to the location where the auxiliary means of steering is controlled.

(c) When the propulsion machinery of a vessel cannot be controlled from the operating station, an efficient communications system must be provided between the operating station and the propulsion machinery space.

(d) When the locations addressed in paragraphs (a), (b), and (c) of this section are sufficiently close together, direct voice communications satisfactory to the cognizant OCMI is acceptable instead of the required fixed means of communications.

(e) The OCMI may accept hand held portable radios as satisfying the communications system requirement of this section.

**§ 184.610 Public address systems.**

(a) Except as noted in paragraphs (d) and (e) below, each vessel must be equipped with a public address system.

(b) On a vessel of more than 19.8 meters (65 feet) in length, the public address system must be a fixed installation and be audible during normal operating conditions throughout the accommodation spaces and all other spaces normally manned by crew members.

(c) A vessel with more than one passenger deck and a vessel with overnight accommodations must have the public address system operable from the operating station.

(d) On a vessel of not more than 19.8 meters (65 feet) in length, a battery powered bullhorn may serve as the public address system if audible throughout the accommodation spaces

of the vessel during normal operating conditions. The bullhorn's batteries are to be continually maintained at a fully charged level by use of a battery charger or other means acceptable to the cognizant OCMI.

(e) On a vessel of not more than 19.8 meters (65 feet) in length carrying not more than 49 passengers, a public address system is not required if a public announcement made from operating station without amplification can be heard throughout the accommodation spaces of the vessel during normal operating conditions, to the satisfaction of the cognizant OCMI.

**§ 184.620 Propulsion engine control systems.**

(a) A vessel must have two independent means of controlling each propulsion engine. Control must be provided for the engine speed, direction of shaft rotation, and engine shutdown.

(1) One of the means may be the ability to readily disconnect the remote engine control linkage to permit local operation.

(2) A multiple engine vessel with independent remote propulsion control for each engine need not have a second means of controlling each engine.

(b) In addition to the requirements of paragraph (a), a vessel must have a reliable means for shutting down a propulsion engine, at the main pilothouse control station, which is independent of the engine's speed control.

(c) A propulsion engine control system, including pilothouse control, must be designed so that a loss of power to the control system does not result in an increase in shaft speed or propeller pitch.

**Subpart G—Miscellaneous**

**§ 184.702 Oil pollution prevention equipment and procedures.**

A vessel must comply with the applicable design, equipment, personnel, procedures, and record requirements of 33 CFR Parts 151, 155, and 156.

**§ 184.704 Marine sanitation devices.**

A vessel with installed toilet facilities must have a marine sanitation device that complies with 33 CFR Part 159.

**§ 184.710 First aid kits.**

A vessel must carry a first aid kit approved in accordance with 160.041 in subchapter Q of this chapter, or other standard specified by the Commandant, or a kit with equivalent contents and instructions. For equivalent kits, the contents must be stowed in a suitable container that is marked, "First Aid

Kit". A first aid kit shall be easily visible and readily available to the crew.

## PART 185—OPERATIONS

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- Authority: 46 U.S.C. 2103, 3306, 6101; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

### Subpart A—General Provisions

#### § 185.100 General requirement.

A vessel must be operated in accordance with applicable laws and regulations and in such a manner as to afford adequate precaution against hazards that might endanger the vessel and the persons being transported.

#### § 185.115 Applicability to existing vessels.

(a) An existing vessel need not comply with the hull marking requirements in § 185.602(b) until completion of a vessel's first drydock required by § 176.600 of this subchapter, which occurs after March 11, 1996.

(b) An existing vessel need not comply with the marking requirement in §§ 185.604 and 185.610, where the size and contents of the markings required by these sections vary from the size and contents of required markings on lifesaving equipment, watertight doors, and watertight hatches on the vessel prior to March 11, 1996, until the existing markings are no longer legible as determined by the cognizant Officer in Charge, Marine Inspection (OCMI).

(c) An existing vessel need not comply with the requirements of §§ 185.514, 185.516, and 185.604(i) until completion of the first inspection for certification that occurs after March 11, 1996.

### Subpart B—Marine Casualties and Voyage Records

#### § 185.202 Notice of casualty.

(a) Immediately after the addressing of resultant safety concerns, the owner,

agent, master, or person in charge of a vessel involved in a marine casualty shall notify the nearest Marine Safety Office, Marine Inspection Office, or Coast Guard Group Office whenever a vessel is involved in a marine casualty consisting of:

(1) An unintended grounding, or an unintended strike of (allision with) a bridge;

(2) An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or the safety of a vessel, or that meets any criterion of paragraphs (a)(3) through (a)(7) of this section;

(3) Loss of main propulsion or primary steering, or any associated component or control system, that reduces the maneuverability of the vessel;

(4) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service or route, including but not limited to fire, flooding, failure of or damage to fixed fire extinguishing systems, lifesaving equipment, auxiliary power generating equipment, or bilge pumping systems;

(5) Loss of life;

(6) Injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, which renders the individual unfit to perform his or her routine duties; or

(7) An occurrence not meeting any of the above criteria but causing property damage in excess of \$25,000. This damage includes the cost of labor and material to restore the property to its condition before the occurrence, but does not include the cost of salvage, cleaning, gas freeing, drydocking, or demurrage.

