

DEPARTMENT OF TRANSPORTATION**Coast Guard****46 CFR Parts 170, 171, and 173 and Chapter I, Subchapters K and T**

[CGD 85-080]

RIN 2115-AC 22

Small Passenger Vessel Inspection and Certification

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is adopting, as a final rule with some changes, the interim final rule which completely revised the regulations affecting small passenger vessels of less than 100 gross tons. This rule creates a separate subchapter for small passenger vessels carrying more than 150 passengers or having overnight accommodations for more than 49 passengers, provides additional alternatives to certain required lifesaving equipment, adopts additional industry standards, and establishes new upper-limit breakpoints above which a passenger vessel of less than 100 gross tons must comply with the same construction and outfitting requirements applicable to a passenger vessel of 100 gross tons or more. It also updates the regulations to accommodate the advanced technology, larger size, and increased passenger-carrying capacity of small passenger vessels.

DATES: This rule is effective October 30, 1997. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register on October 30, 1997.

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

FOR FURTHER INFORMATION CONTACT: Lieutenant Eric P. Christensen, Project Manager, Office of Operating and Environmental Standards, (G-MSO-2), phone 202-267-1181, telefax 202-267-4570.

SUPPLEMENTARY INFORMATION:**Regulatory History**

A Notice of Proposed Rulemaking (NPRM), published in the **Federal Register** (54 FR 4412) of January 30, 1989, contained a proposed revision of 46 CFR chapter I, subchapter T,

concerning the inspection and certification of small passenger vessels. The NPRM also proposed a revision to those portions of 46 CFR chapter I, subchapter S, affecting the subdivision and stability of small passenger vessels. The NPRM comment period was originally scheduled to expire on May 31, 1989, but was extended to July 31, 1989. Public meetings were held on the NPRM in Washington, DC, St. Louis, New Orleans, San Francisco, Chicago, and Boston. Over 225 people attended and 116 presented their views at the meetings.

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 Supplemental Notice of Proposed Rulemaking (SNPRM) (59 FR 1994) on January 13, 1994. The SNPRM significantly changed the NPRM by proposing (1) the creation of a separate, new subchapter (46 CFR chapter I, subchapter K) just for small passenger vessels carrying more than 150 passengers or having 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 limits 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. Public meetings were held on the SNPRM in New London, Seattle, Chicago, Annapolis, Tampa, Cincinnati, and Long Beach. Over 225 persons attended and 80 presented their views at the meetings.

On January 10, 1996, the Coast Guard published an Interim Final Rule (IFR) in the **Federal Register** (61 FR 864). During the 150 day comment period, the Coast Guard received 37 letters containing over 350 comments. Public meetings were held on the IFR in St. Louis, Oakland, Mobile, and New Haven. Over 130 persons attended and 36 members of the public presented their views on the IFR at the meetings.

Background and Purpose

Subchapter T contained the regulations for the inspection and certification of small passenger vessels, including requirements for construction, outfitting of lifesaving and fire protection equipment, machinery and electrical installations, and operations. Since the subchapter's last major revision in 1963, significant changes

have occurred 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) expansions of vessel routes, and (5) technological advances. Consequently, this rulemaking is necessary to respond to these changes.

Summary of Changes to the IFR

This final rule adopts, as is, the interim final rule published on January 10, 1996, with the following notable changes:

(1) Small passenger vessels are no longer grouped into three categories for regulatory purposes, as provided in the IFR. Separate treatment of small passenger vessels carrying more than 600 passengers or having overnight accommodations for more than 150 passengers (the group known as "K₁" or "K prime") has been removed. In this final rule, all small passenger vessels are grouped into two categories. Vessels carrying more than 150 passengers or having overnight accommodations for more than 49 passengers are under subchapter K (46 CFR parts 114 through 122). All other small passenger vessels are under subchapter T (46 CFR parts 175 through 185).

(2) The only change to the IFR that could have a substantial economic impact results from the removal of the K₁ category. It is the requirement for stairtowers landing areas, which is restored for vessels having overnight accommodations for more than 49 passengers. However, because this type of vessel was built to the guidelines in Coast Guard NVIC 11-83 ("Regulations for Very Large 46 CFR Subchapter T Vessels"), which called for stairtower landing areas in accordance with subchapter H, this change will have no affect on existing vessels. In addition, it will provide consistency for boat builders who have built this type of vessel for the past 13 years.

The remaining changes, for the most part, are made to realign the text after the removal of the K₁ category, to correct errors in the Code of Federal Regulations, and to fine-tune the IFR in response to comments.

Discussion of Comments and Changes**(a) General.**

(1) Eleven comments recommended that the breakpoint between subchapter K and K' be raised from 600 to 1,000 passengers to be in line with two compartment subdivision. Two comments noted that over the course of the rulemaking process, several vessels have been built which would fall into

the K' category (600+ passengers). Though not required to be built to the extensive subchapter H standards (passenger vessels of 100 gross tons or more) called for in K' these vessels have operated safely for years, and it was recommended that the breakpoint for these vessels be increased to 1,000 passengers.

The Coast Guard partially agrees. Two-compartment subdivision begins at 600 passengers. Of the 450 subchapter K vessels identified in the IFR, only 35 carried over 600 passengers. Some of these vessels were built as far back as 1944. The operating record of these vessels is satisfactory. However, the Coast Guard is concerned with the trend of building larger vessels by manipulating the exemptions to the tonnage rules. The Coast Guard has determined that additional requirements for vessels carrying overnight or large numbers of passengers are appropriate. However, the Coast Guard agrees that adherence to all of the requirements in subchapters H, F, and J is not warranted on small passenger vessels.

NVIC 11-83, "Regulations for very large 46 CFR Subchapter T vessels," identified additional safety requirements for vessels carrying more than 49 overnight passengers that could be applied by the OCMi based on the increased size of the vessel. These additional requirements were taken from subchapters F, H, J and S. In July, 1995, Change 1 to the NVIC added vessels carrying more than 600 passengers to the NVIC's applicability. Many of the recommendations contained in the NVIC were incorporated into subchapter K under the SNPRM and IFR. The Coast Guard stated that subchapter K was to be the middle ground between traditional small passenger vessels under subchapter T and large passenger vessels under subchapter H.

In order to determine a course of action, the Coast Guard compared the recommendations of NVIC 11-83, including Change 1, to the regulations contained in the IFR for subchapter K and K' vessels. In addition, vessels identified in the Marine Safety Information System (MSIS) as carrying more than 600 passengers and admeasuring less than 100 gross tons had their systems and equipment compared to the NVIC. Based upon these reviews, the Coast Guard decided to eliminate the K' thresholds and place, in subchapter K, additional requirements on vessels carrying more than 600 passengers to focus on the safety concerns of larger vessels. The elimination of 200 feet and 150 overnight passenger thresholds from

subchapter K was based on the data collected by the Coast Guard. Only 3 of the vessels identified were over 200 feet in length. This equates to less than a tenth of one percent of the total small passenger vessel fleet of over 5,500 vessels. Clearly, it is not the industry standard to build vessels over 200 feet that admeasure less than 100 gross tons. As for the elimination of the 150 overnight passenger threshold, the Coast Guard has determined that the additional requirements, formerly applied in accordance with NVIC 11-83 to vessels carrying more than 49 overnight passengers and now included in this rule, are appropriate for small passenger vessels carrying more than 150 overnight passengers. The Coast Guard has identified only one vessel, the QUEEN OF THE WEST, that is a subchapter K vessel carrying more than 150 overnight passengers.

Specific changes to the subchapter K regulations include the requirements for an independently-driven fire pump, two electrical generating sets, exit lights, floodlights for lifeboat and liferaft embarkation stations, and emergency lighting for vessels carrying more than 600 passengers. These requirements already exist in the IFR for vessels carrying more than 49 overnight passengers. In addition, stairtower landing area requirements for vessels carrying more than 600 passengers have been placed in § 116.438, and fire hydrant requirements have been placed in § 118.310. The fire hydrant valve requirement was believed to be omitted from the IFR and is considered good marine practice.

Both the stairtower and fire main requirements were contained in NVIC 11-83. Therefore, the Coast Guard has determined that the changes in the final rule should have no impact on vessels carrying more than 49 overnight passengers because this type of vessel has been designed and built to the NVIC for over 13 years.

The Coast Guard has determined that by specifically addressing the additional requirements in subchapter K, rather than referring to part 72 in subchapter H for structural fire protection or to applicable parts of subchapters F and J for machinery and electrical requirements, a consistent minimum level of safety is achieved. It also eliminates confusion in interpreting the word "applicable." In addition, the Coast Guard has determined that although this is a relatively significant change to the regulations, the overall impact to the subchapter K vessel fleet is a reduction in regulations for constructing vessels carrying more than 600 passengers.

(2) Two comments recommended that indices for subchapters K and T be added to title 46, Code of Federal Regulations. They appear in the October 1, 1996, edition of title 46.

(3) Two comments noted that these regulations have not used grandfathering as extensively as in previous regulations despite the absence of specific dangers to public safety.

As discussed in the preambles of the NPRM and SNPRM, the Coast Guard considers the use of grandfathering and phase-in periods in this rule appropriate. The Coast Guard uses grandfathering extensively in this rule. Existing vessels are grandfathered for construction and arrangement, electrical, and machinery requirements unless the vessel undergoes a major conversion or adds new equipment. Additional requirements in firefighting, lifesaving, and vessel operations (crew training) are considered appropriate. The Coast Guard acknowledges that the small passenger vessel industry is safe; however, casualties still occur and life and property are lost as a result. The revised regulations contained in the IFR and final rule will result in an increased level of safety for passengers and crew alike.

(4) Two comments asked for a list of all documents, such as Navigation and Vessel Inspection Circulars (NVIC's), Policy File Memorandums from G-MCO (formerly G-MVI), Coast Guard Headquarters (HQ) policy letters, and Marine Safety Manual (MSM) sections, that are canceled or revised as a result of this rule. They are:

NVIC 11-83 with Change 1
"Regulations for Very Large 46 CFR Subchapter T Passenger Vessels"
(Canceled).

G-MVI Policy letter 13-86
"Certificated Small Passenger Vessels Carrying Six or Less Passengers"
(Canceled).

G-MVI Policy letter 22-89
"Watertight Doors in Subdivision Bulkheads on Small Passenger Vessels"
(Canceled).

G-MVI Policy letter 16-93 "Drydock Extensions for Small Passenger Vessels (T-Boats)" (Canceled).

G-MVI Policy letter 05-95 "Policy on Rail Heights for Passenger Vessels and Small Passenger Vessels" (Revised).

Policy File Memorandum (PFM) 1-94 on very low fire load options (still in effect and will be incorporated into NVIC 6-80 on structural fire protection).

(5) Two comments concerned 46 CFR chapter I, subchapter Q, which contains requirements for the specification and approval of equipment, construction, and materials and which is referenced in subchapters K and T. They

recommend that subchapter Q be repealed because the practice of approving equipment is outdated in this age of comprehensive consensus standards, corporate quality control, and the rapidly evolving technology in materials and innovative equipment.

The Coast Guard disagrees that subchapter Q is unnecessary. Where certain items of equipment are required by statute or regulation to be carried on a vessel, the Coast Guard equipment approval system is an invaluable resource for ship operators who would otherwise be uncertain if a particular item would be acceptable. It ensures that requirements are applied uniformly to all vessels and eliminates the need for case-by-case evaluations by an Officer in Charge, Marine Inspection (OCMI). Some specifications in subchapter Q are outdated and in need of revision. However, acceptance standards are still needed to ensure that critical materials and equipment meet minimum national or international safety standards. As resources allow, the Coast Guard intends to revise subchapter Q to maximize the use of performance standards and suitable industry consensus standards. The Coast Guard is very active in encouraging and assisting in the development of industry and international standards.

(6) Two comments suggested that the recommendations of the National Transportation Safety Board (NTSB) (M-95-37 through 39) resulting from the ARGO COMMODORE casualty should be implemented before publishing a final rule.

The Coast Guard has provided a response to the NTSB regarding those recommendations. The recommendations were considered in developing these regulations; however, problems surrounding the onboard firefighting efforts in this casualty were more related to personnel and training than to equipment.

(7) Two comments asked why there were 55 outstanding NTSB requirements concerning the safety of small passenger vessels.

The Coast Guard has resolved virtually all of the previously outstanding NTSB recommendations concerning small passenger vessels.

(8) Six comments stated that there were too many new regulations; industry cannot take any more.

The Coast Guard notes that many of the rulemaking projects published in the last year have centered around the adoption of industry standards and the removal of obsolete regulations. These regulations are designed to ease the burden on industry. Other new rulemakings, such as the

implementation of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and the revision of 46 CFR chapter I, subchapter W, (Lifesaving Appliances) are in response to changes in the International Convention for the Safety of Life at Sea, 1974, (SOLAS) and are mandated by international treaty. Where possible, the Coast Guard tries to minimize the impact of SOLAS amendments on the domestic fleet. The small passenger vessel rulemaking has been in development since 1985 and industry has commented on three different versions of proposed and interim regulations. Because of the extensive public participation in this rulemaking at the 17 public meetings and by the submission of written comments, the new small passenger vessel regulations will be a viable, flexible standard for the next 30 years.

(9) One comment recommended that the operators of passenger vessels be held accountable for the safety of the passengers who consume alcoholic beverages on the vessels.

The master is already responsible for the safety of the passengers and crew on board the vessel. The Coast Guard has determined that additional regulations are not required to clarify this point.

(10) One comment noted that accident and risk analysis criteria needed to be better developed if used in developing regulations. The comment also noted that the statistics for passenger vessel casualties included foreign flag vessels. The comment stated that 35 percent of casualties occurred on diving boats where the casualty had nothing to do with the vessel's equipment. In addition, a number of casualties were dockside and had nothing to do with the operation of the vessel. It recommended that the Coast Guard rethink how it handles casualties. Just because vessels are getting bigger does not mean that they are not as safe.

The Coast Guard notes that there are several related efforts that have been undertaken to improve risk analysis. They are as follows:

(a) A Risk-Based Technologies (RBT) Management Team has been established to guide risk analysis development. The RBT Management Team is coordinating the risk activities of the Coast Guard Headquarter's Office of Marine Safety with reference to other government agencies and the International Maritime Organization (IMO).

(b) A Marine Board study entitled "Risk Assessment and Management of Marine Systems" and is slated to be completed in mid 1997. The goal of this project is to learn to understand and use

the different risk assessment methodologies.

(c) An internal instruction providing guidance in risk-based decision-making to the Captain of the Port (COTP), due in December 1997, will provide technical and administrative guidance to the field on how risk assessment and management can and should be used in support of Commandant (G-M)'s Business Plan goals.

(d) The Marine Safety Evaluation Program (MSTEP) is based on the use of risk-based technologies and is designed to improve the current process of assessing the safety of marine systems that are within the Coast Guard's regulatory domain.

In formulating these regulations, the Coast Guard focused on casualties to small passenger vessels. The Coast Guard has commended the industry throughout the rulemaking process on its history of safe-operations and tried to keep new requirements narrowed to the areas of most concern.

(b) *Comments on and Changes to Particular Provisions of the IFR*

Sections 114.110 and 175.110 General Applicability

(1) One comment recommended that the breakpoint for subchapter T boats carrying overnight passengers needs to be increased from 49 to 100 passengers based on the safe operating record of these vessels.

The Coast Guard disagrees. Many of the requirements for subchapter K vessels with 50 or more overnight passengers were in existence under the old small passenger vessel policy in the form of NVIC 11-83. The safe operating record of this segment of the industry may be the result of Coast Guard guidelines that have been in place for years.

(2) One comment suggested that 200 feet not be used as a breakpoint for limit for subchapter K'. Tonnage is the self limiting criteria. One comment stated that the American Bureau of Shipping (ABS) rules for vessels less than 200 feet will be revised to apply to vessels less than 300 feet.

The Coast Guard has determined that gross tonnage is not a self-limiting criteria. While the Coast Guard agrees that an upper size-limit is necessary to address manning and passenger safety concerns, historically, small passenger vessels rarely exceed 200 feet in length. According to Coast Guard data, the longest subchapter K vessel is 230 feet. The Coast Guard has determined that the requirements applicable to vessels carrying more than 600 passengers or more than 49 overnight passengers adequately address the minimum

construction and equipment requirements for larger, small passenger vessels. Future rulemakings regarding alternate tonnage will set a size threshold for subchapter K vessels and maintain the subchapter-K-class vessel as the middle ground between vessels under subchapters T and H. Once the ABS Rules are published, the Coast Guard will consider incorporating the new rules by reference in these regulations.

(3) One comment recommended that the applicability sections of these regulations be aligned with the Passenger Vessel Safety Act of 1993.

The Coast Guard agrees and the regulations in §§ 114.110 and 175.110 have been so aligned.

*Sections 114.400 and 175.400
Definitions of Terms Used in This
Subchapter*

(1) One comment recommended that the definition of "accommodation space" be revised to allow space-heating equipment with an element temperature in excess of 250 °F (121 °C).

The Coast Guard concurs. The intent of the 121 °C temperature limitation was to ensure that cooking equipment normally associated with a galley would not be installed in an accommodation space. The definition of "accommodation space" has been amended to use the same terminology as the definition of "galley."

(2) One comment suggested that the definition of "cold water" allow for more OCMi discretion for vessels that operate in cold water for only a couple of months of the year.

The Coast Guard disagrees because the OCMi has adequate authority under § 114.550 to give special consideration to the application of the cold water requirements if warranted by the circumstances.

(3) Four comments noted that, under the definition of "exposed waters," the definition for winter season in the Great Lakes infers that all waters inside 20 nautical miles are partially protected waters. The definition of "partially protected waters" does not contradict this. The comment asked if the change was intended.

The definition of "exposed waters" for the Great Lakes did not change with the publication of the IFR. OCMi's have always had the authority to declare certain waters within 20 miles of a harbor of safe refuge exposed for the purpose of stability.

(4) One comment noted that the definition of "hardwood," as used in the wood industry, is not based on specific gravity. The performance intended is the resistance to fire and hardwoods

normally possess good fire-resistance qualities. In general, hardwoods have specific gravity between 0.5 and 0.8. Coast Guard policy, written in 1980 (NVIC 6-80), states "oak or similar hardwood." The word "similar" refers to properties involving the material's resistance to fire. Although it can reasonably be concluded that dense woods such as those with a specific gravity in excess of 0.66 would be resistant to fire, such a definition is not necessary for regulatory purposes and has not presented a problem for at least the past 16 years.

The Coast Guard has revised the definition to specifically mention oak and its fire resistant properties.

(5) One comment noted that the definition of "hazardous condition" includes illness of a person on board. Though seasickness is not considered an illness by most people in the sport fishing community, prolonged seasickness can have a profound effect on a person's ability to think clearly and to maintain balance.

The Coast Guard agrees that seasickness can be quite debilitating and create a hazardous condition. If an individual can no longer function, possibly due to dehydration, the master should consider either providing medical attention on board or removing the individual from the vessel.

(6) Four comments requested that the definition of "High Speed Craft" (HSC) be clarified. They asked if the IMO HSC Code applies only to international conventions? Could STCW bring in the HSC criterion? What does the phrase "the aforementioned generality" mean? Could a basic, every-day, mono-hull boat under subchapters K and T that is in domestic service and equipped with extra horsepower for prolonged engine life or operating conditions be considered an HSC? Sections 114.540 and 175.540 state that the IMO HSC Code can be used as an equivalent to the requirements contained in subchapters K and T, respectively.

The Coast Guard does not make a determination on whether a vessel is an HSC without the owner of the vessel applying for HSC Code equivalency. The requirements under STCW contain no additional requirements for vessels meeting the HSC Code definition. Vessels operating on domestic voyages are allowed to apply for the HSC equivalency, but do not necessarily need to receive SOLAS HSC certification. However, once the Coast Guard has granted HSC equivalency to a small passenger vessel, the code must be complied with in its entirety. In order to avoid confusion and make the HSC Code definition more readable, the

term "aforementioned generality" has been removed.