(b) A vessel is excluded from the requirements of paragraphs (a)(5) and (a)(6) of this section with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (e.g., collision) or a vessel equipment casualty (e.g., cargo boom failure) and are subject to the reporting requirements of the Occupational Safety and Health Administration (OSHA) in 29 Code of Federal Regulations (CFR) Part 1904.

(c) Notice given as required by § 185.203 satisfies the requirement of this section if the marine casualty involves a hazardous condition.

#### § 185.203 Notice of hazardous conditions.

Whenever there is a hazardous condition, as defined by § 175.400 of this subchapter, on board the vessel, the owner, master, agent, or person in charge shall immediately notify the

Captain of the Port of the port of place of destination and the Captain of the Port of the port or place in which the vessel is located of the hazardous condition.

**§ 185.206 Written report of marine casualty.**

(a) The owner, master, agent, or person in charge shall, within five days, file a written report of any marine casualty. This written report is in addition to the immediate notice required by 185.202. This written report must be delivered to a Coast Guard Marine Safety Office, or Marine Inspection Office. It must be provided on Form CG-2692 (Report of Marine Accident, Injury, or Death), Supplemented as necessary by appended Forms CG-2692A (Barge Addendum) and CG-2692B (Report of Required Chemical Drug and Alcohol Testing Following a Serious Marine Incident).

(b) If filed without delay after the occurrence of the marine casualty, the notice required by paragraph (a) of this section suffices as the notice required by § 185.202.

**§ 185.208 Accidents to machinery.**

The owner, managing operator, or master shall report damage to a boiler, unfired pressure vessel, or machinery that renders further use of the item unsafe until repairs are made, to the OCMI at the port in which the casualty occurred or nearest the port of first arrival, as soon as practicable after the damage occurs.

**§ 185.210 Alcohol or drug use by individuals directly involved in casualties.**

(a) For each marine casualty required to be reported by § 185.202, the owner, agent, master, or person in charge of the vessel shall determine whether there is any evidence of alcohol or drug use by individuals directly involved in the casualty.

(b) The owner, agent, master, or person in charge of the vessel shall include in the written report, Form CG 2692, submitted for the casualty information that:

(1) Identifies those individuals for whom evidence of drug or alcohol use, or evidence of intoxication, has been obtained; and

(2) Specifies the method use to obtain such evidence, such as personal observation of the individual, or by chemical testing of the individual.

(c) An entry must be made in the Official Logbook if carried, pertaining to those individuals for whom evidence of intoxication is obtained. The individual shall be informed of this entry and the

entry shall be witnessed by a second person.

(d) If an individual directly involved in a casualty refuses to submit to, or cooperate in, the administration of a timely chemical test, when directed by a Coast Guard commissioned, warrant, or petty officer, or any other law enforcement officer authorized to obtain a chemical test under Federal, state, or local law, or by the owner, agent, master, or person in charge, this fact must be noted in the Official Logbook, if carried, and in the written report (Form CG 2692), and will be admissible as evidence in any administrative proceeding.

**§ 185.212 Mandatory chemical testing following serious marine incidents.**

A marine employer whose vessel is involved in a casualty or incident that is, or is likely to become, a serious marine incident as defined in § 4.03-2 of subchapter A of this chapter shall comply with the requirements of § 4.06 in subchapter A of this chapter.

**§ 185.220 Records of a voyage resulting in a marine casualty.**

The owner, agent, master, or person in charge of any vessel involved in a marine casualty for which a report is required under § 185.202 of this part shall retain all voyage records maintained by the vessel, including rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyrocompass records, stowage plans, records of draft, aids to mariners, night order books, radiograms sent and received, radio logs, crew and passenger lists and counts, articles of shipment, official logs, and other material that might be of assistance in investigating and determining the cause of the casualty. The owner, agent, master, other officer, or person responsible for the custody thereof, shall make these records available upon request, to a duly authorized investigating officer, administrative law judge, officer of employee of the Coast Guard.

**§ 185.230 Report of accident to aid to navigation.**

Whenever a vessel collides with a buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, the person in charge of such vessel shall report the accident to the nearest OCMI. No report on Form CG 2692 is required unless otherwise required under 185.202.

**§ 185.260 Reports of potential vessel casualty.**

(a) An owner, charterer, managing operator, or agent of a vessel shall immediately notify either of the following Coast Guard offices if there is reason to believe the vessel is lost or imperiled:

(1) The Coast Guard district rescue coordination center (RCC) cognizant over the area in which the vessel was last operating; or

(2) The Coast Guard search and rescue authority nearest to where the vessel was last operating.

(b) Reasons for belief that a vessel is in distress include, but are not limited to, lack of communication with or nonappearance of the vessel.

(c) The owner, charterer, managing operator, or agent notifying the Coast Guard under paragraph (a) of this section, shall provide the name and identification number of the vessel, a description of the vessel, the names or number of individuals on board, and other information that may be requested by the Coast Guard.

**§ 185.280 Official Logbook for foreign voyages.**

(a) Every vessel on a voyage from a port in the United States to a foreign port except to a port in Canada, or vice versa, must have an Official Logbook.

(b) The master shall make or have made in the Official Logbook the following entries:

(1) Each legal conviction of a seaman of the vessel and the punishment inflicted;

(2) Each offense committed by a seaman of the vessel for which it is intended to prosecute or to enforce under a forfeiture, together with statements about reading the entry and the reply made to the charge as required by 46 U.S.C. 11502;

(3) A statement of the conduct, character, and qualifications of each seaman of the vessel or a statement that the master declines to give an opinion about that conduct, character, and qualifications;

(4) Each illness of or injury to a seaman of the vessel, the nature of the illness or injury, and the medical treatment;

(5) Each death on board, with the cause of death, and if a seaman, the information required by 46 U.S.C. 10702:

(i) The wages due to a seaman who dies during the voyage and the gross amount of all deductions to be made from the wages;

(ii) The sale of the property of a seaman who dies during the voyage, including a statement of each article

sold and the amount received for the property;

(6) Each birth on board, with the sex of the infant and the name of the parents;

(7) Each marriage on board, with the names and ages of the parties;

(8) The name of each seaman who ceases to be a crew member (except by death), with the place, time, manner, and the cause why the seaman ceased to be a crew member;

(9) When a marine casualty occurs, a statement about the casualty and the circumstances under which it occurred, made immediately after the casualty when practicable to do so.

### Subpart C—Miscellaneous Operating Requirements

#### § 185.304 Navigation underway.

(a) The movement of vessel shall be under the direction and control of the master or a licensed mate at all times. The master shall operate the vessel keeping the safety of the passengers and crew foremost in mind by directing the vessel in order to prevent a casualty. Special attention should be paid to:

(1) The current(s) velocity and direction of the transiting area;

(2) Tidal state;

(3) Prevailing visibility and weather conditions;

(4) Density of marine traffic;

(5) Potential damage caused by own wake;

(6) The danger of each closing visual or each closing radar contact;

(7) Vessel's handling characteristics; and

(8) Magnetic variation and deviation errors of the compass.

#### § 185.315 Verification of vessel compliance with applicable stability requirements.

After loading and prior to departure and at all other times necessary to assure the safety of the vessel, the master shall determine that the vessel complies with all applicable stability requirements in the vessel's trim and stability book, stability letter, Certificate of Inspection, and Load Line Certificate, as the case may be. The vessel may not depart until it is in compliance with these requirements.

#### § 185.320 Steering gear, controls, and communication system tests.

The master of a vessel shall have examined and tested the steering gear, signaling whistle, propulsion controls, and communication systems of the vessel prior to getting underway for a voyage, except that such examination and testing need not be conducted more than once in any 24 hour period.

#### § 185.330 Hatches and other openings.

(a) Except when operating on lakes, bays, and sounds, or rivers routes in calm weather, all hatches and openings in the hull, except loading doors, of a vessel must be kept tightly closed except when being used.

(b) All watertight doors in subdivision bulkheads must be kept tightly closed during the navigation of the vessel except when being used for transit between compartments.

#### § 185.335 Loading doors.

(a) Except as allowed by paragraph (b) of this section, the master of a vessel fitted with loading doors shall assure that all loading doors are closed watertight and secured during the entire voyage.

(b) Loading doors, other than bow visors, may be opened when operating in protected or partially protected waters, provided the master of the vessel determines that the safety of the vessel is not impaired.

(c) For the purpose of this section, "loading doors" include all weathertight ramps, bow visors, and openings used to load personnel, equipment, and stores, in the collision bulkhead, the side shell, and the boundaries of enclosed superstructures that are continuous with the shell of the vessel.

#### 185.340 Vessels carrying vehicles.

(a) Automobiles or other vehicles must be stowed in such a manner as to permit both passengers and crew to get out and away from the vehicles freely in the event of fire or other disaster. The decks, where necessary, must be distinctly marked with painted lines to indicate the vehicle runways and the aisle spaces.

(b) The master shall take any necessary precautions to see that automobiles or other vehicles have their motors turned off and their emergency brakes set when the vessel is underway, and that the motors are not started until the vessel is secured to the landing. In addition, a vehicle at each end of a line of vehicles or next to a loading ramp must have its wheels securely blocked, while the vessel is being navigated.

(c) The master shall have appropriate "NO SMOKING" signs posted and shall take all necessary precautions to prevent smoking or carrying of lighted or smoldering pipes, cigars, cigarettes, or similar items in the deck area assigned to automobiles or other vehicles.

(d) The master shall, prior to getting underway, ensure that vehicles are properly distributed consistent with the guidance in the vessel's stability letter and Certificate of Inspection, if applicable.

#### § 185.350 Fueling of vessels using fuel having a flash point of 43.3° C (110° F) or lower (such as gasoline).

A vessel must not take on fuel having a flash point of 43.3° C (110° F) or lower when passengers are on board.

#### § 185.352 Ventilation of gasoline machinery spaces.

The mechanical exhaust for the ventilation of a gasoline machinery space, required by § 182.460(a)(1)(ii) of this chapter, must be operated prior to starting gasoline engines for the time sufficient to insure at least one complete change of air in the space served.

#### § 185.356 Carriage of hazardous materials.

A vessel that transports a hazardous material, listed in 49 CFR 172.101, in commerce shall ensure the material is handled and transported in accordance with 49 CFR Parts 171 and 179.

#### § 185.360 Use of auto pilot.

Whenever an automatic pilot is used the master shall ensure that:

(a) It is possible to immediately establish manual control of the vessel's steering;

(b) A competent person is ready at all times to take over steering control; and

(c) The changeover from automatic to manual steering and vice versa is made by, or under the supervision of, the master or the mate on watch.

### Subpart D—Crew Requirements

#### § 185.402 Licenses.

Each licensed individual employed upon any vessel subject to the provisions of this subchapter shall have his or her license on board and available for examination at all times when the vessel is operating.