(7) Twelve comments recommended that paragraph (3) of the definition "major conversion" be deleted. The comments remarked that operators should not be discouraged from doing things to substantially prolong the life of their vessels. Normal maintenance itself prolongs the life of a vessel. The comments also noted that the definition is too broad. One comment recommended the definition be changed to mean a conversion of a vessel that, as determined by the Commandant, substantially adds to the length, beam, height, or draft of the vessel in order to accommodate an increase of more than 15 percent of the passengers currently authorized.

The definitions of "major conversion" are based upon statute. The Coast Guard agrees that normal maintenance prolongs a vessel's life and supports continuous maintenance. Normal maintenance does not constitute a major conversion. However, the Coast Guard does not agree that an arbitrary 15 percent should be added to the definition. The Coast Guard will continue to use the current definition and apply it to vessels on a case-by-case basis.

(8) One comment recommended that the last sentence of the definition of "means of escape" be deleted because the terms "exit," "exit access," and "exit discharge" are not familiar to the maritime community. The terms are used in National Fire Protection Association (NFPA) 101.

The Coast Guard agrees in part. A key difference between the means of escape under subchapters K and T and under subchapter H is that protected escape routes are not required in vessels constructed to subchapter T. However, vessels constructed to subchapters K or H must have protected escape routes culminating at protected areas where passengers are separated from the effects of fire or flooding. The terms "exit," "exit access," and "exit discharge" are intended to indicate that protected escape routes are made up of many differing components, including corridors, stairways, and stairtowers, which must provide continuously protected access from a space to an area of refuge. The last sentence of the definition in subchapter T has been deleted.

(9) Six comments recommended that the definition of "new vessel" be changed to allow vessels started before March 11, 1996, to be completed after September 11, 1996.

The Coast Guard advises that this practice has been done on a case-by-case

basis. Extending the date would only cause confusion and another round of appeals. By the time this rule is published, this issue will be moot.

(10) Three comments recommended that the definition of "pantry" be aligned with the IMO definition of pantry, which refers to a space that does not contain heat sources with temperatures exceeding 425°F.

The Coast Guard disagrees. The IMO definition, as contained in SLS.17/Circ.3, uses terms such as "appliances consuming small amounts of electrical power" and "hot plates for keeping food warm." Since these terms are somewhat vague, they are more difficult to apply and enforce. No changes were made to the definition.

(11) One comment requested that definitions for the following terms be added to allow for better use of the regulations and to assist personnel in answering questions on Coast Guard exams. The terms include "enclosed space," "partially enclosed space," "fire station," "floodable length," "bulkhead deck," "collision bulkhead," "coaming," "hull strainer," "hydrostatic release unit," "pendant," "lifeline" (by revising 46 CFR 160.010-3(g) and 160.027 to correct problems with life float and buoyant apparatus lifelines and pendants), "positive action valve" (defined so a store clerk can understand), "pressure vessel," and "ships service."

The Coast Guard has determined that adding these definitions would not add any value to the regulation. Instead of adding a definition for "fire station," the Coast Guard has changed the term "fire station(s)" to "fire hydrant(s)" throughout the rule. The Coast Guard is unclear as to what the "problems" with lifelines and pendants are; the current specifications have been used successfully since 1982. Changes to the buoyant apparatus and lifeboat specification subparts in subchapter Q are beyond the scope of this rulemaking.

(12) Based on a working review and use of the IFR, the Coast Guard has made the following additional changes to this section in order to correct any errors and make it more readable. The definition of "atrium" has been modified by removing "escalator opening" from the list of purposes an atrium could not be used for to resolve a conflict with § 116.440. Section 116.440 allows an escalator to be installed in an atrium, provided that the footprint of the escalator is subtracted from opening area computations.

(13) The Coast Guard has amended the definition of "auxiliary machinery space" to include spaces that contain refrigeration equipment.

Accordingly, spaces that contain refrigeration equipment are removed from the definition of "machinery space."

(14) Definitions of "low risk service space" and "high risk service space" are amended to change motion picture rooms from high risk to low risk. Motion picture rooms have not posed a significant fire risk since nitrocellulose film was phased out several years ago. Additionally, the break point for cleaning gear lockers has been changed from a fire load basis to a size and contents basis to be consistent with the interpretation of subchapter H. Additionally, "small" cleaning gear lockers (less than 5 square meters) may be considered type 6 spaces if they do not contain flammable liquids.

(15) Changes are made to the definitions of "accommodations space," "high risk accommodations space," "overnight accommodations or overnight accommodations space," and "passenger accommodations space" to recognize the addition of a type 6 space. See the discussion on § 116.415 in this preamble for information on the addition of type 6 spaces.

Sections 114.540 and 175.540 Equivalents

The Coast Guard is amending §§ 114.540(b) and 175.540(b) by removing the word "pending" because IMO adopted the HSC code on May 20, 1994.

Sections 114.560 and 175.560 Appeals

Nine comments recommended that the Coast Guard be required to answer industry appeals within 30 days of receipt.

The Coast Guard acknowledges that recent appeals, such as that for the *SCHOONER AMERICA*, illustrate that short-turnaround appeals can be completed within 24 hours. The Coast Guard has determined that 30 days is an appropriate length of time for responding to most industry inquiries or appeals. Internally, the Coast Guard places a 30-day due date on correspondence received from the public. In such a case, the respondent should receive a response within 45 days, including mail delays. However, some issues are more complex and require more research and time to arrive at an appropriate response. Conversely, some appeals come up out of the blue and need an immediate resolution. Like any concern with over 10,000 customers, the Coast Guard prioritizes tasks and accomplishes them as resources allow. As stated in the preamble to the IFR, a revision to 46

CFR 1.03 is beyond the scope of this rulemaking.

Sections 114.600 and 175.600 Incorporation by Reference

Several standards incorporated by reference have been changed to reference the most recent edition. In addition, based on revisions to §§ 116.300, 177.300, and 177.410, the ABS Guide for High Speed Craft and MIL-R-21607E(SH) "Resins, Polyester, Low Pressure Laminating, Fire Retardant" have been added.

Sections 114.800 and 175.800 Approved Equipment and Material.

The statement regarding equipment approvals in §§ 114.800 and 175.800 has been deleted by the Coast Guard, because this practice has not been done in years.

Sections 115.107 and 176.107 Period of Validity.

Eight comments expressed concern over inspection creep. The comments recommended that the Certificate of Inspection (COI) should expire on the last day of the month and year of inspection. An additional comment suggested that, with the three-year inspection interval, operators have an opportunity to enter into a trial streamline-inspection program. Reinspections could be done by the company and the Coast Guard could monitor the effectiveness of the inspection program during the vessel's triennial exam.

The Coast Guard notes that the three-year inspection interval is statutory in nature. The Coast Guard's Compliance Division (G-MOC) is examining the feasibility of establishing policies to reduce inspection creep. The streamlined-inspection program is being addressed under a separate Coast Guard rulemaking (CGD 96-055) and is beyond the scope of this rulemaking.

Sections 115.113 and 176.113 Passengers Permitted

Two comments stated that existing vessels would suffer capacity losses under the criteria which establishes additional exceptions to the rail and area rules of thumb. They stated that, because there was no problem with the old system of determining passenger capacity, there is no need for change.

The prohibition of length of rail criteria used in conjunction with either fixed seating or deck area is not understood. The Coast Guard states that the new sections merely clarify what has been accepted practice by the Coast Guard for many years. Length of rail criteria was not allowed to be combined

with deck area or fixed seating under old § 176.01–25(b). Existing vessels should not be affected by this clarification of the old requirement.

*Sections 115.114 and 176.114
Alternative Requirements for a Vessel
Operating as Other Than a Small
Passenger Vessel*

(1) Three comments stated that, to be of any value to the industry, the ability to operate as other than an inspected vessel must come without the route, manning, and other restrictions in paragraph (c) of these sections.

The Coast Guard disagrees. The operating endorsements required under paragraphs (c) are placed on the COI to ensure the vessel meets the requirements for the intended uninspected service.

(2) Two comments stated that the wording is confusing and the intent of these sections needs to be explained in the preamble.

As stated in the preambles of the NPRM, SNPRM, and IFR, the intent of this section is to allow an inspected small passenger vessel to operate as an uninspected or recreational vessel by an endorsement on the vessel's COI. Under 46 U.S.C. 3313(a), a small passenger vessel must be in compliance with its COI at all times. Sections 115.114 and 176.114 are intended to provide for alternatives and allow small passenger vessels to remain competitive with uninspected vessels.

(3) Three comments recommended that the Coast Guard automatically endorse vessel COI's with an endorsement to operate under subchapter C.

The Coast Guard disagrees with automatic endorsement. As stated in the SNPRM preamble, by requiring an owner to request an endorsement, the Coast Guard can better ensure that the owner is aware of the implications of the endorsement and the applicable uninspected vessel requirements in 46 CFR chapter I, subchapter C, or recreational boat requirements in 33 CFR chapter I, subchapter S.

(4) One comment stated that paragraph (b)(2) is confusing with regard to minimum manning specified on the vessel's COI. According to the comment, minimum manning is always above what an owner may be requesting in accordance with this section.

The intent of paragraph (b)(2) is to allow the OCMI to state, on the COI, the required manning on the vessel based upon the type of operation and number of passengers carried. For example, many COI's have an endorsement stating that, when carrying less than 6 passengers, a deckhand is not required.

(5) Two comments asked why freight service is excluded. Freight service is less prone to safety issues than passenger service.

Freight service is not excluded. A small passenger vessel of more than 15 gross tons must meet the requirements of subchapters K or T as appropriate when carrying freight for hire. A vessel of 15 gross tons or less is an uninspected vessel when carrying freight for hire and, therefore, must meet the applicable requirements for an uninspected vessel.

*Sections 115.204 and 176.204 Permit
to Carry Excursion Party*

Three comments recommended removing paragraph (c) so that the only limits on loading a vessel with an excursion permit are sufficient stability and appropriate lifesaving equipment. One comment noted that there has been a change to the old regulations that requires that the number of passengers be limited based on seating, deck area, and rail space.

The Coast Guard disagrees. The purpose of the excursion permit is to allow a passenger vessel to carry additional passengers or operate on a more severe route, or both, for a limited period of time, if the cognizant OCMI believes it can be done safely. The OCMI will not normally allow a vessel to carry more passengers than there is space available, regardless of sufficient stability. Overcrowding a vessel presents unique hazards, such as inadequate crowd control. The Coast Guard has determined that this is an unacceptable operating condition.

Many vessel operators limit the number of passengers carried on a routine basis for various reasons including survival-craft capacity, fire-pump requirements, and operator comfort. The vessel may have adequate stability and space available for additional passengers, but the operator may choose to carry fewer than the maximum calculated. In this case, an excursion permit would allow the operator to carry additional passengers without overcrowding the vessel and to stay within stability limitations.

The requirement to base passenger load on the passengers permitted criteria is taken from the Coast Guard's Marine Safety Manual. This practice has been in effect since 1960 and was placed in the SNPRM as a result of comments to the NPRM.

*Sections 115.310 and 176.310
Certification Expiration Date Stickers*

Four comments recommended that the Coast Guard eliminate the prohibition of operating in the event

that the Certification Expiration Date Sticker is damaged or lost.

The Coast Guard disagrees. In the event the sticker is damaged, the owner should call the Coast Guard for another sticker. The function of the sticker is clearly defined in the regulations. Operating without a visible sticker may result in an at-sea Coast Guard boarding to verify the legality of the charter.

*Sections 115.402 and 176.402 Initial
Inspection for Certification*

One comment recommended that builders be allowed to submit plans as well as owners.

The Coast Guard agrees. It is common practice for a builder to submit plans, on behalf of an owner, to the Coast Guard. However, it is the owner's responsibility to request an initial inspection for certification, which is the basis of the requirement. Once the application package is sent to the Coast Guard (including the plans from the builder), the owner may inform the Coast Guard to deal directly with the builder, as appropriate.

*Sections 115.404 and 176.404
Subsequent Inspections for Certification*

Two comments asked why language was added to this section allowing the OCMI to require the vessel to get underway. The comments also noted that this is not required of other inspected vessels.

The Coast Guard advises that the practice of getting vessels underway as part of the COI exam is common in many Marine Safety Office (MSO) zones. The language merely reaffirms the OCMI's authority to use an underway test to verify the condition of the vessel's internal structure, as well as machinery and steering. In addition, any drills the inspector may wish to conduct must be as if an actual emergency is taking place. A man-overboard drill at the dock lacks realism and is not as effective as an underway drill.

*Sections 115.500 and 176.500 When
Required*

Two comments recommended that the wording be changed to reflect that a reinspection can take place 60 days on either side of the COI anniversary date, if that is the intent of the paragraph.

The Coast Guard advises that it is their practice to allow a 60 day window on either side of the COI date. No changes were made to these sections based on comments.

Sections 115.600 and 176.600 Drydock and Internal Structural Examination Intervals

(1) One comment noted that the drydock and internal structural examinations are written as if they are two separate examinations.

The Coast Guard advises that internal structural exams can be done with the vessel in or out of the water. In the past, some operators have hauled their vessels out of the water for only a short period of time and continued the internal exam back in the water. This option remains in place with the wording in the IFR.

(2) One comment stated that vessels less than 65 feet carrying less than 12 passengers on an international voyage are being adversely affected by the new annual drydock and internal exam requirement required by paragraph (b).

It is not the Coast Guard's intent to require vessels, not subject to SOLAS requirements, to meet standards derived from international standards. Language is added to the rule to indicate vessels subject to SOLAS requirements are to be hauled out annually.

Sections 115.610 and 176.610 Scope of Drydock and Internal Structural Examinations

One comment recommended that propeller shafts should not be examined and rudders should not be removed, unless there is obvious damage or the inspector can otherwise justify the action.

The Coast Guard agrees. These sections were revised as a result of comments to the SNPRM. Since these sections do not contradict the comment, no changes have been made to the rule.

Sections 115.612 and 176.612 Notice and Plans Required

Four comments stated that the wording in paragraph (b) is constrictive and is contrary to good maintenance practice in the field and in industry. The comments recommended that the words "but not limited to" be added after the word "maintenance."

The Coast Guard agrees and has added these words in both sections.

Sections 115.630 and 176.630 Tailshaft Examinations

Four comments recommended that tailshafts not be drawn, unless there is obvious damage or the inspector can otherwise reasonably justify the action.

The Coast Guard agrees. These sections were revised as a result of comments to the SNPRM. Since these sections do not contradict the comment, no changes have been made to the rule.

Sections 115.700 and 176.700 Permission for Repairs and Alterations

Five comments recommended that repairs in kind to maintain a vessel's material state should not require the permission of the OCMI.

Only repairs that involve altering a vessel's substantive characteristics or the safety of passengers must be reported to the OCMI for approval. The Coast Guard has determined that the language of this section satisfactorily addresses the comment. Repairs involving the replacement of plating, refastening, or other items covered in paragraph (a) require Coast Guard involvement because they affect passenger safety.

Sections 115.802 and 176.802 Hull

Six comments recommended that specific wording be added to paragraph (c) to reference the working of "wood" hulls. One comment queried that if underway inspections were not required for large vessels, then why are they required on small vessels other than wood vessels? Two comments stated that seasonal vessels do not keep crews on board year round so the personnel are not normally present for inspections. If personnel were required to be on hand, then it would be an added cost burden to an already overburdened industry. Two comments recommended that underway drills should be confined to dinner-cruise and excursion vessels, where passengers tend to be less aware of vessel operations than they are on fishing and dive boats.

As stated previously, underway inspections are commonplace at many MSO's regardless of hull material. Underway inspections verify the integrity of the hull structure regardless of hull material. Secondary bonds in fiberglass reinforced plastic (FRP) vessels and welds in aluminum and steel vessels can fail, resulting in an unsafe condition. Because the term "working of the hull" is more geared to wood hulls, the Coast Guard has deleted the words "working of" and added the words "and internal structure" to paragraph (c) to clarify the requirements. In addition, the operation of the main engines and steering gear under normal operating load can only be done underway. Performance of man overboard drills can also be better determined underway. With the new drill and crew training requirements in place, there should be a crew member on board during an inspection. The Coast Guard has determined that the days of inspections during "winter lay-up" are over. The owner will have to schedule an inspection when the vessel

is completely ready for inspection. The Coast Guard has not determined that there is a significant cost burden to industry in order to comply with an underway inspection at the vessel's inspection for certification.

Sections 115.808 and 176.808 Lifesaving

In order to correct inconsistencies contained in the IFR, the Coast Guard has amended these sections to include the term "inflatable buoyant apparatus."

Sections 115.812 and 176.812 Pressure Vessels and Boilers

Four comments stated that referencing § 61.05 of subchapter F for pressure valves has reduced the inspection interval from three years to two. It was recommended that pressure vessel examinations be eliminated altogether due to the lack of casualty data and the cost to industry.

The Coast Guard notes that items not inspected become neglected. To say that, because there have been no problems with pressure vessels, they no longer need to be inspected, does not take into consideration the idea that it is the inspection that has reduced the risk. However, the Coast Guard has determined that the three-year interval is appropriate for the types of air receivers found on small passenger vessels and has amended these sections accordingly.

Sections 115.920 and 176.920 Exemptions

Two comments recommended that the Coast Guard add exemptions to the STCW-driven regulations.

This request is beyond the scope of this rulemaking but may be addressed under the Coast Guard's on-going rulemaking on STCW (CGD 95-062).

Sections 116.202 and 177.202 Plans and Information Required

(1) Five comments suggested that, with the Coast Guard's initiatives to streamline vessel inspections, plan approval will, most likely, be delegated to third parties. It was recommended that a time frame within which plans must be approved by the Coast Guard or a third-party organization be added to the rule.

The Coast Guard does not intend to delegate all plan review functions to third parties. However, depending on the type of vessel and plan, there may be options available for the use of classifications societies or professional engineers. The Coast Guard notes that time-frames are dependent on the number of plans submitted and personnel available for review. In

addition, requirements for plan approval were relaxed in the IFR by requiring that only basic scantling plans be approved before construction. By reducing the number of plans that require approval before construction and by enabling classification societies and professional engineers to review construction plans, the delays experienced in the past should be minimized.

(2) Two comments stated that cross curves of stability are not appropriate for subchapter T boats and are generally no longer used because of computers.

The Coast Guard notes that cross curves contain the calculation of righting arms for the various angles of heel. This data is necessary for evaluating the stability of a vessel. However, the Marine Safety Center (MSC) may accept, on a case-by-case basis, computer tabulated righting arm data, if calculated at a close enough interval to accurately approximate the righting arm curves.

(3) Two comments noted that electrical plant analysis is a new and time-consuming requirement for T-boats.

The Coast Guard advises that electrical plant load analysis is not necessarily required on T-boats. Section 177.202(b) contains the plans and information that may be required by an OCMI or MSC. For the electrical plant load analysis requirement, sufficient capacity of the electrical system needs to be determined by the Coast Guard. If the Coast Guard cannot determine that sufficient capacity exists, then the owner is required to provide evidence that the electrical system is of sufficient capacity.

(4) Two comments asked what constitutes reasonable destructive testing?

Reasonable destructive testing includes burnout tests for fiberglass reinforced plastic laminates to determine resin content and bend tests on welding coupons, when required.

Sections 116.300 and 177.300 Structural Design

One comment recommended that the ABS 1990 High Speed Craft guide be acceptable for scantlings of aluminum.

The Coast Guard agrees and has added this to the rule. In addition, the ABS rules are also acceptable for vessels constructed of fiberglass reinforced plastic.

Sections 116.340 and 177.340 Alternate Design Considerations

Four comments wondered what happened to the five-year rule.

The Coast Guard advises that the five-year rule has been retained from the SNPRM in § 177.310 of subchapter T.

Section 116.405 General Arrangement and Outfitting

(1) The requirements for plastic pipe in concealed spaces, as written in the IFR, are inaccurate and contradict subchapter F and current Coast Guard policy. As a result, the current text in § 116.405 (f)(1) and (f)(2) has been deleted and § 116.405(f) has been rewritten, requiring plastic pipe to be regulated in accordance with subchapter F and current Coast Guard policy.

(2) Seven comments to § 116.405(i) stated that heavy-duty, plastic waste receptacles are the industry standard, because they are non-rusting and lightweight. The comments requested that the use of plastic waste receptacles be authorized.