#### § 185.410 Watchmen.

The owner, charterer, master, or managing operator of a vessel carrying overnight passengers shall have a suitable number of watchmen patrol throughout the vessel during the nighttime, whether or not the vessel is underway, to guard against, and give alarm in case of, a fire or other danger.

#### § 185.420 Crew training.

The owner, charterer, master or managing operator shall instruct each crew member, upon first being employed and prior to getting underway for the first time on a particular vessel and at least once every three months, as to the duties that the crew member is expected to perform in an emergency including, but not limited to, the emergency instructions listed on the emergency instruction placard required by § 185.510 of this part and, when

applicable, the duties listed in the station bill required by § 185.514 of this part.

(b) Crew training shall be logged or otherwise documented for review by the Coast Guard upon request. The training entry shall include the following information.

- (1) Date of the training; and
- (2) General description of the training topics.

#### Subpart E—Preparations for Emergencies

##### § 185.502 Crew and passenger list.

(a) The owner, charterer, managing operator, or master of the following vessels must keep a correct list of the names of all persons that embark on and disembark from the vessel:

(1) A vessel making a coastwise or oceans voyage where:

(i) Passengers embark or disembark from the vessel to another vessel or port other than at the port of origin; or

(ii) Passengers are carried overnight;

(2) A vessel making a voyage of more than 300 miles on the Great Lakes, except from a Canadian to a United States port; and

(3) A vessel arriving from a foreign port, except at a United States Great Lakes port from a Canadian Great Lakes port.

(b) The master of a vessel required to prepare a crew and passenger list by paragraph (a) of this section shall see that the list is prepared prior to departing on a voyage. The list must be communicated verbally or in writing ashore at the vessel's normal berthing location or with a representative of the owner or managing operator of the vessel. The crew and passenger list shall be available to the Coast Guard upon request.

##### § 185.503 Voyage plan

(a) The master of the following vessels shall prepare a voyage plan:

(1) A vessel making an oceans or coastwise voyage;

(2) A vessel making a voyage of more than 300 miles on the Great Lakes, except from a Canadian to a United States port;

(3) A vessel, with overnight accommodations for passengers, making an overnight voyage; and

(4) A vessel arriving from a foreign port, except at a United States Great Lakes port from a Canadian Great Lakes port.

(b) The voyage plan required by paragraph (a) of this section must be prepared prior to departing on a voyage and communicated verbally or in writing, ashore at the vessel's normal

berthing location or with a representative of the owner or managing operator of the vessel. The voyage plan shall be available to the Coast Guard upon request.

##### § 185.504 Passenger count.

The master of a vessel, except a vessel listed in § 185.502(a) of this part, shall keep a correct, written count of all passengers that embark on and disembark from the vessel. Prior to departing on a voyage, the passenger count must be communicated verbally or in writing, and available ashore at the vessel's normal berthing location or with a representative of the owner or managing operator of the vessel. The passenger count shall be available to the Coast Guard upon request.

##### § 185.506 Passenger safety orientation.

(a) Except as allowed by paragraph (b) of this section, before getting underway on a voyage, the master of a vessel shall ensure that suitable public announcements are made informing all passengers of the information in this section when applicable to the vessel's operations and arrangement:

(1) The location of emergency exists, survival craft embarkation areas, and ring life buoys;

(2) The stowage location(s) of life jackets;

(3) Either:

(i) The proper method of donning and adjusting life jackets of the type(s) carried on the vessel including a demonstration of the proper donning of a lifejacket, or

(ii) that passengers may contact a crew member for a demonstration as appropriate, prior to beginning an oceans or coastwise voyage;

(4) The location of the instruction placards for life jackets and other lifesaving devices;

(5) That all passengers will be required to don life jackets when possible hazardous conditions exist, as directed by the master; and

(6) If the vessel is operating with reduced manning or equipment requirements in § 176.114 of this chapter.

(b) On a vessel with other than an oceans or coastwise route, as an alternative to an announcement that complies with paragraph (a) of this section, the master or other designated person may:

(1) Prior to getting underway, deliver to each passenger or, on a vessel that does not carry vehicles and that has seats for each passenger, place near each seat, a card or pamphlet that has the information listed in paragraphs (a)(1) and (a)(6) of this section; and

(2) Make an abbreviated announcement consisting of:

(i) A statement that passengers should follow the instructions of the crew in an emergency;

(ii) The location of life jackets; and

(iii) That further information

concerning emergency procedures including the donning of life jackets, location of other emergency equipment, and emergency evacuation procedures are located on the card or pamphlet that was given to each passenger or is located near each seat.

(c) The master of a vessel shall ensure that a passenger, who boards the vessel on a voyage after the initial public announcement has been made as required by paragraphs (a) or (b) of this section, is also informed of the required safety information.

(d) On a vessel on a voyage of more than 24 hours duration, passengers shall be requested to don life jackets and go to the appropriate embarkation station during the safety orientation. If only a small number of passengers embark at a port after the original muster has been held, these passengers must be given the passenger safety orientation required by paragraphs (a) or (b) of this section if another muster is not held.

##### § 185.508 Wearing of life jackets.

(a) The master of a vessel shall require passengers to don life jackets when possible hazardous conditions exist, including, but not limited to:

(1) When transiting hazardous bars and inlets;

(2) During severe weather;

(3) In event of flooding, fire, or other events that may possibly call for evacuation; and

(4) When the vessel is being towed, except a non-self-propelled vessel under normal operating conditions.

(b) The master or crew shall assist each passenger in obtaining a life jacket and donning it, as necessary.

##### § 185.510 Emergency instructions.

(a) The master and crew of a vessel will be familiar with the content of and have mounted at the operating station, emergency instructions containing the actions to be taken in the event of fire, heavy weather, or man overboard conditions.

(b) Except when in the judgment of the cognizant OCMI the operation of a vessel does not present one of the hazards listed, the emergency instruction placard should contain at least the applicable portions of the "Emergency Instructions" listed in § 185.512. The emergency instructions must be designed to address the particular equipment, arrangement, and operation of each individual vessel.

(c) If the cognizant OCMI determines that there is no suitable mounting surface aboard the vessel, the emergency instructions need not be posted but must be carried aboard the vessel and be available to the crew for familiarization.

**§ 185.512 Recommended emergency instructions format.**

An emergency instruction placard containing the following information will satisfy the requirements of § 185.510.

(a) Emergency Instructions. (1) *Rough weather at sea, crossing hazardous bars, or flooding.* (i) Close all watertight and weathertight doors, hatches, and airports to prevent taking water aboard or further flooding in the vessel.

(ii) Keep bilges dry to prevent loss of stability due to water in bilges. Use power driven bilge pump, hand pump, and buckets to dewater.

(iii) Align fire pumps to use as bilge pump if possible.

(iv) Check all intake and discharge lines, which penetrate the hull, for leakage.

(v) Passengers must remain seated and evenly distributed.

(vi) Passengers must don life jackets if the going becomes very rough, the vessel is about to cross a hazardous bar, or when otherwise instructed by the master.

(vii) Never abandon the vessel unless actually forced to do so.

(viii) If assistance is needed follow the procedures on the emergency broadcast placard posted by the radiotelephone.

(ix) Prepare survival craft (life floats, (inflatable) rafts, (inflatable) buoyant apparatus, boats) for launching.

(2) *Man overboard.* (i) Throw a ring buoy overboard as close to the person as possible.

(ii) Post a lookout to keep the person overboard in sight.

(iii) Launch rescue boat and maneuver to pick up person in the water, or maneuver the vessel to pick up the person in the water.

(iv) Have crew member put on life jacket, attach a safety line to him or her, and have him or her stand by jump into the water to assist the person overboard if necessary.

(v) If person is not immediately located, notify Coast Guard and other vessels in vicinity by radiotelephone.

(vi) Continue search until released by Coast Guard.

(3) *Fire.* (i) Cut off air supply to fire—close items such as hatches, ports, doors, ventilators, and louvers, and shut off ventilation system.

(ii) Cut off electrical system supplying affected compartment if possible.

(iii) If safe, immediately use portable fire extinguishers at base of flames for

flammable liquid or grease fires or water for fires in ordinary combustible materials. Do not use water on electrical fires.

(iv) If fire is in machinery spaces, shut off fuel supply and ventilation and activate fixed extinguishing system if installed.

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

(vi) If unable to control fire, immediately notify the Coast Guard and other craft in the vicinity by radiotelephone.

(vii) Move passengers away from fire, have them put on life jackets, and if necessary, prepare to abandon the vessel.

(b) [Reserved]

**§ 185.514 Station bill.**

(a) A station bill must be posted by the master on a vessel of more than 19.8 meters (65 feet) in length having a Certificate of Inspection requiring more than four crew members at any one time, including the master.

(b) The station bill required by paragraph (a) of this section must set forth the special duties and duty station of each crew member for various emergencies. The duties must, as far as possible, be comparable with the regular work of the individual. The duties must include at least the following and any other duties necessary for the proper handling of a particular emergency:

(1) The closing of hatches, airports, watertight doors, vents, scuppers, and valves for intake and discharge lines that penetrate the hull, the stopping of fans and ventilating systems, and the operating of all safety equipment;

(2) The preparing and launching of survival craft and rescue boats;

(3) The extinguishing of fire; and

(4) The mustering of passengers

including the following:

(i) Warning the passengers;

(ii) Assembling the passengers and directing them to their appointed stations; and

(iii) Keeping order in the passageways and stairways and generally controlling the movement of the passengers.

(c) The station bill must be posted at the operating station and in a conspicuous location in each crew accommodation space.

**§ 185.516 Life jacket placards.**

(a) Placards containing instructions for the donning and use of the life jackets aboard the vessel must be posted in conspicuous places that are regularly accessible and visible to the crew and passengers.

(b) If the cognizant OCMI determines that there is no suitable mounting

surface aboard the vessel, the life jacket placards need not be posted but must be carried aboard the vessel and be available to the crew and passengers for familiarization.

**§ 185.518 Inflatable survival craft placards.**

(a) Every vessel equipped with an inflatable survival craft must have approved placards or other cards containing instruction for launching and inflating inflatable survival craft for the information of persons on board posted in conspicuous places by each inflatable survival craft.

(b) Under the requirement in § 160.051-6(c)(1) in subchapter Q of this chapter, or other standard specified by the Commandant, the manufacturer of approved inflatable liferafts is required to provide approved placards containing such instructions with each liferaft. Similar placards must be used for other inflatable survival craft.