The Coast Guard states that the requirement for waste receptacles to be constructed of noncombustible materials is consistent with subchapter H and the old subchapter T. The new regulations in the IFR state the desired performance. This provides vessel owners with potential options by not explicitly restricting the use of plastics, as long as an equivalent level of safety can be achieved.

Section 116.415 Fire Control Boundaries

(1) The Coast Guard provides the following comments on Type 6 spaces. Tables 116.415(b) and (c) were modified in the IFR to be more consistent with subchapter H. However, for ease of application, the three types of accommodations spaces in subchapter H were simplified to two in subchapter K. Specifically, type 6 and type 7 spaces in subchapter H were consolidated into a single category (type 7) in subchapter K. This consolidation increased the boundary requirements for a number of spaces that would have been classified as type 6 in subchapter H. Therefore, the type 6 category has been added to subchapter K. Additionally, the bulkhead requirement in table 116.415(b) for a boundary between a type 5 and 7 space has been reduced from A-15 to B-15, in order to be consistent with subchapter H.

(2) Table 116.415(b) is amended to clarify that distinct stairways must be separated with A-0 bulkheads.

Section 116.422 Ceilings, Linings, Trim, Interior Finish, and Decorations

(1) Three comments recommended restoring the provision from the NPRM that allowed the use of gypsum wall

board in boundaries not required to be structural fire control boundaries.

This issue was addressed in the preamble to the IFR. The regulations explicitly state the performance without making detailed reference to specific construction materials. Approved, noncombustible-faced gypsum board is available from several suppliers at a comparable cost to paper-faced gypsum board.

(2) One comment suggested that the term "combined area of the bulkheads" in § 116.422(c)(2) include the ceiling.

The Coast Guard agrees and has changed this section to include the ceiling.

Section 116.423 Furniture and Furnishings

(1) Four comments questioned that, if CAL TB 133 is the same as UL 1056, then why is CAL TB 133 not included in the regulations or incorporated by reference? Commercial sources recognize and rely on CAL TB 133.

The Coast Guard advises that CAL TB 133 is acceptable as discussed in the preamble of the IFR. It is not incorporated by reference because it applies to a particular State. UL 1056 was developed to provide a national standard and, thus, there is no need to reference any particular, local government requirement. However, revised NVIC 6-80 will state that CAL TB 133 is an acceptable alternative to UL 1056.

(2) Three comments recommended that carpet should be allowed on bulkheads because of its sound and acoustical control. The comments stated that the use of rated carpet should not be a problem. The Coast Guard was reminded that airlines use carpeting on bulkheads. The comments pointed out that carpeting is easier to maintain than a painted surface. As a minimum, one comment recommended that it be allowed at least on chair rails.

The Coast Guard disagrees. The issue of carpeting on bulkhead walls was adequately addressed in the preamble to the IFR.

Section 116.427 Fire Load of Accommodation and Service Spaces

The Coast Guard advises that paragraph (a) of this section has been amended to indicate that fire load calculations are not required for low risk service spaces.

Section 116.433 Windows and Air Ports in Fire Control Boundaries

The Coast Guard has concluded that the use of glass in stairways needs some clarification and text is added to this section, accordingly. A-class doors

should include limitations on glass consistent with those in subchapter H. The text is amended to read similar to subchapter H, § 72.05–25(b)(4). Along with this change, § 116.435(c)(9) is amended to allow unrestricted use of glass in doors opening out onto open decks.

Section 116.435 Doors

(1) One comment requested that the Coast Guard consider using ASTM F 1384 instead of UL 10B as the standard for fire testing doors.

The Coast Guard stated that the regulations, which contain prescriptive requirements for doors, do not specifically call out UL 10B. NVIC 6–80 discusses acceptable tests, such as UL 10B. Revised NVIC 6–80 will state that test requirements, such as ASTM F 1384 and UL 10B, are available as options to the minimum requirements in the regulations.

(2) Four comments recommended that the Coast Guard not ban horizontal doors and consider gravity neutral hatches.

Horizontal doors are not banned. They simply cannot be used in passenger areas. Horizontal doors are not appropriate for use by passengers because of the awkward situation caused by opening or closing these devices during egress.

Section 116.438 Stairtowers, Stairways, Ladders, and Elevators

(1) Two comments suggested that, for vessels in domestic service, appropriately located and protected exterior stairways should be equivalent to stairtowers.

The Coast Guard states that, in addition to protection from the effects of fire, indoor stairtowers afford protection from severe weather. No changes were made to this section.

(2) One comment recommended that this section include a maximum vertical height on intermediate stairway landings similar to subchapter H requirements.

The Coast Guard disagrees. Because of the nature of vessels, particularly vessels constructed to subchapter K, inherent limitations on vessel construction make it impractical to install stairways which have large flights uninterrupted by landings. No changes were made to this section.

(3) After further review of § 116.438, the Coast Guard revised this section as follows. Paragraph (k)(2) is revised to require that stairtowers give access to either an embarkation station, as opposed to an embarkation deck, or an area of refuge. The term “embarkation station” was used for consistency with

the term used in § 116.510. Paragraph (k)(3) is revised to clarify which spaces constitute “enclosed spaces in which a fire is likely to originate.” Paragraph (l)(6) is revised for clarity by deleting the words “satisfactory” and “vertical.” By deleting these words, the paragraph requires that, in the absence of stairtowers, stairs must provide a means of escape, which refers back to the definition of “means of escape” in § 114.400.

Section 116.439 Balconies

Paragraph (d) is revised to require that sprinkler systems be designed in accordance with NFPA 13 (which has recently been modified to address marine sprinkler systems) as opposed to § 76.25. Paragraph (e) is reworded to clarify that the open area in a balcony space must be at least 93 square meters (1,000 square feet), unless other provisions are installed.

Section 116.440 Atriums

Paragraph (c) is revised to require that sprinkler systems be designed in accordance with NFPA 13 (which has recently been modified to address marine sprinkler systems) as opposed to § 76.25.

Section 116.500 Means of Escape

Paragraph (a) is revised to indicate that a ladder and a deck scuttle are acceptable as a second means of egress for crew spaces on any vessel, regardless of length. Difficulty has been encountered in the application of paragraph (h). In the IFR, this paragraph indicates that the maximum allowable travel distance to a means of egress could not exceed 46 meters (150 ft). Means of egress is (and was in the IFR) defined as “a continuous and unobstructed way of exit travel from any point in a vessel to an embarkation station or area of refuge.” The intent of § 116.500(h) is to limit the distance of travel to a protected area, such as a stairway, area of refuge, or embarkation station. Section 116.500(h) is revised to clarify that travel distance to an exit may not exceed 46 meters, measured as actual walking distance. A definition was added to § 114.400 to define “exit” as either an area protected as a stairway, or a door which leads to an area of refuge or an embarkation station. Paragraph (p)(1) is amended to change the maximum dimension for a space that is permitted to have a single means of escape from 3.6 meters to 30 square meters to be consistent with other subchapters.

Section 116.520 Emergency Evacuation Plan

Paragraph (b) is amended to clarify that evacuation procedures must be developed for all possible casualty scenarios determined as required by paragraph (a). Since promulgation of the IFR, some difficulties have been encountered in determining acceptable standards for refuge areas. The preamble to the IFR indicated that standards for a refuge area are intended to be performance based. In the absence of a systematic approach which considers plausible fire scenarios and methods used to protect passengers while the crew attempts fire suppression or passengers await embarkation of lifesaving appliances, the Coast Guard considers the following minimum provisions acceptable: (1) minimum separation from other spaces other than voids, cofferdams, and tanks of A–60 integrity; (2) ventilation systems shall only service a single area of refuge, unless separated from other spaces by smoke and fire dampers; and (3) the refuge area shall be located in a public space above the bulkhead deck.

Sections 116.600 and 177.600 Ventilation of Enclosed and Partially Enclosed Spaces

One comment queried about requirements for ventilation of passenger accommodation spaces.

The Coast Guard acknowledges that reference to passenger accommodation spaces was inadvertently deleted during the revision of this section for the IFR. Wording is added to the final rule.

Section 116.610 Ventilation Ducts

Four comments stated that Heating Ventilation and Air Conditioner (HVAC) return air should not require ducting if there is adequate air grille area near the HVAC unit, and does not require penetration of a Class A barrier. Another comment stated that the enclosed ceiling area should be able to be used as a return plenum.

The Coast Guard advises that there are numerous arrangements for ventilation which may meet the intended performance. There are current Coast Guard policies on this issue and the revision of NVIC 6–80 on structural fire protection will formally incorporate many of these. It is not realistic to include all of this information in the text of the regulations. The text of the regulations includes only the basic requirements which permit flexibility for the designer. The Coast Guard has changed the regulations by removing the requirement that non-steel ducts must be fitted with steel sleeves at each A–

Class or B-Class fire control boundary penetrated. In addition, the regulations prohibiting a stairway or stairtower to serve as an air return for another space; a duct in a bulkhead or overhead designed for the passage of air from one space to another; or the use of concealed spaces as return ventilation plenums or ducts have been removed.

Sections 116.820 and 177.820 Seating

Two comments recommended restoring the SNPRM wording "by permanent or temporary means." This option permits the rearranging of furnishings for different functions.

The Coast Guard notes that the wording in the SNPRM was removed due to a comment that stated the wording was confusing and unnecessary. The change was considered editorial in nature and did not affect the section. The Coast Guard has not determined that paragraph(d)(4) precludes operators from moving furniture to accommodate a particular charter. The bottom line is that the seats must be secured to prevent injury to passengers.

Section 177.900 Deck Rails

(1) One comment questioned whether the requirements of paragraph (g)(1) applied to a vessel applying for an excursion permit. The comment noted that the cost of installing new rails, chain link fence, or bars may be prohibitive.

The Coast Guard states that paragraph (g)(1) does apply. Small passenger vessels should already meet the requirements for rail course spacing.

(2) One comment suggested that as older vessels come up for recertification, the new rail height requirements should be applied. Another comment recommended that Commandant institute a change to 46 CFR 177.35-1(d) and require sport fishing vessels that travel ocean routes be required to have rails at least 42 inches high, or sea rails from 30 to 42 inches. This will increase safety by requiring higher rails on vessels that encounter heavier sea conditions. A third comment recommended that all rail heights on passenger carrying vessels should be at least 40 inches. Where angling equipment requires a lower rail, a ten inch hinged section can be incorporated.

The Coast Guard's position since the NPRM in 1989 is that 1 meter rails are consistent with SOLAS standards, and appropriate for small passenger vessels. Retrofitting railing on existing vessels was considered in the original cost benefit analysis, but the cost could not be justified based on the casualty

statistics. Therefore, no changes were made to these sections.

Section 116.960 Guards for Exposed Hazards

Three comments addressed a question posed by the Coast Guard in the IFR regarding non-skid surfaces on stairs and open hatch protection. The comments stated the need for non-skid surfaces on stairways, and open hatch protection are best left to the operators. Common sense is a better guide than prescriptive standards.

The Coast Guard thanks the industry for providing this input. No further action will be taken at this time.

Section 116.1030 Operating Station Visibility

One comment urged the Coast Guard to make a clear, non-technical statement concerning the use of tinted glass in the operating station.

The Coast Guard advises that the use of industry standards is intended to aid the industry in complying with the regulations. Owners and operators wishing to tint their pilothouse windows must communicate the standards to the vendor who will make sure the correct products are used.

Section 116.1160 Watertight Integrity

The Coast Guard received eight comments regarding the 6" coaming requirement. The requirement for 6" coamings is a problem for some vessels, especially vessels that are designed with a small aft cockpit used as a boarding area. It is difficult to let people know that there is a coaming to negotiate as they enter the vessel. It should be noted that more than 65% of passenger injuries occur in this area of a vessel. The comment desired to know if there is some way to minimize the coaming in this area. The comment understands the requirement for fore deck areas, but an aft cockpit area may have better than 40" of bulwark. Two comments also understand downflooding, but passenger injuries should take precedence. The Coast Guard notes that § 171.122 only applies to vessels of at least 100 gross tons. These comments were considered in developing § 179.360. Ensuring that passengers and crew are aware of potential trip and fall hazards is the responsibility of the vessel owner/operator. Warning signs, safety instructions and adequate embarking and disembarking points should assist in accommodating these issues. The Coast Guard reminds owners and operators of small passenger vessels that 46 CFR subparts 114.540 and 175.540 accommodate the issue of equivalents for subchapter K and T

vessels respectively. "The Commandant may approve any arrangement * * * which provides a level of safety equivalent to that established * * *" may assist an owner or operator in determining equivalent or alternative coaming requirements.

Section 177.410 Structural Fire Protection

Internal review by the Coast Guard identified possible misinterpretation of the requirements for fiber reinforced plastic, specifically the text of § 177.410(b) in the IFR. Coast Guard policy has allowed resin systems that do not meet MIL-R-21607 to be accepted as fire retardant resins if they have a flame spread rating of 25 or less when tested to ASTM Standard E-84 (per NVIC 8-87 with Change 1). This policy was changed with the publication of the IFR which raised the maximum E-84 flame spread rating to 100 for qualifying fire retardant resins. The text of § 177.410(b) of this rule is amended to retain the allowance of fire retardant resins meeting MIL-R-21607 that was previously in subchapter T regulations for vessels that carry 150 passengers or less. For polyester resins that have not been accepted under MIL-R-21607 or other resin types such as epoxy, phenolic, and vinyl ester, alternate acceptance criteria using ASTM E-84 have been established. The end result is that the spirit of NVIC 8-87 requirements for fire retardant resins has been effectively incorporated into the regulation. In order to qualify resin systems using ASTM E-84, either the resin manufacturer or the shipbuilder must submit test results of the resin system as tested in a glass fiber laminate form. The regulation does not specify a laminate schedule for testing, but rather specifies a range of laminate thickness and a minimum resin content by percent weight. The glass fiber reinforcement may be in any form (i.e., chopped strand mat, woven roving, cloth, chopped fiberglass) as long as the test laminate contains a minimum of 40 percent resin content by weight. This resin content was chosen in order to be consistent with the requirements of MIL-R-21607 which specifies a resin content between 38 and 44 percent. A resin system that passes the ASTM E-84 requirements may be used in any laminate, of any thickness, resin content, and with any type of fiber reinforcement including glass fiber, polymer fiber, and carbon fiber. The Coast Guard has determined that this provides an acceptable equivalent to the MIL-R-21607 requirements for a fire retardant rating. Note that the 1 year weathering criteria is not required for

laminates tested to ASTM E-84. If a builder, using a certain lay-up process and laminate schedule, is able to attain the required flame spread rating even though the particular resin system used has not previously qualified as fire retardant, then a request for consideration for qualifying that specific laminate schedule in a particular vessel may be submitted to the MSC.

Section 178.310 Applicability Based on Length and Passenger Capacity

One comment noted that following references to three or four different regulations is extremely complicated for individuals with limited reading skills.

The Coast Guard appreciates the concern with the complicated nature of the regulations, and agrees that they can be confusing. However, continuous efforts are being made to simplify the format. The regulatory cites in paragraphs (a) and (b) provide options for compliance with intact stability standards. To repeat wording on the same page or out of subchapter S would be redundant and make the regulations more confusing.

Section 178.325 Intact Stability Requirements for a Sailing Vessel

One comment questioned why sailing school vessel stability standards are included in this part.

The Coast Guard states that part 169 refers to subchapter S, parts 170–174, for stability requirements, as does § 178.325. Sailing school vessels can also be inspected as subchapter T boats. For this reason, reference to them must be included in this subchapter.

Section 178.330 Simplified Stability Proof Test

The Coast Guard has reevaluated this section. The simplified stability test on passenger vessels less than 65 feet is done in accordance with § 178.330 (§ 171.030 in old subchapter T). The vessel is to be loaded as described in § 178.330(a)(4). The traditional method for conducting the simplified test is provided on Coast Guard form, CG-4006 (Rev. 8–79). This form dates back to “Ancient” subchapter T in § 179.10–1, but the verbiage in new subchapter T is quite similar. Basically, the total weight of all persons and other loads are to be on board and “distributed so as to provide normal operating trim and to simulate the vertical center of gravity (VCG), causing the least stable condition that is likely to occur in service.” Form CG-4006 goes one step further. On page 2 of 8, paragraph (2), the weight distribution on board a vessel “having one upper deck above the main deck available to passengers . . .” has an

additional safety factor thrown in that is not currently taken from or referenced in the regulations. The weight located on the one upper deck is the equivalent of 1.33 times the actual weight of passengers to be located there. The rationale for doing so is understood, however, one problem is it appears “arbitrary” with no reference in the regulations and no other apparent basis. It certainly does help to ensure the conservatism of the test, which has been proven by the test of time since it appears no subchapter T boats have been lost due to stability who have performed this simple stability test. The Coast Guard affirms keeping the 1.33 safety factor for weight distribution on the upper deck, and put it in § 178.330(a)(4) of the new regulation. The simplified stability test is written in accordance with § 171.030, and all other test parameters are referenced in this section. Although there does not appear to be any formal explanation as to the origin of the $\frac{1}{3}$ safety factor applied to the passenger weight distribution on the upper deck, the simplified stability test has clearly withstood the test of time. It has been double checked and validated in numerous casualty investigations, and this change will be made in subchapter S, under § 171.030(c).

Section 179.212 Watertight Bulkheads for Subdivision

Two comments supported the watertight division requirements for wooden hull vessels.

The Coast Guard thanks the industry for this input.

Section 179.230 Damage Stability Requirements

One comment noted that in the new regulations, vessels demonstrating intact stability through calculation were no longer required to meet damage stability requirements, and urged the Coast Guard to reinstate the requirement.

The Coast Guard agrees. The damage stability requirements for vessels less than 19.8 meters (65 feet) carrying more than 49 passengers and vessels carrying more than 12 passengers on an international voyage were inadvertently deleted in the SNPRM. In order to remain consistent with subchapter S, reference to § 179.212(b) has been removed. This will ensure that any vessel required to meet intact stability and Type II subdivision standards in subchapter S will also have to meet damage stability.

Section 179.240 Foam Flotation Material

One comment questioned why there is a length limitation of 65 feet for the

use of foam flotation in subchapter T when there is no such limitation in subchapter S (§ 170.245). It was recommended that the length limitation from subchapter T be removed and leave the decision to the OCMI.

The Coast Guard agrees that the regulations should be consistent. The NPRM originally proposed the limit on foam flotation for small passenger vessels, understanding that proper subdivision for larger vessels should not be an issue. When subchapter K was created in the SNPRM, subchapter K vessel stability was addressed in subchapter S. Subchapter S should have been revisited to address the use of foam flotation for subchapter K vessels. However, since approval of the use of foam as flotation material remains with the cognizant OCMI and/or the MSC, and in view of MSC experiences, the length restriction of subchapter T is removed and does not weaken the intent of the regulation. In addition, the text in § 179.240(b)(1) to meet the requirements for fire resistance in MIL-P-21929 has been removed. The Coast Guard approval process for flotation foams does not currently require these materials to meet the fire resistance criteria in MIL-P-21929.

Section 179.350 Openings in the Side of a Vessel Below the Bulkhead or Weather Deck

One comment wanted to know if a flap-operated check valve would be considered a positive action valve.

The Coast Guard says no. Positive action valves are gate, ball, barrel, or globe valves.

Section 179.360 Watertight Integrity

One comment recommended that the Coast Guard reconsider six inch coaming requirements due to trips and falls of passengers. Another comment recommended that the Coast Guard consider the use of removable coamings that could be used in the event of severe weather to minimize downflooding.

The coaming issue has been previously discussed under § 116.1160. The use of removable coamings is not specifically prohibited in the regulations. However, the Coast Guard has determined that a coaming installed only part of the time would add to passenger confusion and injuries in the event of an emergency such as rough weather.

Sections 117.10 and 180.10 Applicability to Vessels on an International Voyage

One comment asked what subchapter W is? Another comment recommended a vessel less than 65 feet carrying less

than 12 passengers on an international voyage should not have to meet SOLAS requirements and carry life rafts.

The Coast Guard advises that reference to subchapter W (46 CFR chapter I, subchapter W) was a proactive step designed to minimize the number of revisions to the final rule. Subchapter W was published as an interim rule on May 20, 1996. The Coast Guard also states that it was not its intention to require vessels, not subject to SOLAS, to meet requirements based upon international standards. Both sections are revised to indicate requirements for vessels subject to SOLAS.