**§ 185.520 Abandon ship and man overboard drills and training.**

(a) The master shall conduct sufficient drills and give sufficient instructions to make sure that all crew members are familiar with their duties during emergencies that necessitate abandoning ship or the recovery of persons who have fallen overboard.

(b) Each abandon ship drill must include:

(1) Summoning the crew to report to assigned stations and prepare for assigned duties;

(2) Summoning passengers on a vessel on an overnight voyage to muster stations or embarkation stations and ensuring that they are made aware of how the order to abandon ship will be given;

(3) Checking that life jackets are correctly donned;

(4) Operation of any davits used for launching liferafts; and

(5) Instruction on the automatic and manual deployment of survival craft.

(c) Each abandon ship drill must, as far as practicable, be conducted as if there were an actual emergency.

(d) Each rescue boat required in accordance with § 180.210 of this chapter must be launched with its assigned crew aboard and maneuvered in the water as if during an actual man overboard situation:

(1) Once each month, if reasonable and practicable; but

(2) At least once within a 3 month period before the vessel gets underway with passengers.

(e) Onboard training in the use of davit launched liferafts must take place at intervals of not more than 3 months on a vessel with a davit launched liferaft.

(f) Abandon ship and man overboard drills and training shall be logged or otherwise documented for review by the Coast Guard upon request. The drill entry shall include the following information:

- (1) Date of the drill and training; and
- (2) General description of the drill scenario and training topics.

**§ 185.524 Fire fighting drills and training.**

(a) The master shall conduct sufficient fire drills to make sure that each crew member is familiar with his or her duties in case of a fire.

(b) Each fire drill must include:

- (1) Summoning passengers on a vessel on an overnight voyage to muster or embarkation stations;
- (2) Summoning the crew to report to assigned stations and to prepare for and demonstrate assigned duties; and
- (3) Instruction in the use of fire extinguishers and any other fire fighting equipment on board.

(c) Each fire drill must, as far as practicable, be conducted as if there were an actual emergency.

(d) Fire fighting drills and training shall be logged or otherwise documented for review by the Coast Guard upon request. The drill entry shall include the following information:

- (1) Date of the drill and training; and
- (2) General description of the drill scenario and training topics.

**§ 185.530 Responsibilities of licensed individuals.**

Nothing in the emergency instructions or a station bill required by this subpart exempts any licensed individual from the exercise of good judgment in an emergency situation.

**Subpart F—Markings Required**

**§ 185.602 Hull markings.**

(a) This section applies to each vessel that fits into any one of the following categories:

- (1) A vessel of more than 19.8 meters (65 feet) in length.
- (2) A sailing vessel of more than 19.8 meters (65 feet) in length.
- (3) A vessel authorized to carry more than 12 passengers on an international voyage.
- (4) A vessel with more than 1 deck above the bulkhead deck exclusive of a pilot house.

(b) Each vessel must be marked as required by Part 67 in subchapter G of this chapter.

(c) Each vessel that complies with the stability requirements of §§ 170.170, 170.173, 171.050, 171.055, and 171.057 in subchapter S of this chapter, in accordance with § 178.310 of this chapter, must:

(1) Have permanent draft marks at each end of the vessel; or

(2) Have permanent loading marks placed on each side of the vessel forward, amidships, and aft to indicate the maximum allowable draft and trim.

(d) A loading mark required by paragraph (c)(2) of this section must be a horizontal line of at least 205 millimeters (8 inches) in length and 25 millimeters (1 inch) in height, with its upper edge passing through the point of maximum draft. The loading mark must be painted in a contrasting color to the sideshell paint.

(e) On a vessel that has a load line, the amidships marks required by paragraph (c)(2) of this section will be those required by the 1966 International Load Line Convention.

(f) In cases where draft marks are obscured due to operational constraints or by protrusions, the vessel must be fitted with a reliable draft indicating system from which the bow and stern drafts can be determined.

(g) On a vessel on which the number of passengers permitted on upper decks is limited by stability criteria, as indicated by the vessel's stability letter, the maximum number of passengers allowed on an upper deck must be indicated by a durable marking of at least 25 millimeters (1 inch) numbers and letters at the entranceway to each such deck.

**§ 185.604 Lifesaving equipment markings.**

(a) The name of a vessel must be marked or painted in clearly legible letters and numbers at least 76 millimeters (3 inches) high:

- (1) On each side of the bow of each rescue boat; and
- (2) On each life float and buoyant apparatus.

(b) Each life jacket, immersion suit, and ring life buoy must be marked in clearly legible block capital letters with the vessel's name. The marking is not required on a life jacket carried to meet a temporary need for additional life jackets, if the life jacket has the name of another vessel marked on it. For an immersion suit, the name of the person to whom the immersion suit is assigned is an acceptable alternative to the name of the vessel.

(c) The name of the vessel must be marked or painted in clearly legible letters on each Emergency Position Indicating Radiobeacon (EPIRB), except on an EPIRB in an inflatable liferaft.

(d) The number of persons capacity must be marked or painted in clearly legible letters on each side of the bow of each rescue boat in letters and numbers at least 40 millimeters (1.5 inches) high.

(e) The number of persons capacity must be marked or painted in clearly legible letters on each life float and buoyant apparatus in letters and numbers at least 40 millimeters (1.5 inches high). This number must:

- (1) Be the number of persons the device is equipped for; and
- (2) Not be greater than the number of persons the device is approved for as shown on its nameplate.