*Sections 117.15 and 180.15
Applicability to Existing Vessels*

Two comments stated that all existing vessels should have the option of a ten year phase-in period regarding survival craft installation.

The Coast Guard disagrees. The Coast Guard's stand on grandfathering has not changed since the publication of the SNPRM and the IFR.

Sections 117.64 and 180.64 Emergency Position Indicating Radiobeacons (EPIRB)

One comment stated that the Coast Guard should not require EPIRBs until a cost benefit analysis shows the need for these devices.

In the report "A Study of Lifesaving Systems," the Coast Guard determined that more lives would have been saved if the vessels involved would have had EPIRBs rather than inflatable survival craft. The successes seen in the fishing vessel industry as a result of the required 406MHz satellite EPIRB supports the need for the small passenger vessel industry to upgrade to the more accurate and reliable device.

Sections 117.68 and 180.68 Distress Flares and Smoke Signals

(1) One comment questioned the exemption of not requiring vessels on short runs to carry distress signals. The comment noted that recreational vessels are required to carry distress signals.

The Coast Guard advises that the exemption is designed for ferries and other vessels on set schedules and operating not far from shore. No changes have been made to these sections.

(2) After review of the IFR, the Coast Guard has included "limited coastwise" as an applicable route in paragraph (a) of both sections.

Section 180.70 Ring Life Buoys

(1) One comment recommended that the term "ring life buoy" be used in the title for subpart C.

The Coast Guard agrees. In both subchapters K and T, the heading for subpart C reads "Ring Life Buoys and Life Jackets."

(2) After review of §§ 117.70(c)(5) and 180.70(c)(5), the Coast Guard has changed the term "510 kilograms" to "5 kilonewtons" to indicate force units.

Sections 117.71 and 180.71 Life Jackets

(1) Six comments stated that the allowance for additional personal flotation devices (PFDs) to be carried for a temporary need and not marked with a vessel's name, but with another name or a company's name, needs to be addressed in this section.

This change would reduce the amount of confusion and misinterpretation within the Coast Guard and industry. The Coast Guard agrees. Language is included in § 122.604 to allow another vessel's name or a company's name to be on life jackets used to meet a temporary need.

(2) One comment recommended that all passengers be required to wear an inflatable life vest which fits the body and can be, in an emergency, inflated by pulling a string.

The Coast Guard has not determined that this is a practical solution for reducing the number of fatalities due to an individual falling overboard. The master of a vessel is responsible for the passengers and crew of that vessel. In instances of rough weather or other potentially dangerous situations, the master is responsible for ensuring that the passengers and crew are properly outfitted for an emergency.

Section 180.75 Life Jacket Lights

One comment recommended that ferries and vessels operating within 20 miles from a harbor of safe refuge be required to carry life jacket lights.

The Coast Guard disagrees. The Coast Guard has determined that vessels operating within 20 miles from a harbor of safe refuge are close enough to search and rescue resources so that, by the time assistance arrives on scene, persons in the water should not become separated too far from survival craft (inflatable buoyant apparatus (IBA), life floats, and buoyant apparatus) equipped with marker lights. This is especially true with the rapid distress notification proven with the Category 1, 406 MHz, satellite EPIRB that is required for vessels operating on a limited coastwise route.

Sections 117.130 and 180.130 Stowage of Survival Craft

After review of the IFR, the Coast Guard amends these sections by

referring to the approval series 160.062 and 160.162 for hydrostatic release units.

Sections 117.150 and 180.150 Survival Craft Embarkation Arrangements

The Coast Guard revises §§ 117.150(a) and 180.150(a) to correct a discrepancy noted when trying to apply the survival craft embarkation standards. A launching appliance approved under the approval series 160.032 is not suitable for liferafts. For davit-launched liferafts, a liferaft launching appliance approved under the 160.163 series (with an automatic release hook approved under the 160.070 or 160.170 series) is the appropriate requirement. For throw-over liferafts and inflatable buoyant apparatus where the embarkation station is greater than four and one-half meters (15 feet) above the waterline, a marine evacuation system approved under the 160.175 series is the appropriate requirement.

Sections 117.175 and 180.175 Survival Craft Equipment

One comment suggested that the wording "12-thread manila" is confusing and outdated. Another comment stated that inflatable buoyant apparatus equipment packs are not the same as rigid buoyant apparatus.

The Coast Guard agrees. Wording is changed to reflect a 3/8 inch lanyard made of ultraviolet resistant material. Additionally, these sections are revised to state that an equipment pack in an inflatable buoyant apparatus is required to meet standards set by the manufacturer.

Sections 117.200 and 180.200 Survival Craft—General

(1) One comment noted that the reference to § 160.151 is not appropriate because it does not exist in 46 CFR. Another comment stated that there is no reference to inflatable buoyant apparatus in § 160.010, and IBAs are not defined in § 175.400.

The Coast Guard states that the approval series in § 160.151 has been used for years to indicate liferafts approved as complying with SOLAS. An upcoming revision to subchapter Q will contain the approval series in § 160.151. However, a change to the text in subchapters K and T, referring to the approval series, would be more appropriate. As for inflatable buoyant apparatus and other survival craft, the same reference to approval series should remove the confusion.

(2) Three comments stated that subchapter K and K" vessels are their own best survival craft. The comments also stated that there should be no

difference between the survival craft requirements between subchapters K and T. Two comments suggested that since subchapter T boats can install watertight bulkheads to avoid carrying IBAs, subchapter K vessels should have the benefit of the lesser requirement.

The Coast Guard disagrees. The Coast Guard's concern is putting large numbers of passengers in cold water offshore. Warm water requirements are similar between subchapters K and T. The Coast Guard recognizes that subchapter K vessels are built to more stringent standards; however, survival craft standards are driven by the number of passengers on board. The industry should recognize that there is a difference between carrying 100 passengers, 20 miles offshore and 400 passengers on the same route. All things being equal (i.e., Steel vessel of similar dimensions), a subchapter K vessel requires structural fire protection and out of the water survival craft for 67 percent of the passenger capacity (will accommodate 100 percent of passengers). The Coast Guard considers these increased requirements necessary to address the vessels operating environment, proximity to adequate rescue resources, and number of passengers carried.

(3) Three comments noted that three miles is used as a breakpoint for survival craft operating on a limited, coastwise route. Offshore casino vessels operate beyond three miles, but no further, and should receive the same treatment. The comments recommended moving the breakpoint to five miles.

The Coast Guard disagrees. The three mile breakpoint resulted from new EPIRB requirements. The EPIRB provides an equivalent level of safety for vessels electing to not carry additional survival craft within three miles. Vessels operating beyond three miles and not wanting to carry required survival craft must convince the OCMi that they have provided an equivalent level of safety.

(4) One comment noted that in Table 117.200, Footnote 9, § 117.207(e) should read § 117.207(f).

The Coast Guard agrees and the change is made. In addition, Footnote 8 is changed to read § 117.207(e).

(5) The Coast Guard deletes the term "citation in brackets" in paragraph (c) in both sections.

Section 180.202 Survival Craft—Vessels Operating on Oceans Routes

One comment stated that 67 percent inflatable buoyant apparatus does not provide enough capacity for all passengers carried.

The Coast Guard disagrees. As stated in the preamble to the IFR, IBAs are tested to a 150 percent overload capacity. This means that a vessel with 67 percent IBA capacity can accommodate 100 percent of the persons on board.

Section 180.204 Survival Craft—Vessels Operating on Coastwise Routes

(1) One comment recommended that life floats be phased out because they do not provide adequate out of the water hypothermia protection.

As stated in the preamble to the IFR, the Coast Guard reduced survival craft requirements from those proposed in the SNPRM due to the casualty history of the small passenger vessel industry. Even the Coast Guard's own study of subchapter T boat casualties concluded that more people would have been saved if the vessels were equipped with EPIRBs rather than inflatable survival craft.

(2) One comment stated that life floats do not provide adequate shark protection.

The OCMi has the latitude to require additional survival craft in areas considered hazardous. This may include shark infested waters. However, casualty statistics do not indicate a trend in fatalities due to shark attacks.

Sections 117.205 and 180.205 Survival Craft—Vessels Operating on Limited Coastwise Routes

(1) Two comments recommended that the Coast Guard authorize vessels to reduce the number of IBAs required during winter months when fewer passengers are carried.

The Coast Guard advises that the OCMi has the authority to endorse the COI with a cold water restriction.

(2) One comment suggested that the reference to § 180.204(d) is confusing. It was recommended that the requirements be spelled out in each section.

The Coast Guard disagrees. The Coast Guard is trying to reduce redundant wording in the regulation.

(3) One comment stated that wood vessels less than 65 feet operating on limited coastwise (LCW) routes are just as safe as FRP vessels in cold water and should not be required to carry inflatable buoyant apparatus.

The Coast Guard advises that wood vessels account for over 90% of the loss of vessel/loss of life casualties over the past 20 years. Statistics indicate that the route of a vessel did not matter. Existing wood vessels less than 65 feet also have the option of installing watertight bulkheads in lieu of carrying inflatable survival craft.

Section 117.207 Survival Craft—Vessels Operating on Lakes, Bays, and Sounds Routes

One comment recommended that vessels meeting paragraph (f) should use the existing 30 percent life float requirement. The comment further recommended changing the wording in paragraph (f) "may be granted a reduction* * *" to "be provided with life floats of an aggregate capacity that will accommodate at least 30 percent of the total number of persons on board."

The Coast Guard disagrees. The wording in the IFR appropriately allows the OCMi latitude in reducing the amount of primary lifesaving equipment on board a certain vessel.

Sections 117.208 and 180.208 Survival Craft—Vessels Operating on River Routes

(1) One comment recommended the Coast Guard revisit the issue of not requiring vessels operating within one mile of shore on a rivers route to carry survival craft.

The Coast Guard states that the one mile exemption is carried over from the old small passenger vessels regulations. Casualty statistics do not warrant increased survival craft requirements on vessels operating in such close proximity to shore.

(2) Two comments recommended adding a three mile equivalent or alternative to the 15 minute radio communication schedule.

The Coast Guard states that the three mile distance criteria applied to other bodies of water is not practical in a rivers route. Most vessels will be exempt from survival craft requirements because they will operate within one mile of shore. For vessels that do operate beyond one mile from shore, a 15 minute communications schedule or participation in a Vessel Traffic Service (VTS) allows the vessel to quickly notify the Coast Guard in the event of a casualty.

Sections 117.210 and 180.210 Rescue Boats

One comment stated that rescue boat is not well defined. It also stated that the reference to subchapter H is not specific as to which part. Two comments stated that the subchapter Q standard for a rescue boat ignores 50 years of experience. They noted that even the Coast Guard uses rigid hull inflatable boats with great success. The comments recommended that the Coast Guard consider the use of rescue boats other than those approved by subchapter Q. The Coast Guard agrees that rescue boats of the rigid-hull

inflatable type can provide satisfactory service. In the past, OCMI's have approved boats such as rigid-hull inflatables as "equivalents" to straight 160.056 rowboat-type rescue boats. This practice will not change. With the publication of subchapter W on May 20, 1996 (61 FR 25272), the reference to subchapter H in §§ 117.810 and 180.810 is no longer appropriate since § 75.10-5(e) no longer exists. In order to maintain the intent of the rescue boat section, performance language from the old subchapter H requirement has been added to both subchapters K and T. In addition, the approval series 160.056 has been retained for vessels operating on protected waters. The 160.156 approval series cited as the rescue boat standard in subchapter W allows the use of rigid-hull inflatable and entirely inflatable rescue boats. The Coast Guard has determined that by adding performance language, retaining the 160.056 standard for vessels operating on protected waters, and adding the 160.156 approval series for vessels operating on exposed and partially protected waters, the intent of the former subchapter H cross reference is maintained.

As resources allow, rescue boat requirements in subchapter Q will be updated to reflect the variety of available, suitable boats.

Sections 118.300 and 181.300 Fire Pumps

(1) One comment noted that the word "manual" is confusing when discussing local operation of the fire pump. The comment wanted clarification as to what is meant and is it the intent of the Coast Guard to require a manual electric switch at the pump? Two comments recommended the section be reworded to read "A fire pump must be capable of operation from both the control station and the pump location."

The Coast Guard acknowledges that the intent is to be able to operate the pump from the operating station and locally at the pump. How that is to be accomplished is up to the owner or operator of the vessel. In order to reduce confusion, the word "manual" is deleted.

(2) Two comments suggested that the fire pump required in § 181.300(b) for vessels less than 65 feet carrying more than 49 passengers is excessive and should be reconsidered using casualty data. In addition, fixed extinguishing systems will be required, so the fires encountered will be put out with portable extinguishers.

The Coast Guard disagrees. Subchapter T previously required a fire pump on vessels that carry over 49

passengers. Casualty history available to the Coast Guard may not accurately reflect the number of fires on these vessels, since fires which were extinguished using the fire pump may not have been reported. The Coast Guard has determined that vessels which carry more than 49 passengers represent a risk that warrants requiring a fire pump, regardless of vessel size. No changes were made to this section.

(3) With regard to the comment about fires encountered being put out with portable extinguishers, the Coast Guard disagrees, in that portable extinguishers are not an acceptable replacement for a firemain system. Portable extinguishers are adequate only for small incipient fires, have limited amount of agent, and provide the fire fighting agent for a short duration. On the other hand, hose streams off of a firemain system provide unlimited water supply.

Sections 118.310 and 181.310 Fire Main and Hydrants

As previously discussed in §§ 114.400 and 175.400, the Coast Guard amends § 118.310 by adding a new paragraph (d) requiring vessels carrying more than 600 passengers or with overnight accommodations for more than 49 passengers to meet subchapter H fire main and hydrant standards. This is already required under the IFR for vessels carrying more than 600 passengers, and was a recommended and accepted practice in NVIC 11-83 for vessels with overnight accommodations for more than 49 passengers. In addition, §§ 118.310 and 181.310 are amended by adding paragraph (c) that requires isolation valves on fire hydrants to allow damaged hoses to be removed and replaced while the fire main is charged. This is a common marine design practice that the Coast Guard has determined must be maintained.

Sections 118.320 and 181.320 Fire Hoses and Nozzles

As previously discussed in §§ 114.400 and 175.400, the Coast Guard amends §§ 118.320(a) and 181.320(a) by replacing "fire stations" with "fire hydrants."

Section 181.400 Where Required

(1) One comment recommended that the documentation for a fixed CO₂ fire extinguishing system be retained. The comment reiterated the NTSB recommendation M-95-37 from the ARGO COMMODORE fire casualty requiring that plan approval records for fixed fire extinguishing systems be maintained for the life of the vessel.

The Coast Guard has not determined that it is necessary to issue a regulation requiring vessel owners to retain plan approval records for their vessels. NVIC 13-83 encourages vessel owners and operators to keep a complete set of vessel plans, including fixed firefighting system plans.

(2) Four comments stated that the industry is still concerned over automatic shutdown of main engines and ventilation, and recommended that fire and heat detectors are a better alternative.

The Coast Guard advises that detection systems are required by § 181.400. It is true that manual systems are still required to shutdown machinery and ventilation, because one of the keys to fighting a fire is keeping the extinguishing agent in the space protected.

(3) Three comments stated that fire extinguishing systems should not be retrofitted to all existing wood and FRP vessels. They stated the casualties do not justify the cost to the industry.

As for justification and cost, the Coast Guard's position has not changed since the SNPRM and IFR. The vessels most at risk are wood and FRP.

(4) One comment noted that by definition a wheelhouse is a control space. The comment asked if § 118.400(e)(1) and (e)(2) require a smoke activated and manual fire detection system in the wheelhouse?

The Coast Guard acknowledges that the wording used in the IFR would lead someone to believe that a detection system is required in the wheelhouse. However, from a practical standpoint, the Coast Guard has determined that placing an automatic and manual fire detection system in a continuously manned operating station is unnecessary. This section is revised accordingly.

Sections 118.410 and 181.410 Fixed Gas Fire Extinguishing Systems

(1) After further review of the IFR, the Coast Guard has determined that paragraph (b)(2) of these sections needed to be revised to clarify when release of an extinguishing agent requires two distinct operations. The reference to paragraph (c)(2) may be confusing to the reader. The Coast Guard has amended these sections by removing any confusing references.

(2) Section 118.410(d)(7)(ii) has been revised to be consistent with § 181.410(d)(7)(ii), which requires the distribution lines to undergo a test similar to that conducted on the manifold system. This correction is needed to allow for the 300 PSI pressure

drop that is indicated in paragraph (d)(7)(i).

*Sections 118.500 and 181.500
Required Number, Type, and Location*

One comment recommended that the regulations should better describe the different types of extinguishers or define portable or semi-portable; the old regulations did.

The Coast Guard states that the new regulations contain the same information as the old regulations, but in a slightly different format.

Sections 119.320 and 182.320 Water Heaters

One comment stated that the requirements for water heaters are confusing. It was recommended that the Coast Guard reduce the amount of technical data. Hooking up a water heater is not a difficult task.

The Coast Guard partially agrees that the language is confusing. Most water heater installations will meet the exception criteria in paragraph (b). The Coast Guard has determined that there also needs to be a reference to larger, higher capacity installations. The Coast Guard redesignates paragraph (b) as (a) and vice versa in order to reduce any confusion.

Section 182.415 Carburetors

One comment noted that Coast Guard Approval Numbers 162.015, 162.042, and 162.043 are not in the current subchapter Q. In addition, Approval Number 162.043 cannot be found in the Coast Guard's Equipment lists (COMDTINST M16714.3E) and is confusing.

The Coast Guard agrees that the referenced Approval Numbers are old, and were used prior to SAE and UL standards. The intent is that older gas engine installations can remain in service using previously approved equipment as long as that equipment is in good and serviceable condition.

Section 119.425 Engine Exhaust Cooling

One comment recommended allowing the injection of engine exhaust cooling water farther down stream if the exhaust line forward of the cooling water injection is properly insulated. This has been accepted by MSC in the past.

The Coast Guard partially agrees. Equivalencies are granted on a case by case basis, and this practice will continue. If the designer is concerned about water injection, consider a dry horizontal system.

Sections 119.430 and 182.430 Engine Exhaust Pipe Installation

Two comments stated that check valves installed in exhaust lines impede the flow of exhaust. They recommended changing the wording to read "deter or minimize the in flow of water."

The Coast Guard partially agrees. The intent of paragraph (d) is to prevent cold water from entering the exhaust system. There is no requirement for a check valve to be installed. However, in the interest of clarity, the Coast Guard has determined that paragraph (c) provides enough guidance as to the exhaust installation, and has removed paragraph (d).

Section 182.435 Integral Fuel Tanks

In the recent past, the Coast Guard has been asked to make this section performance based, rather than limited to strictly closed cell polyvinyl chloride (PVC).

The Coast Guard agrees this should be done, and has revised this section to allow for equivalents to closed cell PVC foam.

Section 182.445 Fill and Sounding Pipes for Fuel Tanks

Four comments stated that paragraph (b) of this section is entirely unnecessary. The comments also stated that sounding pipes are not always practical, and gages are expensive and troublesome. Small passenger vessels, especially ferries, operate on scheduled runs so fueling is done on a schedule corresponding to that vessel. Recordkeeping should be an acceptable alternative.

The Coast Guard disagrees. Fuel tank level monitoring is an indispensable part of not only fuel management, but also damage control. If a tank is in communication with the sea, bilge, cargo, or any other tank, no matter what the contents, the proper level must be able to be determined for stability and environmental protection concerns.

Sections 119.458 and 182.458 Portable Fuel Systems

One comment questioned whether the prohibition against the use of portable fuel systems also restricts the carriage of emergency gasoline-operated pumps and generators.

The Coast Guard states that generators that use gasoline or any other fuel must meet the requirements of parts 119 and 120 or 182 and 183 in subchapters K and T, respectively. As for emergency dewatering pumps, the Coast Guard has determined that their use should not be prohibited. Sections 119.458 and 182.458 are revised to allow dewatering pumps. Additional guidance on the

carriage of spare fuel is in Volume II, page 10-3, of the Coast Guard MSM.

Section 119.465 Ventilation of Spaces Containing Diesel Machinery

The Coast Guard notes that the prohibition of dampers in machinery space supply air ducts in paragraph (f) is contradictory to § 116.610(f) which requires automatic fire dampers in ducts serving machinery spaces.

The Coast Guard has determined that the requirements designed to contain a fire within a machinery space take precedence over the damper prohibition. Paragraph (f) in § 119.465 is revised to reflect the requirements in § 116.610(f).

Section 182.465 Ventilation of Spaces Containing Diesel Machinery

One comment asked what if there is only one exhaust outlet for multiple ventilation intakes? Does the area of the exhaust have to be proportionally increased with the number of inlets?

The Coast Guard advises that paragraph (c) of this section requires at least two intake and two exhaust ventilation ducts. Each duct must have the open area indicated in the paragraph. Where additional ducts are installed, each additional duct must meet the requirements of this section.

Section 182.520 Bilge Pumps

(1) One comment stated that bilge pumps are not dewatering pumps. They are used for the maintenance removal of accumulated water. A 25 gallon per minute (GPM) pump is larger than needed on vessels less than 65 feet carrying more than 49 passengers. The comment suggested a ten GPM pump.

The Coast Guard states that a 25 GPM pump has been the standard for 30 years, and the Coast Guard sees no reason to change to a less conservative standard.

(2) One comment recommended that the discharge hose mentioned in paragraph (b)(2) of this section be long enough to discharge the water over the side of a vessel.

The Coast Guard agrees. The wording in paragraph (b)(2) is revised to read the same as § 119.520(b)(2).

Sections 119.530 and 182.530 Bilge High Level Alarms

(1) One comment suggested that bilge alarms are okay for vessels without one compartment subdivision, but excessive for other vessels.

The Coast Guard disagrees that only vessels without one compartment subdivision need a high bilge level alarm. The time to discover that your vessel has taken on water is not when

you start to "feel" the vessel move differently. In an emergency situation, time is everything and can mean the difference between life and death.

(2) Two comments suggested a bilge pump resettable counter in lieu of an indicator light. Sometimes, the bright sunlight makes it hard to see the indicator light, and the operator may not be aware of how many times the bilge pump has cycled on and off.

The Coast Guard states that the regulation only calls for a visual indicator. The intent of the requirement is to give the operator an indication when the automatic bilge pumps are running. Where lights are not practical, the OCMI considers alternatives proposed by the owner or operator.

(3) One comment questioned if a separate light is required to indicate that the automatic pump is running. This point is not clear.

The Coast Guard states that a separate indicating light is required because a "pump running" light is not an alarm as required by paragraph (a). No additional clarification is required.

Section 182.610 Main Steering Gear

One comment noted that paragraph (f)(1) of this section references 46 CFR 111.93–11(d). This cite does not exist. The comment also questioned why is overload protection prohibited for steering gear systems?

The Coast Guard acknowledges that the reference to § 111.93–11 is outdated. The new subchapter F cite of § 58.25–55(d) is added to subchapter T. The Coast Guard advises that overload protection is prohibited on steering gear systems to ensure that the steering gear will continue to run until failure in an emergency. Only short-circuit protection is allowed for the reasons of preventing catastrophic damage to motors, wiring, and the possibility of fire.

Section 182.720 Nonmetallic Piping Materials

(1) Two comments noted that this regulation means that the operator cannot replace a fuel or hydraulic hose with make up fittings. Ordinary practice is to assemble replacement hoses using material that far exceeds the pressure demands of the system. If a hose is replaced in an 80 pound per square inch (psi) system with a 1000 psi hose, the proof test, at twice the rated pressure, is not possible.

The Coast Guard agrees. The wording in paragraph 182.720(e)(1) is changed to "twice the maximum operating pressure of the system."

(2) After review, the Coast Guard has revised paragraph 182.720(e)(3)(ii) to

include watertight decks in addition to watertight bulkheads.

Section 183.322 Multiple Generators

One comment noted that the revision of subchapter J is complete. The IFR references subchapter J prior to its revision. Which version is to be used?

The Coast Guard states that a review of the newly revised subchapter J has been done to ensure that the referenced cites are still accurate and appropriate. The cites listed in this rule are appropriate.

Sections 120.340 and 183.340 Cable and Wiring Requirements

One comment noted that the revision to subchapter J allows the use of wire nuts for wire and cable connections. Subchapters K and T specifically prohibit the use of wire nuts. The regulations need to be consistent and not allow the use of wire nuts.

The Coast Guard states that wire nuts are allowed in subchapter J subject to very specific conditions outlined in § 111.60–17. The Coast Guard has determined that reiterating those conditions in paragraph (i) of these sections is appropriate in order to be consistent with subchapter J.

Section 183.376 Grounded Distribution Systems (Neutral Grounded)

One comment noted that this cite correctly assumes that there could be a dual voltage system not fed by a dual voltage generator and, therefore, could be of the ungrounded or floating neutral type. Because this is possible, a reference needs to be made to § 111.05–25 of subchapter J for ground detection of ungrounded systems. This will avoid confusion during the plan approval process for both the Coast Guard and industry.

The Coast Guard agrees. Text in subchapter J is added to subchapters K and T under new §§ 120.378 and 183.378 entitled "Ungrounded Systems."

Section 183.430 Portable Lights

One comment suggested that small (30 feet or less), outboard powered, open boat (or small boat with no enclosed engine space) should be required to carry only one operable, portable light.

The Coast Guard advises that this type of request should be made to the OCMI. It is reasonable to assume that, if the vessel is not equipped with a separate machinery space, then the portable light required to be outside that space is not required. A regulatory change is not necessary.

Sections 120.432 and 183.432 Emergency Lighting

Two comments stated that the requirement for an emergency light to have a continuous operating capacity of six hours is excessive. Standard industrial units have a two hour capacity.

The Coast Guard agrees. Emergency lighting used to escape from below deck spaces on a small passenger vessel should not need to run more than two hours. The six hour criterion is reduced to two hours.

Sections 121.220 and 183.220 Cooking Equipment

One comment recommended that the Coast Guard require UL approval on cooking appliances, and the requirement for heavy duty hinges is unclear.

The Coast Guard has determined that the general requirements contained in this section adequately address the safety concerns regarding cooking equipment on board vessels. UL, NFPA, and American Boat and Yacht Council (ABYC) standards were considered in drafting this requirement in 1989. The Coast Guard agrees that the words "heavy duty" add no value to the requirement and has removed those words from both § 121.220 in subchapter K and § 184.220 in subchapter T.

Section 184.402 Compasses

One comment asked if existing vessels were supposed to be exempt from the illuminated compass requirement.

The Coast Guard acknowledges that existing vessels are exempt unless the OCMI decides that due to the route or service of the vessel an illuminated compass is required. All new vessels, unless exempted by paragraph (b), are required to have an illuminated compass.

Section 121.404 Radars

Three comments wanted to know who decides if a radar is suitable. There are no criteria to determine a standard. How can a designer or builder know what to look for? Different Coast Guard Districts may have different standards. The Coast Guard should either set performance standards or let the master decide what is appropriate, and hold the master responsible for the safe operation of the vessel.

The Coast Guard agrees that performance standards are needed to determine if a radar is suitable. As stated in the SNPRM preamble, the Radio Technical Commission for Maritime Services (RTCM) was developing recommended standards for

radar on small vessels. The Coast Guard received those recommendations after the drafting and publication of the IFR and, therefore, could not publish them for public comment. The Coast Guard has determined that the recommendations of the RTCM are acceptable for determining the suitability of radar on towing vessels (61 FR 35064) and that the same standards should apply to small passenger vessels. However, the recommended standards cannot be incorporated into the Final Rule without public comment.

Therefore, the Coast Guard will establish policy guidance for owners, operators, builders, and OCMI's to help determine the suitability of radar installations on small passenger vessels. The policy will be based on the RTCM standards, but will also allow flexibility in the event that certain recommended standards are impractical for small passenger vessels. Based upon feedback to the policy, the Coast Guard will consider revising the radar requirements for small passenger vessels in a future rulemaking.

Sections 121.420 and 184.420 Charts and Nautical Publications

Two comments stated that charts and nautical publications are not necessary for ferries which run from point A to B and back day after day.

The Coast Guard agrees that not all vessels require the same charts and nautical publications. The OCMI has discretion as provided by the words "As appropriate..." in paragraph (a) to allow relaxation of certain requirements based on a particular vessel's operation.

Sections 121.506 and 184.506 Emergency Broadcast Placard

Two comments stated that the emergency broadcast placard is unnecessary. Federal Communications Commission (FCC) licensed radio operators and the crews are aware of the contents of a distress call. Even if an individual was unaware of the proper procedures, in an emergency, correct procedure does not take precedence; saving time and lives do.

The Coast Guard disagrees. A lack of proper procedure in an emergency may be the difference between a quick and a delayed response by the Coast Guard. In many emergencies, a vessel's crew has one chance to get a distress call off. Valuable information regarding the location, number of passengers, or conditions on scene could be left out and thus hamper rescue efforts. The Coast Guard has determined that the placard serves a real purpose as a memory jogger for individuals using the radio in an emergency.

Sections 121.702 and 184.702 Oil Pollution Prevention Equipment and Procedures

Even though the text of these sections refers to 33 CFR part 155, the title of these sections does not take into consideration the garbage plan requirements of 33 CFR 155.540. The Coast Guard amends the title of these sections to read "Pollution prevention equipment and procedures."

Sections 121.710 and 184.710 First Aid Kits

Four comments stated that the rule on first aid kits is unacceptable and must be withdrawn. The subchapter Q approval must be rewritten before it can be used as a standard for subchapter T vessels. The approval is 46 years old and outdated. Two comments noted that the requirement to have or dispense drugs, even the over-the-counter variety, needs careful consideration. Many vessels will not dispense aspirin, sea-sick pills, etc., but might have them available for sale to reduce or remove their liability. One comment suggested that the routes and missions of vessels need to be considered when determining the type of first-aid kit required. Two comments recommended that the "Good Samaritan" provision is needed in the rewrite of § 160.041 of subchapter Q. OSHA approved first aid kits should be an approved substitute instead of the Coast Guard approved kits.

The Coast Guard agrees that the approval published in subchapter Q is outdated and should not be used as the basis of a required first aid kit. As a matter of policy, the Coast Guard provides manufacturers seeking approval of first-aid kits under approval series 160.041 with much more basic guidelines. The following is a list of items required to be in a Coast Guard Approved first-aid kit under approval series 160.041:

- (2) Units of Adhesive Bandage Compresses (16 per unit).
- (2) Units of 5 cm (2 in.) Bandage Compresses (4 per unit).
- (3) Units of 10 cm (4 in.) Bandage Compresses (1 per unit).
- (2) Units of Triangular Bandages (1 per unit).
- (2) Units of Absorbent Gauze Compresses (1 per unit).
- (2) Units of 10 cm (4 in.) Gauze Roller Bandages (1 per unit).
- (1) Aluminum Splint.
- (1) Tourniquet.
- (1) Unit of Eye Dressing Packet (Pads and Strips) (4 per unit).
- (2) Units of 30 ml (1 oz) Eye Wash Solution.

- (1) Unit of Ammonia Inhalants (10 per unit).
- (1) Unit of Antiseptic Swabs (10 per unit).
- (2) Units of 3.0 gram (0.11 oz) Burn Treatment Compound (6 per unit).
- (2) Units of 324 milligram (5 grain) Aspirin Tablets (48 per unit).

This list is provided for operators who wish to build an equivalent kit as allowed by the regulations. The Coast Guard has determined that a first aid kit is important as an initial response tool for major and minor injuries on board small passenger vessels. The Coast Guard notes that some state marine boards required first aid kits above and beyond the old Coast Guard regulations. These kits were basic, yet afforded the master an opportunity to effectively respond to cuts, fish hooks and other minor injuries. The Coast Guard has revised the wording in subchapters K and T to reference the approval series 160.041, instead of citing the specification in subchapter Q.

Sections 122.202 and 185.202 Notice of Casualty

Eleven comments suggested that the term "treatment beyond first aid" be better defined. The comments recommended that the Coast Guard adopt the "Report of the Quality Action Team (QAT) on Marine Safety Investigations."

The Coast Guard agrees that "treatment beyond first aid" could be better defined. The Coast Guard has initiated a rulemaking project to address the recommendations in the QAT report. It is beyond the scope of this rulemaking to make changes to 46 CFR Part 4.

Section 185.280 Official Logbook for Foreign Voyages

(1) One comment asked where an individual could obtain official logbooks. The comment noted that they could not be obtained from the Government Printing Office.

The Coast Guard advises that the "Official Logbook, Merchant Marine" (CG-706B) can be obtained free of charge to the public through the General Services Administration (GSA). The supply number for the form is 753000F010040. In addition, the publication is not subject to copyright; it may be reproduced by anyone who desires to do so. However, care should be given not to create the appearance that the Coast Guard approves of an individual, entity, or group of either, as the appropriate source to obtain an official logbook. This can be done by including a statement in the book that

the official logbook can be obtained for free from the GSA.

(2) One comment stated that the laws cited in official logbooks are outdated; 46 CFR was revised in 1983.

As for the out of date regulatory cites, the Coast Guard does not guarantee either that the citations are all inclusive or current. The Coast Guard expressly retains the discretion to allocate limited resources to perform tasks that preclude the updating of the statutory and regulatory authorities governing the matters addressed in the logbook.

(3) One comment suggested that logbooks needed to include the number of hours a crewmember is on watch. Crews on passenger vessels should not be allowed to work upwards of 30+ hours in a single stint.

The Coast Guard states that the updating of logbooks is beyond the scope of this rulemaking. Besides, small passenger vessels are required to carry alternate crews when operating more than 12 hours in any 24 hour period.

Sections 122.304 and 185.304 Navigation Underway

(1) One comment recommended that senior deckhands should be allowed to control the movement of the vessel.

The Coast Guard states that the master of a vessel has ultimate responsibility for the operation of that vessel. If the master places a deckhand, senior or otherwise, in control of the vessel, the master is still responsible for the deckhand's actions while at the helm.

(2) One comment recommended that paragraph (a)(6) of these sections be reworded with "visual and/or radar contacts" so that visual contacts are not ignored.

The Coast Guard agrees that a clarification is warranted and revises these paragraphs.

Sections 122.335 and 185.335 Loading Doors

One comment noted that paragraph (a) of these sections requires loading doors to be closed watertight. The comment noted that vessels with Load Lines are only required watertight hatches below the freeboard deck. It was recommended that the paragraphs be revised to allow for weathertight loading doors.

The Coast Guard agrees. The reference to watertight is removed. Loading doors that are required to be watertight should be watertight when closed and secured. The same goes for weathertight hatches.

Sections 122.410 and 185.410 Watchmen

One comment recommended that these sections be expanded to include

language that a watchman shall provide assistance and protection to ill passengers located in deck areas.

Another comment recommended that Commandant institute a change to 46 CFR 185.22 and require that at all times during which bunks in passenger areas below the main deck are occupied, the vessel's patrolman be required to guard against missing passengers as well as fire and other dangers. This will increase safety by minimizing the possible length of time before a passenger is discovered missing.

The Coast Guard agrees. Any passenger at risk of falling overboard should be identified and dealt with properly by the crew in order to prevent a man overboard situation. The sections are revised to include guarding against a man overboard situation.

Sections 122.420 and 185.420 Crew Training

(1) Two comments recommended the words "once every three months" be removed from paragraph (a). Sections 122.520 and 122.524 require monthly drills and training.

The Coast Guard disagrees. Certain aspects of the emergency instruction placard and Station Bill are not covered in the monthly drills. In addition, the once every three month requirement is intended to be used as a refresher and review of the vessel's safety procedures. Drills need not be carried out during this crew training.

(2) Five comments noted that many companies operate sister or comparably equipped vessels. The term "sister vessel" should be incorporated into this section.

The Coast Guard agrees that sister vessels within a fleet should be considered for crew training and drill purposes. A new paragraph (b) is added to address training on sister vessels.

(3) Two comments suggested paragraph (a) is contrary to good crew training. To bring a fresh, new crew member up to par, especially in a multiple boat fleet, is impossible without on the job training. Experience and shepherding from senior crew members are the best training methods, especially when backed up by company training sessions. The Coast Guard states that as with any job, new crew members will have fewer responsibilities than the more senior crew members. The Coast Guard does not see how requiring a company to indoctrinate new employees is contrary to good crew training. If individuals are going to be placed in a position of responsibility during an emergency, then they should have the requisite level of training.

(4) One comment stated that drill documentation needs to be better explained in §§ 122.420, 122.520, and 122.524. One comment recommended that language should be revised or added to state that when a vessel gets underway with passengers on board, the crew shall have sufficient training to handle an emergency. Three comments agreed with drill documentation; one disagreed. One comment stated that crew training requirements are too costly, especially for seasonal operations.

The Coast Guard considers the language of the crew training sections of subchapters K and T to be appropriate and does not see the need to shorten or further generalize the language.

(5) One comment suggested that crew training should be amended to include the identification of seasickness, with extreme nausea, as a hazardous condition.

The Coast Guard has not determined that additional language regarding seasickness is appropriate under the crew training sections. Sections covering man overboard, rough seas, and the revised Watchman sections provide adequate guidance to the master concerning their responsibilities and that of their crew to prevent or respond to a man overboard situation.

(6) One comment stated that logging drills is common sense, however, there is no requirement to keep attendance records on who has been trained. It was recommended that this requirement be added to the rule.

The Coast Guard notes that it is the master's responsibility to provide training to all members of a vessel's crew. The Coast Guard agrees that attendance records would be beneficial in determining compliance with the crew training requirements. However, the Coast Guard does not want to limit the compliance options currently open to vessel operators. During the comment period other options such as training cards carried by each crewmember were discussed.

Sections 122.504 and 185.504 Passenger Count

Seven comments stated that passenger counts are not accurate. The intent of these sections is understood, but the problem is with compliance for some operators, especially ferry vessel operators. One comment suggested that the requirement to keep a count of disembarking passengers should not be required for ferry vessels. Another comment recommended that a passenger count should not be required on vessels traveling less than a mile or on a run of less than 30 minutes.

The Coast Guard's position on passenger lists and counts has not changed from what was stated in the IFR. The Coast Guard needs to be informed of the number of people on board a vessel in the event of a casualty or other emergency requiring Coast Guard assistance. The requirements leave compliance methods up to the operator. The Coast Guard has determined that the maximum amount of flexibility has been built into the requirements while still maintaining the integrity of the law in 46 U.S.C. 3502.

Sections 122.506 and 185.506
Passenger Safety Orientation

(1) Two comments stated that passengers do not listen to the passenger safety orientation presentation. Eight comments recommended that the use of placards on bulkheads, especially on ferries and vessels in short (less than 30 minutes) and multiple stop service, be authorized. One comment stated that placards and handouts would only be read by those who read the PFD placards, that is, no one.

The Coast Guard advises that the intent of the regulation is to inform passengers of basic safety equipment locations and emergency procedures in the event of an emergency. This will help reduce the amount of confusion among passengers when crew members are trying to maintain control in an emergency.

(2) Two comments recommended authorizing the use of a tape recording on orientation when §§ 121.610 and 184.610 become mandated. Another comment recommended authorizing the use of handouts on vessels operating on oceans and coastwise routes. The Coast Guard agrees that all vessels should be able to use the alternative announcement in paragraph (b).

(3) One comment suggested that paragraph (b)(2) is counterproductive, would alarm passengers, and prove to be a boon to ambulance chasers. One comment stated that the requirement for overnight passengers to don PFDs and receive a safety orientation in paragraph (d) trickled down from subchapters H and K and should be eliminated from subchapter T.

The Coast Guard disagrees. Some operators commented that the announcement is not practical due to vessel design, operating environment, duration of voyage, or other restrictions. The Coast Guard agrees that the requirement could be more flexible, especially for ferries on short (less than 15 minute) runs. A new paragraph (c) has been added to allow the OCMI latitude in the use of bulkhead placards

for ferries under unique operating conditions.

(4) Two comments recommended changing the language in paragraph (a) to read "as soon as possible after getting underway" to allow for some flexibility in the passenger orientation requirement.

The Coast Guard agrees. Paragraph (a) is changed to allow flexibility in when the orientation is given.