(f) The number and identification of the items stowed inside, and their sizes, must be marked in clearly legible letters and numbers on each container for life jackets and immersion suits.

Identification of the items may be in words, or the appropriate symbols in International Maritime Organization (IMO) Resolution A.760(18), "Symbols Related to Life-Saving Appliances and Arrangements." Letters and numbers must be at least 50 millimeters (2 inches) high. Symbols must be at least 100 mm (4 inches) square.

(g) The name of the vessel must be marked or painted in clearly legible letters on each life float paddle.

(h) Each life jacket must be marked with Type I retroreflective material approved in accordance with § 164.018 in subchapter Q of this chapter, or other standard specified by the Commandant. The arrangement of the retroreflective material applied after March 11, 1996, must be as specified by IMO Resolution A.658(16), "Use and Fitting Of Retro-Reflective Materials on Life-Saving Appliances."

(i) Each rescue boat and ring life buoy must be marked with Type II retroreflective material approved in accordance with § 164.018 in subchapter Q of this chapter, or other standard specified by the Commandant. The arrangement of the retroreflective material applied after March 11, 1996, must be as specified by IMO Resolution A.658(16).

**§ 185.606 Escape hatches and emergency exits.**

All escape hatches and other emergency exits used as means of escape must be marked on both sides in clearly legible letters at least 50 millimeters (2 inches) high: "EMERGENCY EXIT, KEEP CLEAR", unless such markings are deemed unnecessary by the cognizant OCMI.

**§ 185.608 Fuel shutoff valves.**

Remote fuel shutoff stations must be marked in clearly legible letters at least 25 millimeters (1 inch) high indicating purpose of the valve and direction of operation.

**§ 185.610 Watertight doors and watertight hatches.**

Watertight doors and watertight hatches must be marked on both sides in clearly legible letters at least 25 millimeters (1 inch) high: "WATERTIGHT DOOR—KEEP CLOSED" or "WATERTIGHT HATCH—KEEP CLOSED", unless such markings are deemed unnecessary by the cognizant OCMI.

**§ 185.612 Fire protection equipment.**

(a) Complete but simple instructions for the operation of a fixed gas fire extinguishing system must be located in a conspicuous place at or near each pull box and stop valve control and in the space where the extinguishing agent cylinders are stored. If the storage cylinders are separate from the protected space, the instructions must also include a schematic diagram of the system and instructions detailing alternate methods of releasing the extinguishing agent should the local manual release or stop valve controls fail to operate. Each control valve to a distribution line must be marked to indicate the space served.

(b) An alarm for a fixed gas fire extinguishing system must be clearly and conspicuously marked "WHEN ALARM SOUNDS—VACATE AT ONCE. CARBON DIOXIDE BEING RELEASED". Where a different extinguishing agent is installed, that agent shall be marked in place of "carbon dioxide."

(c) Each distribution line valve of a fixed gas fire extinguishing system and the fire main, must be plainly, conspicuously, and permanently marked indicating the space served.

(d) An alarm for an automatic sprinkler system must be conspicuously marked in clearly legible letters "SPRINKLER ALARM".

(e) An alarm bell for a smoke detecting system must be conspicuously marked in clearly legible letters "SMOKE DETECTION ALARM".

(f) A control cabinet or space containing valves, manifolds, or controls for any fixed gas fire extinguishing system must be conspicuously marked in clearly legible letters "CARBON DIOXIDE FIRE EXTINGUISHING APPARATUS", or as otherwise required by the cognizant OCMI. Where a different extinguishing agent is installed, that agent shall be marked in place of "carbon dioxide."

**§ 122.614 Portable watertight container for distress flares and smoke signals.**

Portable watertight containers for distress flares and smoke signals shall be of a bright color, and containers shall be clearly marked in legible contrasting

letters at least 12.7 millimeters (0.5 inches) high: "DISTRESS SIGNALS".

**Subpart G—Operational Readiness, Maintenance, and Inspection of Lifesaving Equipment****§ 185.700 Operational readiness.**

(a) Each launching appliance and each survival craft and rescue boat on a vessel must be in good working order and ready for immediate use before the vessel leaves port and at all times when the vessel is underway.

(b) Each deck where survival craft or rescue boats are stowed or boarded must be kept clear of obstructions that would interfere with the boarding and launching of the survival craft or rescue boat.

**§ 185.702 Maintenance.**

(a) The manufacturer's instructions for onboard maintenance of survival craft, rescue boats, and launching appliances, manufactured on or after March 11, 1996, must be onboard a vessel of more than 19.8 meters (65 feet) in length and readily available for a vessel of not more than 19.8 meters (65 feet) in length. The instructions must also be readily available at each inspection for certification and reinspection.

(b) The owner or managing operator shall make sure that maintenance is carried out in accordance with the instructions required under paragraph (a) of this section.

(c) The cognizant OCMI may accept, instead of the instructions required under paragraph (a) of this section, a shipboard planned maintenance program that includes the items listed in that paragraph.

(d) The inspection and maintenance of the equipment listed in paragraph (a) of this section shall be logged or otherwise documented for review by the Coast Guard upon request.

**§ 185.704 Maintenance of falls.**

(a) Each fall used in a launching appliance on a vessel must be turned end for end at intervals of not more than 30 months.

(b) Each fall must be renewed when necessary due to deterioration or at intervals of not more than 5 years, whichever is earlier.