(5) One comment recommended adding zero tolerance language to safety orientation.

The Coast Guard indicates there are no plans to add zero tolerance language to safety orientation. However, vessel operators are not precluded from adding their company's zero tolerance language to the passenger orientation.

(6) One comment recommended that the Coast Guard should emphasize that seasickness is a hazardous condition, and that ill passengers should notify the crew, find a "buddy" to assist them during the illness, and don a PFD.

The Coast Guard agrees that all passengers who become ill have the right to contact a crewmember or the master. It is the master's responsibility to look after the passengers on his or her vessel. After all, this is a service industry and passengers should expect to be taken care of once on board a vessel. However, the Coast Guard has not determined that it is necessary to require the master of a vessel to announce that if passengers are ill, to report to a crewmember.

(7) One comment recommended that operators of older vessels, with lower than legal handrails.

The Coast Guard states since grandfathered vessels are allowed to have rails at a height previously approved, they are not illegal.

(8) Two comments suggested that the welcome aboard speech should not contain language that states that the master will require passengers to don PFDs in the event of a hazardous condition. Sea conditions that would require the donning of PFDs are avoided by operators.

The Coast Guard disagrees. The language is consistent with §§ 122.508 and 185.508. Informing passengers that in an emergency, they shall be required to don life jackets as directed by the Captain should not put them under any undue duress.

Section 185.508 Wearing of Life Jackets

(1) One comment suggested that crewmembers should be required to wear type 5 inflatable PFDs on deck when the master determines it is necessary due to weather or other

extreme operating conditions. "The failure of the master to give such an order under such circumstances is gross negligence."

The Coast Guard emphasizes that the master of a vessel has the authority to require the crew to don PFDs due to operating or weather conditions. Inflatable PFDs are allowed as per § 117.73 (c) and (d), and § 180.73 (c) and (d) as work vests as long as they are approved as such under the 160.053 or 160.077 series.

(2) One comment was uncomfortable with the wording that the master shall require passengers to don life jackets under certain circumstances including "severe weather." Severe weather needs to be better defined or the word "shall" be changed to "may."

The Coast Guard states that replacing "shall" with "may" defeats the purpose of the requirement. This section outlines the master's responsibility for getting passengers and crew into life jackets under certain circumstances. No changes to this section were made.

(3) One comment stated that paragraph (a)(4) requires passengers to don PFDs when the vessel is under tow. This wording should be changed to "disabled vessels under tow" in order to avoid the interpretation that when the vessel is using an assist tug to come alongside a pier, the passengers must don PFDs.

The Coast Guard disagrees that paragraph (a)(4) should be clarified with the proposed language in the comment.

(4) One comment recommended adding paragraph (c) "The master of the vessel shall strongly recommend that if passengers become seasick and remain on deck, they should don a lifejacket."

The Coast Guard agrees with the intent of the comment about seasick passengers donning life jackets. However, the master of the vessel is responsible for safety of the passengers while on board his or her vessel. A prudent mariner, noting a passenger in distress to the point of being in danger of falling overboard, will take the appropriate action to ensure that passenger's safety. The Coast Guard has determined that no changes to this section of the regulations are required at this time.

Section 185.510 Emergency Instructions

One comment recommended including seasickness with nausea in the emergency instructions and indicate appropriate cautionary actions to be undertaken by the crew. The emergency instructions are geared toward emergencies affecting the entire vessel.

The Coast Guard has not determined that it is appropriate to address individual seasickness in this section.

Section 122.520 Abandon Ship and Man Overboard Drills and Training

Three comments stated that the requirement that a vessel cannot get underway if more than 25% of the crew has not received training is burdensome. Abandon ship and man overboard drill techniques, once mastered, are transferable. It is recommended that paragraph (2) be deleted as written. Restate as a goal that the master shall ensure that each crewmember is trained to respond in an emergency. Four comments recommended allowing for crossover training on sister vessels. As stated previously, the Coast Guard modified the paragraph's language to allow for sister vessel training. However, paragraph (b)(2) will be retained so that new employees will receive the proper indoctrination prior to getting underway with passengers.

The Coast Guard agrees that certain drill techniques are transferable, however, vessel specific items such as fire hydrant location and survival craft type are not.

Section 122.524 Fire Fighting Drills and Training

Three comments stated that fire fighting drills are supported as long as the master's duty is cast as a goal instead of a prescriptive standard.

The Coast Guard contends that the requirements are appropriate as written.

Sections 122.602 and 185.602 Hull Markings

One comment stated that the hull marking requirements, specifically, the loading and draft mark requirements, are not necessary. Another comment noted that paragraph (c)(2) requires three draft marks. It was recommended that the rule define the center mark as the limiting draft, and that the fore and aft marks are the limiting trim in either direction.

The Coast Guard's position on hull markings has not changed. The Coast Guard agrees that paragraph (c)(2) could be better written. Both sections have been rewritten to clarify the hull marking requirements.

Section 122.604 Lifesaving Equipment Markings

Two comments stated that referencing IMO resolutions is not practical for small passenger vessel owners. These publications are difficult to locate and expensive to purchase. It was recommended to not cite the reference, but quote the specific language.

The Coast Guard advises that the referenced IMO publication for lifesaving equipment markings is used as an alternative to the standards spelled out in §§ 122.604(f) and 185.604(f). These symbols can be obtained at the local MSO, and it is not necessary to purchase the publication.

Sections 122.730 and 185.730 Servicing of Inflatable Liferrafts, Inflatable Buoyant Apparatus, Inflatable Life Jackets, and Inflated Rescue Boats

After review, the Coast Guard has determined that liferafts and IBAs should be required to be serviced at a facility approved, by the Commandant, to service that particular brand. The reference in the IFR to the procedures in § 160.151 is troublesome because § 160.151 does not exist. A reference to § 160.051, which does exist, would be obsolete and require revision soon. However, both current and proposed rules require that approved servicing facilities perform approved servicing in accordance with the applicable regulations.

Section 170.173 Criterion for Vessels of Unusual Proportion and Form

One comment recommended that this section be revised to incorporate intact stability standards and policy (NVICs, PFMs, and MTNs) currently used by the MSC for vessels that operate on protected and partially protected waters.

The Coast Guard agrees. Criteria used successfully in the past and listed in MSC's PFM 1-89 are incorporated into this rule.

Part 171—Special Rules Pertaining to Vessels Carrying Passengers

Public comments brought to the Coast Guard's attention that certain sections regarding bulkhead penetrations, watertight integrity, and deck drainage for vessels less than 100 gross tons had mistakenly been deleted from subchapter S. The Coast Guard has determined that the error occurred during the creation of subchapter K. When the NPRM was published in 1989, the Coast Guard proposed that the stability requirements in subchapter S for vessels less than 100 gross tons be moved back into subchapter T for the convenience of the reader. The proposal also involved the removal of redundant language in subchapter S. When subchapter K was proposed in the 1994 SNPRM, language was added to part 116 requiring subchapter K vessels to meet applicable stability standards in subchapter S with some exceptions noted in subpart K. However, the proposed revisions to subchapter S deleting certain requirements for vessels

of less than 100 gross tons were not removed from the rulemaking document. In February, 1997, the MSC sent out bulletin 01-97 to naval architects, designers, and boat builders throughout the United States explaining the error and providing interim guidance until publication of the final rule. The Coast Guard has amended part 171 in this final rule by reinstating §§ 171.110, 171.114, 171.115, 171.119, 171.120, 171.122, 171.124, 171.130, 171.140, 171.145, 171.150, and 171.155 as published in the October 1, 1995 edition of 46 CFR parts 166 to 199. The Coast Guard apologizes for any confusion this error may have caused to the small passenger vessel industry.

Incorporation by Reference

The Director of the Federal Register has approved the material in §§ 114.600 and 175.600 for incorporation by reference under 5 U.S.C. 552 and 1 CFR part 51. Copies of the material are available from the sources listed in those sections.

Regulatory Evaluation

This Final rule is a significant regulatory action under section 3(f) of Executive order 12866 and has been reviewed by the Office of Management and Budget (OMB) under that Order. It is significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11040; February 26, 1979). A regulatory evaluation, with addendum, is available in the docket for inspection and copying where indicated under ADDRESSES.

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, costs for sample small passenger vessels, and a profile of the small passenger fleet and its casualty history. The Coast Guard received several comments stating that the draft evaluation for contained outdated costs and objecting to the risk-assessment methodology used and the 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 significantly reduced the cost of the rulemaking by incorporating the following changes in the IFR:

1. Reduced the number of vessels required to carry inflatable survival craft.
2. Revised the passenger and crew list requirements.

In addition, the Coast Guard made other significant changes in the IFR that resulted in reduced costs to the small passenger vessel industry. For example, the IFR—

1. Provided more options to meet structural fire protection requirements;
2. Eliminated the requirement to install overspeed trip devices for main propulsion engines and generators; and
3. Deleted the requirement to have wooden vessels more than 20 years old drydocked annually.

In order to address the impact of these changes, the Coast Guard provided an addendum to the draft regulatory evaluation prepared for the SNPRM. The addendum updated the changes in cost associated with the elimination of some of the inflatable lifesaving equipment and of the requirements to maintain passenger and crew list for certain vessels. In order to provide consistency with the draft evaluation, the addendum used the same methods of calculating the total and Average Annual Cost (AAC) of the requirements. 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 determined that by adopting these changes, the overall costs of this rule to the industry was reduced by 63 percent. The comments from industry on the IFR confirmed the significant cost reductions and applauded the Coast Guard's efforts.

The Coast Guard has determined that the changes made by this final rule, including the elimination of the K' threshold, will not change the impact of this rule significantly. As a result, no further changes were made to the final regulatory evaluation adopted in the IFR.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

As discussed at length in Small Entities section of the preamble to the IFR (61 FR 883), this rule will affect the operators of small passenger vessels. These firms come under the Standard Industrial Code (SIC) categories 4489 (Water Transportation of Passengers) and 4482 (Ferries), both of which are considered small entities if they have 500 or less employees.

We received numerous comments pointing out an error in the Small Entities section in the IFR. The comments disagreed with the statement that few small entities operate the 405 vessels carrying more than 150 passengers. In fact, nearly all owners and operators of small passenger vessels, including vessels carrying more than 150 passengers, constitute small entities under the SIC. Owners and operators of vessels carrying more than 150 passengers are subject to higher costs than other small passenger vessels due to additional requirements, such as structural fire protection. The Coast Guard contends that, despite these additional requirements, this rule still should not have a significant economic impact on owners and operators vessels carrying more than 150 passengers because of the size of their operations and volume of their business.

As very likely all of the entities affected by this rulemaking are small entities, the entire regulatory evaluation prepared for this rulemaking is applicable to small entities. For a discussion of the impacts of this rulemaking, see the Regulatory Evaluation section in this preamble.

The only potential impact that the changes to the IFR will have results from the removal of the K¹ category. The requirement for stairtowers landing areas is restored for vessels having overnight accommodations for more than 49 passengers. However, because this type of vessel was built to the guidelines in NVIC 11-83, which required stairtower landing areas in accordance with subchapter H, this change will have no effect on existing vessels. In addition, it will provide consistency for boat builders who have built this type of vessel for the past 13 years. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard will answer questions by small entities

concerning information on, and advice about, compliance with statutes and regulations, interpreting and applying the law to specific sets of facts supplied by the small entity. For questions concerning this rule, contact the Vessel Compliance Division (G-MOC-2) at 202-267-1464.

Collection of Information

This final rule provides for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). As required by 5 U.S.C. 3507(d), the Coast Guard submitted a copy of this rule to the Office of Management and Budget (OMB) for review of the collection of information. OMB has approved the collection. The sections providing for a collection are listed in the discussion of collection of information in the preamble to the interim final rule (61 FR 884). The corresponding approval number from OMB is OMB Control Number 2115-0578, which expires on August 13, 1999. The collections concern the inspection and certification of vessels, including the preparation and submittal of applications and plans for certificates and the marking vessels and equipment.

Persons are not required to respond to a collection of information unless it displays a currently valid OMB control number.

Federalism

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

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that, under paragraphs 2.B.2.e.(34)(c) through (e) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. This rule concerns the inspection, certification, and equipping of vessels and the training of maritime personnel. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects

46 CFR Parts 114 and 175

Incorporation by reference, Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Parts 115 and 176

Fire prevention, Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Parts 116, 117, 119, 171, 178, 179, 180, and 182

Marine safety, Passenger vessels.

46 CFR Parts 118 and 181

Fire prevention, Marine safety, Passenger vessels.

46 CFR Parts 120 and 183

Electric power, Marine safety, Passenger vessels.

46 CFR Parts 121 and 184

Communications equipment, Marine safety, Navigation (water), Passenger vessels.

46 CFR Parts 122 and 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.

46 CFR Part 177

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Coast Guard adopts the interim rule amending 46 CFR parts 114 through 122, 170, 171, 173, and 175 through 185, which was published at 61 FR 864 on January 10, 1996, as a final rule with the following changes:

Subchapter K—Small Passenger Vessels Carrying More Than 150 Passengers or With Overnight Accommodations for More Than 49 Passengers

PART 114—GENERAL PROVISIONS

1. The authority citation for part 114 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. App. 1804; 49 CFR 1.45, 1.46. Sec. 114.900 also issued under 44 U.S.C. 3507.

2. In § 114.110, revise paragraph (a) to read as follows; remove paragraphs (b) and (c); redesignate paragraph (f) as paragraph (b); redesignate paragraphs (d) and (e) as paragraphs (c) and (d), respectively; and remove paragraph (g) and table 114.110(g):

§ 114.110 General applicability.

(a) Except as in paragraph (b) of this section, this subchapter applies to each vessel of less than 100 gross tons that carries more than 150 passengers, or has overnight accommodations for more than 49 passengers, and that—

(1) Carries at least one passenger for hire;

(2) Is chartered with or without a crew provided or specified by the owner or the owner's representative; or

(3) If a submersible vessel, carries at least one passenger for hire.

Note to paragraph (a): For a vessel of less than 100 gross tons that carries 150 or less passengers or has overnight accommodations for 49 or less passengers, see subchapter T of this chapter.

* * * * *

3. In § 114.400, in paragraph (b), revise the definitions for “accommodation space” introductory text, “atrium,” “auxiliary machinery space,” “cold water,” “hardwood,” “high risk accommodation space,” “high risk service spaces,” “High Speed Craft,” “low risk service spaces,” “machinery space,” “overnight accommodations or overnight accommodation space,” and “passenger accommodation space” and add, in alphabetical order, a definition for “approval series” and “exit” to read as follows:

§ 114.400 Definitions of terms used in this subchapter.

* * * * *

(b) * * *

Accommodation space (5, 6, or 7 depending on size, fire load, and furnishings) means a space that does not contain any cooking appliance other than a microwave oven or other low heat (maximum heating element temperature less than 121°C (250°F)) appliance used as a—

* * * * *

Approval series means the first six digits of a number assigned by the Coast Guard to approved equipment. Where approval is based on a subpart of subchapter Q of this chapter, the approval series corresponds to the number of the subpart. A listing of approved equipment, including all of the approval series, is published periodically by the Coast Guard in Equipment Lists (COMDTINST M16714.3 series), available from the Superintendent of Documents.

* * * * *

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, 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, refrigeration machinery, resistors steering machinery, etc., with not more than 2.5 kilograms per square meter (0.5 pounds per square foot) of combustible storage.

* * * * *

Cold water means water where the monthly mean low water temperature is normally 15 degrees Celsius (59 degrees Fahrenheit) or less.

* * * * *

Exit means—

(1) A stairtower or a stairway which terminates at an area of refuge or embarkation station; or

(2) A door which leads directly to an area of refuge or embarkation station.

* * * * *

Hardwood means oak or a similar wood with a specific gravity of approximately 0.6 and having fire resistant properties similar to oak.

* * * * *

High risk accommodation space (6 or 7 depending on size) means an accommodation space that contains a fire load greater than 15 kilograms per square meter (3 pounds per square foot), or a cleaning gear locker which contains storage space for materials other than flammable liquids and which has a deck area less than 5 square meters.

High risk service spaces (9) include—

(1) Galley;

(2) Large laundry or drying room;

(3) Garbage or trash disposal storage

area;

(4) Paint or lamp locker;

(5) Cleaning gear locker or small storeroom in an accommodation area;

(6) Mail or baggage room; and

(7) Pantries and storerooms which contain flammable liquids or have a deck area not less than 5 square meters including connecting alleyways and stairs.

* * * * *

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, that alternative measures should be used to achieve an equivalent level of safety. In order to be considered a high speed craft, the craft must be capable of a maximum speed equal to or exceeding $V = 3.7 \times \text{displ}^{1/667}$ h, where “V” is the maximum speed and “displ” is the vessel displacement corresponding to the design waterline in cubic meters.

Low risk service spaces (8) include—

(1) Cleaning gear lockers which have a deck area less than 5 meters containing only slop sinks, and having no room for stowing materials other than brooms, mops, or soap;

(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;

(4) Washrooms and toilet spaces; and

(5) Motion picture projection rooms.

* * * * *

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) One or more oil-fired boilers or heaters; or

(6) Electrical generating machinery.

* * * * *

Overnight accommodations or overnight accommodation space (5, 6 or 7 depending on size, 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.

* * * * *

Passenger accommodation space (5, 6 or 7 depending on size, fire load, and furnishings) means an accommodation space designated for the use of passengers.

* * * * *

§ 114.540 [Amended]

4. In § 114.540(b), remove the word “pending”.

5. In § 114.600(b), under the entry for American Bureau of Shipping, add a new entry for “Guide for High Speed Craft” at the end and, under the entry for National Fire Protection Association, remove the words “NFPA 13–1994”, “NFPA 70–1993”, “NFPA 92B–1991”, and “NFPA 701–1989” and add, in their place, the words “NFPA 13–1996”, “NFPA 70–1996”, “NFPA 92B–1995”, and “NFPA 701–1996”, respectively:

§ 114.600 Incorporation by reference.

* * * * *

(b) * * *

* * * * *

American Bureau of Shipping (ABS)

* * * * *

Guide for High Speed Craft, 1997 116.300

* * * * *

6. Revise § 114.800(b) to read as follows:

§ 114.800 Approved equipment and material.

* * * * *

(b) 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 New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

PART 115—INSPECTION AND CERTIFICATION

7. The authority citation for part 115 continues to read as follows:

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.

8. In § 115.600(b), revise the first sentence to read as follows:

§ 115.600 Drydock and internal structural examination intervals.

* * * * *

(b) A vessel making an international voyage subject to SOLAS requirements must undergo a drydock examination at least once every 12 months. * * *

* * * * *

§ 115.612 [Amended]

9. In § 115.612(b), remove the words “such as” and add, in their place, the words “including, but not limited to,”.

§ 115.802 [Amended]

10. In § 115.802(c), remove the words “the working of the hull” and add, in their place, the words “the hull and internal structure”.

§ 115.808 [Amended]

11. In § 115.808, in paragraph (a)(1), remove the words § 71.25–15 in subchapter H (Passenger Vessels) of this chapter” and add, in their place, the words “§ 122.520 of this chapter” and, in paragraph (a)(4), after the word “lifteraft”, add the words, inflatable buoyant apparatus,”.

§ 115.810 [Amended]

12. In § 115.810(b), in table 115.810(b), in the “Test” column, in the

fourth sentence for the entry “Carbon dioxide”, remove the word “Inspection” and add, in its place, the word “Inspect”.

13. Revise § 115.812(a) to read as follows:

§ 115.812 Pressure vessels and boilers.

(a) Pressure vessels must be tested and inspected in accordance with part 61, subpart 61.10, of this chapter; except that, they must be inspected once every 3 years instead of at the intervals in § 61.10–5(a), (b), and (d) of this chapter.

* * * * *

PART 116—CONSTRUCTION AND ARRANGEMENT

14. The authority citation for part 116 continues 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.

15. In § 116.300, in paragraph (b)(1)(ii), remove the words “Aluminum Vessels;” and add in their place, the words “Aluminum Vessels; or” and add paragraph (b)(2) to read as follows:

§ 116.300 Structural design.

* * * * *

(b) * * *

(2) ABS Guide for High Speed Craft.

* * * * *

16. Revise § 116.405(f) to read as follows:

§ 116.405 General arrangement and outfitting.

* * * * *

(f) Nonmetallic piping in concealed spaces. The use of nonmetallic (plastic) pipe within a concealed space in a control space, accommodation space, or service space is permitted in nonvital service only if the piping material 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.

* * * * *

17. In § 116.415, revise paragraph (a)(1), table 116.415(b), and table 116.415(c) to read as follows:

§ 116.415 Fire control boundaries.

(a) * * *

(1) Major hull structure—The hull, structural bulkheads, columns and stanchions, superstructures, and deckhouses must be composed of steel or equivalent material.

* * * * *

TABLE 116.415(b)—BULKHEADS

Spaces	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Control Space (1)	B-0	A-0	A-0	A-0	A-15	A-60	A-60	A-0	A-60	A-60	A-60	A-0	A-0
Stairway (2)		A-0 ⁴	A-0	A-0	A-0	A-60	A-60	A-0	A-15	A-15	A-15	A-0	A-0
Corridor (3)			C	A-0	B-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	A-0	C' ¹	C
Low Risk Accommodation (5).					B-0	B-15	B-15	B-0 ²	A-15	A-15	A-15	A-0	A-0
High Risk Accommodation (6) (≤50 sq. m.).						B-15	A-30	B-0 ²	A-60	A-60	A-60	A-0	A-0
High Risk Accommodation (7) (>50 sq. m.).							A-60	B-0 ²	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).									C ³	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
Auxiliary Machinery spaces, voids, fuel and water tanks (12).												C' ¹	C' ¹
Open decks (not safety areas) (13).													C

¹ Boundaries of fuel tanks, auxiliary machinery spaces, and voids that contain a fire load in excess of 2.5kg/m² (0.5 pounds per square foot) must be minimum A-0 Class construction.

² Toilet space boundaries may be reduced to C'-Class.

³ 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.

⁴ Separation is not required within a single stairtower. A-0 construction is required between two distinct stairtowers.

*

*

*

*

*

*

*

TABLE 116.415(c)—DECKS

Space Above	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Space Below:													
Control Space (1)	A-0	A-0	A-15	A-0	A-0	A-15	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	A-0
Corridor (3)	A-0	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 Station (4).	A-0	A-0	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C' ¹	C
Low Risk Accommodation (5).	A-15	A-15	A-0	A-0	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0
High Risk Accommodation (6) (≤50 sq. m.).	A-60	A-60	A-30	A-15	A-0	A-30	A-60	A-0	A-0	A-0	A-0	A-0	A-0
High Risk Accommodation (7) (>50 sq. m.).	A-60	A-60	A-60	A-30	A-15	A-60	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	A-0
High Risk Service Spaces (9).	A-60	A-30	A-30	A-30	A-15	A-60	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-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-60	A-0	A-0	A-0	A-0	A-0	A-0
Auxiliary Machinery Spaces, voids, fuel and water tanks (12).	A-0	A-0	A-0	C' ¹	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C' ¹	A-0 ¹
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	A-0 ¹	C

¹ 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.

§ 116.422 [Amended]

18. In § 116.422, in paragraphs (b)(2) and (c)(1), remove the words "20 millimeters" and add, in their place, the words "2 millimeters" and, in paragraph (c)(2), add, after the word "bulkheads", the words "and ceiling".

19. Revise § 116.427(a)(1) to read as follows:

§ 116.427 Fire load of accommodation and service spaces.

(a) * * *

(1) A space is designated as a low risk accommodation space by the owner; or

* * * * *

20. In § 116.433, add paragraph (g) to read as follows:

§ 116.433 Windows and air ports in fire control boundaries.

* * * *

(g) Windows complying with paragraphs (a) through (d) of this section may be installed in the external boundaries of stairtowers if there are no unprotected openings in the side of the vessel below the windows and if the windows are not exposed to any other parts of the vessel at an angle of less than 180 degrees.

21. In § 116.435, add two sentences at the end of paragraph (c)(9) and add paragraph (c)(10) to read as follows:

§ 116.435 Doors.

* * * *

(c) * * *

(9) * * *. In any case, no restriction as to the area of glass will be made for the doors insofar as this subpart is concerned. Only glass of the wire-inserted type may be fitted in the doors.

(10) Except as noted in paragraph (c)(9) of this section, doors may be fitted with not more than 0.065 square meters (100 square inches) of glass, which must be of the wire-inserted type.

* * * *

22. In § 116.438, redesignate paragraphs (a) through (m) as paragraphs (b) through (n) respectively; add new paragraph (a); and revise newly redesignated paragraphs (m)(2), (m)(3), and (m)(6) to read as follows:

§ 116.438 Stairtowers, stairways, ladders, and elevators.

(a) A vessel carrying more than 600 passengers or with overnight accommodations for more than 49 passengers must meet the requirements for stairways, ladders, and elevators in § 72.05–20 of this chapter.

* * * *

(m) * * *

(2) Each stairtower must give access to an embarkation station or an area of refuge identified in the emergency escape plan required by § 116.520.

(3) Stairtowers must not give direct access to overnight accommodations or spaces of type 9, 10, 11, or 12.

* * * *

(6) For vessels in which a stairtower is not required, a stairway must provide a means of escape for each deck of the main vertical zone.

* * * *

23. In § 116.439, in paragraph (d), remove the words “the requirements of § 76.25 in subchapter H of this chapter” and add, in their place, the words “NFPA 13” and revise paragraph (e) to read as follows:

§ 116.439 Balconies.

* * * *

(e) If the unobstructed balcony opening area is less than 93 square meters (1,000 square feet), the opening must be protected in accordance with NFPA 13 or other standard specified by the Commandant. The horizontal projection area of stairs, escalators, statues, etc. must be subtracted from the total balcony opening area for purposes of computation of unobstructed balcony opening area.

§ 116.440 [Amended]

24. In § 116.440(c), remove the words “the requirements of § 76.25 in subchapter H of this chapter” and add, in their place, the words “NFPA 13”.

25. In § 116.500, revise paragraph (h); in paragraph (k)(1), remove the words “space; and” and add, in their place, the words “space; or”; and revise paragraph (p)(1) to read as follows:

§ 116.500 Means of escape.

* * * *

(h) The maximum allowable travel distance, measured as actual walking distance from the most remote point in a space to the nearest exit, must not be more than 46 meters (150 feet).

* * * *

(p) * * *

(1) The space has a deck area less than 30 square meters (322 square feet);

* * * *

26. In § 116.520, revise the introductory text of paragraph (b) to read as follows:

§ 116.520 Emergency evacuation plan.

* * * *

(b) Provide procedures for evacuating all affected spaces for each casualty identified as required by paragraph (a) of this section without abandoning the vessel, including—

* * * *

§ 116.600 [Amended]

27. In § 116.600(c), after the word “enclosed”, add the words “passenger or”.

§ 116.610 [Amended]

28. In § 116.610, remove paragraphs (f)(3), (i), (j), and (k) and redesignate paragraphs (f)(4) through (f)(8) as paragraphs (f)(3) through (f)(7), respectively.

§ 116.810 [Amended]

29. In § 116.810, in paragraph (b), remove the word “millimeter” and add, in its place, the word “millimeters” and, in paragraph (c), after the number “1,065”, add the word “millimeters”.

PART 117—LIFESAVING EQUIPMENT AND ARRANGEMENTS

30. The authority citation for part 117 continues 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.

31. Revise § 117.10 to read as follows:

§ 117.10 Applicability to vessels on an international voyage.

A vessel on an international voyage subject to the International Convention for Safety of Life at Sea, 1974, as amended, (SOLAS) must meet the requirements in subchapter W of this chapter for passenger vessels in the same service, instead of the requirements of this part.

32. In § 117.68, revise the paragraph heading and introductory text of paragraph (a) to read as follows:

§ 117.68 Distress flares and smoke signals.

(a) *Oceans, coastwise, limited coastwise, and Great Lakes routes.* A vessel on an oceans, coastwise, limited coastwise, or Great Lakes route must carry—

* * * *

33. In subpart C, revise the subpart heading to read as follows:

Subpart C—Ring Life Buoys and Life Jackets**§ 117.70 [Amended]**

34. In § 117.70(c)(5), remove “510 kilograms” and add, in its place, “5 kilonewtons”.

35. Add § 117.71(e) to read as follows:

§ 117.71 Life jackets.

* * * *

(e) Each life jacket carried on board the vessel must be marked in accordance with § 122.604 of this chapter.

§ 117.130 [Amended]

36. In § 117.130(b), remove the words “in accordance with § 160.062 in subchapter Q of this chapter, or other” and add, in their place, the words “under part 160, subparts 160.062 or 160.162, of this chapter or a”.

37. Revise § 117.150(a) introductory text to read as follows:

§ 117.150 Survival craft embarkation arrangements.

(a) A launching appliance approved under part 160, subpart 160.163, of this chapter or a marine evacuation system approved under part 160, subpart 160.175, of this chapter must be provided for each inflatable liferaft and

inflatable buoyant apparatus when either—

* * * * *

38. In § 117.175, redesignate paragraphs (c) through (f) as paragraphs (d) through (g), respectively; add a new paragraph (c); and revise newly redesignated paragraph (f)(4) to read as follows:

§ 117.175 Survival craft equipment.

* * * * *

(c) *Inflatable buoyant apparatus.* Each inflatable buoyant apparatus must be equipped in accordance with the manufacturer's approved servicing manual.

* * * * *

(f) * * *

(4) *Light.* The light must be a floating waterlight approved under part 161, subpart 161.010, of this chapter or a standard specified by the Commandant. The floating waterlight must be attached around the body of the life float or buoyant apparatus by a 10 mm (3/8 inch) lanyard, resistant to deterioration from ultraviolet light, and at least 5.5 meters (18 feet) in length.

* * * * *

39. In § 117.200, in paragraph (a)(1), remove the words "Subpart 160.151 in subchapter Q" and add, in their place, the words "Approved under part 160, subpart 160.151,"; in paragraph (a)(2), remove the words "Subpart 160.027 in subchapter Q" and add, in their place, the words "Approved under part 160, subpart 160.027,"; in paragraphs (a)(3) and (a)(4), remove the words "Subpart 160.010 in subchapter Q" and add, in their place, the words "Approved under part 160, subpart 160.010,"; in paragraph (b), remove the words "buoyant apparatus or"; in paragraph (c), remove the last sentence; and, in table 117.200(c), revise footnotes 8 and 9 to read as follows:

§ 117.200 Survival craft—general.

* * * * *

(c) * * *

Table 117.200(c)

* * * * *

Footnotes:

* * * * *

8 Shallow water exception—
§ 117.207(e).

9 OCMI may reduce survival craft requirements based upon the route, communications schedule, and participation in VTS—§ 117.207(f) and § 117.208(e).

* * * * *

40. In § 117.210, redesignate paragraph (b) as paragraph (c); add a new paragraph (b); and revise newly

redesignated paragraph (c) to read as follows:

§ 117.210 Rescue boats.

* * * * *

(b) In general, a rescue boat must be a small, light-weight boat with built-in buoyancy and be capable of being readily launched and easily maneuvered. In addition, it must be of adequate proportion to permit taking an unconscious person on board without capsizing.

(c) On a vessel of more than 19.8 meters (65 feet) in length operating on protected waters, a rescue boat complying with part 160, subpart 160.056, of this chapter is acceptable in meeting the intent of this section. On a vessel of more than 19.8 meters operating on exposed or partially protected waters, a rescue boat approved under part 160, subpart 160.156, of this chapter is acceptable in meeting the intent of this section. 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

41. The authority citation for part 118 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.

42. In § 118.300, revise paragraph (c) to read as follows and, in paragraph (e), remove the ", manual":

§ 118.300 Fire pumps.

* * * * *

(c) On a vessel carrying more than 600 passengers or with overnight accommodations for more than 49 passengers, the fire pump must meet § 76.10–5 of this chapter.

* * * * *

43. In § 118.310, revise paragraph (a) and add paragraphs (c) and (d) to read as follows:

§ 118.310 Fire main and hydrants.

(a) Except as required by paragraph (d) of this section, a vessel must have a sufficient number of fire hydrants to reach any part of the vessel using a single length of fire hose.

* * * * *

(c) Each fire hydrant must have a valve installed to allow the fire hose to be removed while the fire main is under pressure.

(d) On a vessel carrying more than 600 passengers or with overnight accommodations for more than 49

passengers, the fire main and hydrants must meet § 76.10–10 of this chapter.

§ 118.320 [Amended]

44. In § 118.320, in paragraph (a), remove the words "fire stations located an" and add, in their place, the words "fire hydrants located on" and, in paragraph (c)(1), remove "§ 162.027 in subchapter Q" and add, in its place "part 162, subpart 162.027,".

§ 118.400 [Amended]

45. In § 118.400(e), after the word "Except", add the words "for continuously manned operating stations".

46. In § 118.410, revise paragraphs (b)(2) and (c)(2)(ii); in paragraph (d)(1), remove the words "fitting or" and add, in their place, the words "fitting of"; in paragraph (d)(7)(i), remove the word "value" and add, in its place, the word "valve"; revise the first sentence of paragraph (d)(7)(ii) to read as follows; in paragraph (d)(8)(iii), remove the word "value" and add, in its place, the word "valve"; in paragraph (f)(4)(v), remove the words "millimeters is determined" and add, in their place, the words "millimeters (inches) is determined" and, after the word "kilograms", add the word "(pounds)"; and, in paragraph (f)(5)(i), after the word "kilograms", add the word "(pounds)".

§ 118.410 Fixed gas fire extinguishing systems.

* * * * *

(b) * * *

(2) Except for a normally unoccupied space of less than 170 cubic meters (6000 cubic feet), release of an extinguishing agent into a space must require two distinct operations.

* * * * *

(c) * * *

(2) * * *

(ii) Have manual controls in compliance with paragraph (b) of this section except for paragraph (b)(3) of this section.

* * * * *

(d) * * *

(7) * * *

(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 that the pressure used must be 4,136 kPa (600 psi). * * *

* * * * *

§ 118.500 [Amended]

47. In § 118.500(a), in table 118.500(a), in the column entitled "Min. size", remove the entry "2.3 kg (5 lb)" and add, in its place, the entry "4.5 kg (10 lb)".

**PART 119—MACHINERY
INSTALLATION**

48. The authority citation for part 119 continues 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.

§ 119.320 [Amended]

49. In § 119.320, redesignate paragraph (a) as paragraph (b) and paragraph (b) as paragraph (a).

§ 119.430 [Amended]

50. In § 119.430, remove paragraph (d) and redesignate paragraphs (e) through (l) as paragraphs (d) through (k), respectively.

§ 119.458 [Amended]

51. In § 119.458(a), add, after the word “for”, the words “portable dewatering pumps or”.

52. Revise § 119.465(f) to read as follows:

§ 119.465 Ventilation of spaces containing diesel machinery.

* * * * *

(f) Except as required by § 116.610(f) of this chapter, dampers may not be fitted in a supply duct.

* * * * *

**PART 120—ELECTRICAL
INSTALLATION**

53. The authority citation for part 120 continues 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.

§ 120.312 [Amended]

54. In § 120.312, in the introductory text, after the word “length”, add the words “carrying more than 600 passengers or”.

§ 120.320 [Amended]

55. In § 120.320(b)(2), after “40°”, add the letter “C”.

56. In § 120.340(i), revise the last sentence and add new paragraphs (i)(1) and (i)(2) to read as follows:

§ 120.340 Cable and wiring requirements.

* * * * *

(i) * * *. The use of twist-on type wire nuts is permitted under the following conditions:

(1) The connections must be made within an enclosure and the insulated cap of the connector must be secured to prevent loosening due to vibration.

(2) Twist-on type connectors may not be used for making joints in cables,

facilitating a conductor splice, or extending the length of a circuit.

* * * * *

57. Add § 120.378 to read as follows:

§ 120.378 Ungrounded systems.

Each ungrounded system must be provided with a suitably sensitive ground detection system, located at the respective switchboard, that provides continuous indication of circuit status to ground with a provision to momentarily remove the indicating device from the reference ground.

§ 120.380 [Amended]

58. In § 120.380(f), before “§ 111.93–11”, add the word “of”.

§ 120.432 [Amended]

59. In § 120.432(b)(4), remove the number “6” and add, in its place, the number “2” and, in paragraph (c), after the word “length”, add the words “carrying more than 600 passengers or”.

§ 120.434 [Amended]

60. In § 120.434, after the word “length”, add the words “carrying more than 600 passengers or”.

**PART 121—VESSEL CONTROL AND
MISCELLANEOUS SYSTEMS AND
EQUIPMENT**

61. The authority citation for part 121 continues 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.

§ 121.220 [Amended]

62. In § 121.220(a), remove the words “heavy duty”.

§ 121.240 [Amended]

63. In § 121.240, in paragraph (c)(3), remove the word “mut” and add, in its place, the word “must” and, in paragraph (c)(4), remove the word “seccion” and add, in its place, the word “section”.

64. Revise the section heading to § 121.702 to read as follows:

§ 121.702 Pollution prevention equipment and procedures.

65. Revise § 121.710 to read as follows:

§ 121.710 First-aid kits.

A vessel must carry either a first-aid kit approved under part 160, subpart 160.041, of this chapter or a kit with equivalent contents and instructions. For equivalent kits, the contents must be stowed in a suitable, watertight container that is marked “First-Aid Kit”. A first-aid kit must be easily visible and readily available to the crew.

PART 122—OPERATIONS

66. The authority citation for part 122 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 6101; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 122.304 [Amended]

67. In § 122.304(a)(6), remove the words “each closing radar contact” and add, in their place, the words “radar contact”.

§ 122.335 [Amended]

68. In § 122.335(a), remove the word “watertight”.

§ 122.356 [Amended]

69. In § 122.356, remove the number “179” and add, in its place, the number “176”.

§ 122.410 [Amended]

70. In § 122.410, remove the words “or other danger” and add, in their place, the words “, a man overboard, or other dangerous situation”.

71. In § 122.420, redesignate paragraph (b) as paragraph (c) and add a new paragraph (b) to read as follows:

§ 122.420 Crew training.

* * * * *

(b) Training conducted on a sister vessel may be considered equivalent to the initial and quarterly training requirements contained in paragraph (a) of this section.

* * * * *

72. In § 122.506, revise the introductory text of paragraphs (a) and (b); redesignate paragraphs (c) and (d) as paragraphs (d) and (e), respectively; and add a new paragraph (c) to read as follows:

§ 122.506 Passenger safety orientation.

(a) Except as allowed by paragraphs (b) and (c) of this section, before getting underway on a voyage or as soon as practicable thereafter, the master of a vessel shall ensure that suitable public announcements are made informing all passengers of—

* * * * *

(b) As an alternative to an announcement that complies with paragraph (a) of this section, the master or other designated person may—

* * * * *

(c) Ferries operating on short runs of less than 15 minutes may substitute bulkhead placards or signs for the announcement required in paragraphs (a) and (b) of this section if the OCMI determines that the announcements are not practical due to the vessel's unique operation.

* * * * *

§ 122.518 [Amended]

73. In § 122.518(b), remove the words "or other standard specified by the Commandant,".

§ 122.520 [Amended]

74. In § 122.520(b)(2), after the words "particular vessel", add the words "or sister vessel".

75. Revise § 122.524(c)(3) to read as follows:

§ 122.524 Fire fighting drills and training.

* * * * *

(c) * * *

(3) Instructions in the use and location of fire alarms, extinguishers, and any other fire fighting equipment on board.

* * * * *

76. Section 122.602 is revised to read as follows:

§ 122.602 Hull markings.

(a) Each vessel must be marked as required by part 67, subpart I, of this chapter.

(b) Paragraphs (c) through (g) of this section apply 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 vessel authorized to carry more than 12 passengers on an international voyage.

(3) A vessel with more than one deck above the bulkhead deck exclusive of a pilot house.

(c) Each vessel that complies with the stability requirements of §§ 170.170, 170.173, 171.050, 171.055, and 171.057 of this chapter or 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 and aft to indicate the maximum allowable trim and amidships to indicate the maximum allowable draft.

(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 must be those required by the International Convention on Load Lines, 1966.

(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 that deck.