(c) Each fall must have a corrosion resistant tag with the following permanently marked on it:

(1) The date the new fall was installed; and

(2) If the fall has been turned end for end, the date it was turned.

**§ 185.720 Weekly maintenance and inspections.**

The following tests and inspections must be carried out weekly on a vessel:

(a) Each survival craft, rescue boat, and launching appliance must be visually inspected to ensure its readiness for use;

(b) Each rescue boat engine must be run ahead and astern for not less than 3 minutes, unless the ambient temperature is below the minimum temperature required for starting the engine; and

(c) Each battery for rescue boat engine starting must be brought up to full charge at least once each week if:

(1) The battery is of a type that requires recharging; and

(2) The battery is not connected to a device that keeps it continuously charged.

**§ 185.722 Monthly inspections.**

Each survival craft, rescue boat, and launching appliance on a vessel must be inspected monthly, using the manufacturers instructions to make sure it is complete and in good order.

**§ 185.724 Quarterly inspections.**

(a) Each winch control apparatus of a launching appliance on a vessel, including motor controllers, emergency switches, master switches, and limit switches, must be examined once in each 3 months.

(b) The examination required by paragraph (a) of this section must include the removal of drain plugs and the opening of drain valves to make sure that enclosures are free of water.

**§ 185.726 Annual inspections.**

(a) Each rescue boat must be stripped, cleaned, and thoroughly inspected, and any necessary repairs made at least once each year, including emptying and cleaning of each fuel tank, and refilling it with fresh fuel.

(b) Each davit, winch, fall and other launching appliance must be thoroughly inspected, and any necessary repairs made, at least once each year.

(c) Each item of lifesaving equipment with an expiration date must be replaced during the annual inspection and repair if the expiration date has passed.

(d) Each battery used in an item of lifesaving equipment, except inflatable survival craft equipment, must be replaced during the annual inspection if the expiration date of the battery has passed. The expiration date of the battery may be marked on the battery or the owner or managing operator may have a record of the expiration date from the manufacturer of a battery marked with a serial number.

(e) Except for a storage battery used in a rescue boat, each battery without an expiration date indicated on it or for which the owner or managing operator does not have a record of the expiration date, used in an item of lifesaving equipment, must be replaced during the annual inspection.

**§ 185.728 Testing and servicing of Emergency Position Indicating Radiobeacons (EPIRB).**

The master of the vessel shall ensure that:

(a) Each EPIRB, other than an EPIRB is an inflatable liferaft, must be tested monthly, using the integrated test circuit and output indicator, to determine that it is operative;

(b) The EPIRB's battery is replaced after it is used, or before the date required by FCC regulations in 47 CFR Part 80, whichever comes sooner; and

(c) The EPIRB test required by paragraph (a) shall be logged or otherwise documented, as applicable.

**§ 185.730 Servicing of inflatable liferafts, inflatable buoyant apparatus, inflatable life jackets and inflated rescue boats.**

(a) Each inflatable liferaft, inflatable buoyant apparatus, inflatable life jacket, and hybrid inflatable life jacket or work vest must be serviced:

(1) Within 12 months of its initial packing; and

(2) Within 12 months of each subsequent servicing, except when servicing is delayed until the next scheduled inspection of the vessel,

provided that the delay does not exceed 5 months.

(b) Each inflatable liferaft and inflatable buoyant apparatus must be serviced:

(1) Whenever the container of the raft is damaged, or the straps or seal are broken; and

(2) In accordance with the servicing procedure under § 160.151 in subchapter Q of this chapter, or other standard specified by the Commandant.

(c) Each inflatable life jacket must be serviced in accordance with the servicing procedure under § 160.176 in subchapter Q of this chapter, or other standard specified by the Commandant.

(d) Each hybrid inflatable life jacket or work vest must be serviced in accordance with the servicing procedure under § 160.077 in subchapter Q of this chapter, or other standard specified by the Commandant.

(e) Repair and maintenance of inflated rescue boats must be in accordance with the manufacturer's instructions. All repairs must be made at a servicing facility approved by the Commandant, except for emergency repairs carried out on board the vessel.

**§ 185.740 Periodic servicing of hydrostatic release units.**

(a) Each hydrostatic release unit, other than a disposable unit, must be serviced:

(1) Within 12 months of its manufacture and within 12 months of each subsequent servicing, except when servicing is delayed until the next

scheduled inspection of the vessel, provided that the delay does not exceed 5 months; and

(2) In accordance with the repair and testing procedures under § 160.062 in subchapter Q of this chapter, or other standard specified by the Commandant.

(b) Each disposable hydrostatic release unit must be marked with an expiration date of two years after the date on which the unit is installed.

**Subpart H—Penalties**

**§ 185.900 Penalty for violations.**

Violation of the provisions of this subchapter will subject the violator to the applicable penalty provisions of Subtitle II of Title 46, United States Code.

**§ 185.910 Suspension and revocation.**

An individual holding a license, certificate of registry, or merchant mariner's document who commits an act of misconduct, negligence, or incompetence, or who violates or fails to comply with this subchapter or any other law or regulation intending to promote marine safety, is subject to proceedings under the provisions of 46 U.S.C. 7703 and Part 5 of this chapter with respect to suspension or revocation of a license, certificate, or document.

Robert E. Kramek,

*Admiral, U.S. Coast Guard Commandant.*

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The rules and proposed rules in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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