§ 122.604 [Amended]

77. In § 122.604(b), remove the words "vessel marked" and add, in their place, the words "vessel or company marked".

§ 122.612 [Amended]

78. In § 122.612(b), remove the words "in clearly legible letters" and remove the word "ALARMS" and add, in its place, the word "ALARM" and, in paragraph (f), remove the word "cleared" and add, in its place, the word "clearly".

79. Revise § 122.730(b)(2) to read as follows:

§ 122.730 Servicing of inflatable liferafts, inflatable buoyant apparatus, inflatable life jackets, and inflated rescue boats.

* * * * *

(b) * * *

(2) At a servicing facility approved by the Commandant to service that particular brand.

* * * * *

Subchapter S—Subdivision and Stability**PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS**

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

Authority: 43 U.S.C. 1333; 46 U.S.C. 2130, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

81. Add § 170.173(e) to read as follows:

§ 170.173 Criterion for vessels of unusual proportion and form.

* * * * *

(e) For the purpose of demonstrating acceptable stability on the vessels described in § 170.170(d) as having unusual proportion and form, compliance with paragraphs (a) through (d) of this section or the following criteria is required:

(1) For partially protected routes, there must be—

(i) Positive righting arms to at least 35 degrees of heel;

(ii) No down flooding point to at least 20 degrees; and

(iii) At least 15 foot-degrees of energy to the smallest of the following angles:

(A) Angle of maximum righting arm.

(B) Angle of down flooding.

(C) 40 degrees.

(2) For protected routes, there must be—

(i) Positive righting arms to at least 25 degrees of heel;

(ii) No down flooding point to at least 15 degrees; and

(iii) At least 10 foot-degrees of energy to the smallest of the following angles:

(A) Angle of maximum righting arm.

(B) Angle of down flooding.

(C) 40 degrees.

PART 171—SPECIAL RULES PERTAINING TO VESSELS CARRYING PASSENGERS

82. The authority citation for part 171 continues 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.

83. In § 171.110, designate the text as paragraph (a) and add paragraph (b) to read as follows:

§ 171.110 Specific applicability.

* * * * *

(b) Section 171.114 applies to each vessel under 100 gross tons.

84. Add § 171.114 to subpart E to read as follows:

§ 171.114 Penetrations and openings in watertight bulkheads in a vessel less than a 100 gross tons.

(a) Penetrations and openings in watertight bulkheads must—

(1) Be kept as high and as far inboard as practicable; and

(2) Have means to make them watertight.

(b) Watertight bulkheads must not have sluice valves.

(c) Each main traverse watertight bulkhead must extend to the bulkhead deck.

85. In § 171.115, designate the text as paragraph (a) and add paragraph (b) to read as follows:

§ 171.115 Specific applicability.

* * * * *

(b) Section 171.119 applies to each vessel under 100 gross tons.

86. Add § 171.119 to subpart F to read as follows:

§ 171.119 Openings below the weather deck in the side of a vessel less than 100 gross tons.

(a) If a vessel operates on exposed or partially protected waters, an opening port light is not permitted below the weather deck unless—

(1) The sill is at least 30 inches (76.2 centimeters) above the deepest subdivision load line; and

(2) It has an inside, hinged dead cover.

(b) Except for engine exhausts, each inlet or discharge pipe that penetrates the hull below a line drawn parallel to and at least 6 inches (15.2 centimeters) above the deepest subdivision load line must have means to prevent water from entering the vessel if the pipe fractures or otherwise fails.

(c) A positive action valve or cock that is located as close as possible to the hull is an acceptable means for complying with paragraph (b) of this section.

(d) If an inlet or discharge pipe is inaccessible, the means for complying with paragraph (b) of this section must be a shut-off valve that is—

(1) Operable from the weather deck or other accessible location above the bulkhead deck; and

(2) Labeled at the operating point for identity and direction of closing.

(e) Any connecting device or valve in a hull penetration must not be cast iron.

(f) 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.

87. Revise § 171.120 to read as follows:

§ 171.120 Specific applicability.

Each vessel that is 100 gross tons or more must comply with § 171.122 and each vessel under 100 gross tons must comply with § 171.124.

§ 171.122 [Amended]

88. In § 171.122, in paragraph (f)(1), remove “Table 171.122” and add, in its place, “table 171.124(d)” and, following paragraph (g), remove table 171.122.

89. Add § 171.124 to subpart G to read as follows:

§ 171.124 Watertight integrity above the margin line in a vessel less than 100 gross tons.

(a) Each hatch exposed to the weather must be watertight; except that, the following hatches may be weathertight:

(1) Each hatch on a watertight trunk that extends at least 12 inches (30.5 centimeters) above the weather deck.

(2) Each hatch in a cabin top.

(3) Each hatch on a vessel that operates only on protected waters.

(b) Each hatch cover must—

(1) Have securing devices; and

(2) Be attached to the hatch frame or coaming by hinges, captive chains, or to other devices to prevent its loss.

(c) Each hatch that provides access to crew or passenger accommodations must be operable from either side.

(d) Except as provided in paragraph (e) of this section, a weathertight door with permanent watertight coamings that comply with the height requirements in table 171.124(d) must be provided for each opening located in a deck house or companionway that—

(1) Gives access into the hull; and

(2) Is located in—

(i) A cockpit;

(ii) A well; or

(iii) An exposed location on a flush deck vessel.

TABLE 171.124(d)

Route	Height of coaming
Exposed or partially protected.	6 inches (15.2 centimeters).
Protected	3 inches (7.6 centimeters).

(e) If an opening in a location specified in paragraph (d) of this section is provided with a Class 1 watertight door, the height of the watertight coaming need only be sufficient to accommodate the door.

90. In § 171.130, designate the text as paragraph (a) and add paragraph (b) to read as follows:

§ 171.130 Specific applicability.

* * * * *

(b) Sections 171.140, 171.145, 171.150, and 171.155 apply to each vessel under 100 gross tons.

91. Add § 171.140 to read as follows:

§ 171.140 Drainage of a flush deck vessel.

(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 vessel with a flush deck 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.

92. Add § 171.145 to read as follows:

§ 171.145 Drainage of a vessel with a cockpit.

(a) Except as follows, the cockpit must be watertight:

(1) A cockpit may have companionways if they comply with § 171.124(d).

(2) A cockpit may have ventilation openings along its inner periphery if—

(i) The vessel operates only on protected or partially protected waters;

(ii) The ventilation openings are located as high as possible in the side of the cockpit; and

(iii) The height of the ventilation opening does not exceed 2 inches (5 centimeters).

(b) The cockpit must be designed to be self-bailing.

(c) Scuppers installed in a cockpit must be located to allow rapid clearing of water in all probable conditions of list and trim.

(d) Scuppers must have a combined area of at least the area given by either of the following equations:

$A = 0.1(D)$ square inches.

$A = 6.94(D)$ square centimeters.

Where—

A = the combined area of the scuppers in square inches (square centimeters).

D = the area of the cockpit in square feet (square meters).

(e) The cockpit deck of a vessel that operates on exposed or partially protected waters must be at least 10 inches (24.5 centimeters) above the deepest subdivision load line, unless the vessel complies with—

(1) The intact stability requirements of § 171.150;

(2) The Type II subdivision requirements in §§ 171.070, 171.072, and 171.073; and

(3) The damage stability requirements in § 171.080.

(f) The cockpit deck of all vessels that do not operate on exposed or partially protected waters must be located as high above the deepest subdivision load line as practicable.

93. Add § 171.150 to read as follows:

§ 171.150 Drainage of a vessel with a well deck.

(a) Each well deck on a vessel must be watertight.

(b) Except as provided in paragraphs (c) and (d) of this section, the area required for freeing ports in the bulwarks that form a well must be determined as follows:

(1) If a vessel operates on exposed or partially protected waters, it must have at least 100 percent of the freeing port area derived from table 171.150.

(2) If a vessel operates only on protected or partially protected waters and complies with the requirements in the following sections for a vessel that operates on exposed waters, it must have at least 50 percent of the freeing port area derived from table 171.150:

(i) The intact stability requirements of §§ 171.030 or 171.050 and § 171.170.

(ii) The subdivision requirements of §§ 171.040, 171.043, or 171.070.

(iii) The damage stability requirements of § 171.080.

(3) If a vessel operates only on protected waters, the freeing port area

must be at least equal to the scupper area required by § 171.145(d) for a cockpit of the same size.

(c) The freeing ports must be located to allow rapid clearing of water in all probable conditions of list and trim.

(d) If a vessel that operates on exposed or partially protected waters does not have free drainage from the foredeck aft, then the freeing port area must be derived from table 171.150 using the entire bulwark length rather than the bulwark length in the after two-thirds of the vessel as stated in the table.

TABLE 171.150

Height of solid bulwark in inches (centimeters)	Freeing port area ^{1 2}
6(15)	2(42.3)
12(30)	4(84.7)
18(46)	8(169.3)
24(61)	12(253.9)
30(76)	16(338.6)
36(91)	20(423.2)

¹Intermediate values of freeing port area can be obtained by interpolation.

²In square inches per foot (square centimeters per meter) of bulwark length in the after 2/3 of the vessel.

94. Add § 171.155 to read as follows:

§ 171.155 Drainage of an open boat.

The deck within the hull of an open boat must drain to the bilge. Overboard drainage of the deck is not permitted.

SUBCHAPTER T—SMALL PASSENGER VESSELS (UNDER 100 GROSS TONS)

PART 175—GENERAL PROVISIONS

95. The authority citation for part 175 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. App. 1804; 49 CFR 1.45, 1.46. Sec. 175.900 also issued under 44 U.S.C. 3507.

96. In § 175.110, revise paragraph (a) to read as follows; remove paragraph (b); redesignate paragraph (c) as paragraph (b); and remove paragraph (d) and table 175.100(d):

§ 175.110 General applicability.

(a) Except as in paragraph (b) of this section, this subchapter applies to each vessel of less than 100 gross tons that carries 150 or less passengers, or has overnight accommodations for 49 or less passengers, and that—

(1) Carries more than six passengers, including at least one for hire;

(2) Is chartered with a crew provided or specified by the owner or the owner's representative and is carrying more than six passengers;

(3) Is chartered with no crew provided or specified by the owner or the owner's representative and is carrying more than 12 passengers; or

(4) If a submersible vessel, carries at least one passenger for hire.

Note to § 175.110: For a vessel of less than 100 gross tons that carries more than 150 passengers or has overnight accommodations for more than 49 passengers, see subchapter K of this chapter.

* * * * *

97. In § 175.400, revise the definitions for “cold water”, “High Speed Craft”, “means of escape”, and “weather deck” and add, in alphabetical order, a definition for “approval series” to read as follows:

§ 175.400 Definitions of terms used in this subchapter.

* * * * *

Approval series means the first six digits of a number assigned by the Coast Guard to approved equipment. Where approval is based on a subpart of subchapter Q of this chapter, the approval series corresponds to the number of the subpart. A listing of approved equipment, including all of the approval series, is published periodically by the Coast Guard in Equipment Lists (COMDTINST M16714.3 series), available from the Superintendent of Documents.

* * * * *

Cold water means water where the monthly mean low water temperature is normally 15 degrees Celsius (59 degrees Fahrenheit) or less.

* * * * *

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, that alternative measures should be used to achieve an equivalent level of safety. In order to be considered a high speed craft, the craft must be capable of a maximum speed equal to or exceeding $V = 3.7 \times \text{displ}^{1/667}$ h, where “V” is the maximum speed and “displ” is the vessel displacement corresponding to the design waterline in cubic meters.

* * * * *

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 include doorways, passageways, stairways, stairways, and public spaces. Cargo spaces, machinery spaces, rest rooms, hazardous areas determined by the cognizant Officer in Charge Marine Inspection, escalators, and elevators must not be any part of the means of escape.

* * * * *

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 of this chapter, “weather deck” means the uppermost deck exposed to the weather to which a weathertight sideshell extends.

* * * * *

98. In § 175.600(b), under the entry for American Bureau of Shipping, add a new entry for “Guide for High Speed Craft”; under the entry for National Fire Protection Association, remove the words “NFPA 70–1993” and add, in their place, the words “NFPA 70–1996”; and, under the entry for Naval Publications and Forms Center, remove the number “21929B (1970)” and add, in its place, the number “21929C (1991)” and add a new entry for “Military Specification MIL–R–21607E” to read as follows:

§ 175.600 Incorporation by reference.

* * * * *

(b) * * *

* * * * *

American Bureau of Shipping (ABS)

* * * * *

Guide for High Speed Craft, 1997 177.300

* * * * *

Naval Publications and Forms Center

* * * * *

Military Specification MIL–R–21607E(SH) (1990)

Resins, Polyester, Low Pressure Laminating, Fire Retardant 177.410

* * * * *

99. Revise § 175.800(b) to read as follows:

§ 175.800 Approved equipment and material.

* * * * *

(b) 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 New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

PART 176—INSPECTION AND CERTIFICATION

100. The authority citation for part 176 is revised to read as follows:

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.

§ 176.105 [Amended]

101. In the section heading to § 176.105, remove the section number "170.105" and, add in its place, the number "176.105".

§ 176.400 [Amended]

102. In § 176.400(a), remove the word "Certification" and add, in its place, the word "Certificate".

103. In § 176.600(b), revise the first sentence to read as follows:

§ 176.600 Drydock and internal structural examination intervals.

* * * * *

(b) A vessel making an international voyage subject to SOLAS requirements must undergo a drydock examination at least once every 12 months. * * *

* * * * *

§ 176.612 [Amended]

104. In § 176.612(b), remove the words "such as" and add, in their place, the words "including, but not limited to,".

§ 176.802 [Amended]

105. In § 176.802(c), remove the words "the working of the hull" and add, in their place, the words "the hull and internal structure".

§ 176.808 [Amended]

106. In § 176.808, in paragraph (a)(1), remove the words "§ 71.25-15 in subchapter H of this chapter" and add, in their place, the words "§ 185.520 of this chapter"; and, in paragraph (a)(4), after the word "lifteraft", add the words ", inflatable buoyant apparatus,".

§ 176.810 [Amended]

107. In § 176.810(b), in table 176.810(b), in the "Test" column, in the fourth sentence for the entry "Carbon dioxide", remove the word "Inspection" and add, in its place, the word "Inspect".

108. Revise § 176.812(a) to read as follows:

§ 176.812 Pressure vessels and boilers.

(a) Pressure vessels must be tested and inspected in accordance with part 61, subpart 61.10, of this chapter; except that, they must be inspected once every

3 years instead of at the intervals in § 61.10-5(a), (b), and (d) of this chapter.

* * * * *

PART 177—CONSTRUCTION AND ARRANGEMENT

109. The authority citation for part 177 continues 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.

110. In § 177.300, in paragraph (c)(2), after the word "ABS;", add the word "or"; add a new paragraph (c)(3); in paragraph (d)(1)(ii), after the words "Aluminum Vessels;", add the word "or"; and add a new paragraph (d)(2) to read as follows:

§ 177.300 Structural design.

* * * * *

(c) * * *

(3) ABS Guide for High Speed Craft;

(d) * * *

(2) ABS Guide for High Speed Craft;

* * * * *

111. In § 177.410, revise paragraph (b) and the introductory text for paragraph (c) to read as follows:

§ 177.410 Structural fire protection.

* * * * *

(b) *Composite materials.* When the hull, bulkheads, decks, deckhouse, or superstructure of a vessel is partially or completely constructed of a composite material, including fiber reinforced plastic, the resin used must be fire retardant as accepted by the Commandant as meeting MIL-R-21607. Resin systems that have not been accepted as meeting MIL-R-21607 may be accepted as fire retardant if they have an ASTM E-84 flame spread rating of not more than 100 when tested in laminate form. The laminate submitted for testing the resin system to ASTM E-84 must meet the following requirements:

(1) The test specimen laminate total thickness must be between 3.2 and 6.4 millimeters (1/8 to 1/4 inch).

(2) The test specimen laminate must be reinforced with glass fiber of any form and must have a minimum resin content of 40 percent by weight.

(3) Tests must be performed by an independent laboratory.

(4) Test results must include, at a minimum, the resin manufacturer's

name and address, the manufacturer's designation (part number) for the resin system including any additives used, the test laboratory's name and address, the test specimen laminate schedule, and the flame spread index resulting from the ASTM E-84 test.

(5) Specific laminate schedules, regardless of resin type, that have an ASTM E-84 flame spread rating of not more than 100 may be considered as equivalent to the requirement in this section to use a fire retardant resin. Requests for qualifying a specific laminate schedule as fire retardant for use in a particular vessel may be submitted for consideration to the Commanding Officer, U.S. Coast Guard Marine Safety Center, 400 Seventh Street, SW., Washington, DC 20590-0001.

(c) *Use of general purpose resin.* General purpose resins may be used instead of fire retardant resins if the following additional requirements are met:

* * * * *

§ 177.600 [Amended]

112. In § 177.600(c), after the word "enclosed", add the words "passenger or".

PART 178—INTACT STABILITY AND SEAWORTHINESS

113. The authority citation for part 178 continues to read as follows:

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

§ 178.310 [Amended]

114. In § 178.310(b) introductory text, remove the word "ad" and add, in its place, the word "and".

115. In § 178.330, add paragraph (a)(4)(v) to read as follows and, in paragraph (d)(2), remove the word "freebound" and add, in its place, the word "freeboard":

§ 178.330 Simplified stability proof test.

(a) * * *

(4) * * *

(v) On vessels having one upper deck above the main deck available to passengers, the weight distribution must not be less severe than the following:

Total Test Weight (W) = ____

Passenger Capacity of Upper Deck: ____

$$\text{Weight on Upper Deck} = \frac{\text{Total Test Weight (W)}}{\text{\# of Passengers on Upper Deck}} \times \frac{1}{\text{Wt/Passenger}} \times 1.33$$

Weight on Main Deck = Total Test
Weight—Weight on Upper Deck
* * * * *

§ 178.410 [Amended]

116. In § 178.410(a), after the words “flush deck”, add the word “vessel”.

PART 179—SUBDIVISION, DAMAGE STABILITY, AND WATERTIGHT INTEGRITY

117. The authority citation for part 179 is revised 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.

118. Revise the part heading to read as shown above.

§ 179.230 [Amended]

119. In § 179.230, remove “§ 179.212(b)” and add, in its place, “§ 179.212”.

120. Revise § 179.240(a) and (b) (1) to read as follows:

§ 179.240 Foam flotation material.

(a) Foam may only be installed as flotation material on a vessel when approved by the cognizant OCMI.

(b) * * *

(1) All foam must comply with MIL-P-21929C. The fire resistance test is not required.

* * * * *

PART 180—LIFESAVING EQUIPMENT AND ARRANGEMENTS

121. The authority citation for part 180 continues to read as follows:

Authority: 46 U.S.C. 2104, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

122. Section 180.10 is revised to read as follows:

§ 180.10 Applicability to vessels on an international voyage.

A vessel on an international voyage subject to the International Convention for the Safety of Life at Sea, 1974, (SOLAS) must meet the requirements in subchapter W of this chapter for passenger vessels in the same service, instead of the requirements of this part.

123. In § 180.68(a), revise the paragraph heading and the introductory text to read as follows:

§ 180.68 Distress flares and smoke signals.

(a) *Oceans, coastwise, limited coastwise, and Great lakes routes.* A vessel on an oceans, coastwise, limited coastwise, or Great Lakes route must carry—

* * * * *

124. In subpart C, revise the subpart heading to read as follows:

Subpart C—Ring Life Buoys and Life Jackets

§ 180.70 [Amended]

125. In § 180.70(c)(5), remove the words “510 kilograms”, and add, in their place, “5 kilonewtons”.

126. Add § 180.71(e) to read as follows:

§ 180.71 Life jackets.

* * * * *

(e) Each life jacket carried on board the vessel must be marked in accordance with § 185.604 of this chapter.

§ 180.130 [Amended]

127. In § 180.130(b), remove the words “in accordance with § 160.062 in subchapter Q of this chapter,” and add, in their place, the words “under part 160, subparts 160.062 or 160.162, of this chapter”.

128. Revise § 180.150(a) introductory text to read as follows:

§ 180.150 Survival craft embarkation arrangements.

(a) A launching appliance approved under approval series 160.163 or a marine evacuation system approved under approval series 160.175 must be provided for each inflatable liferaft and inflatable buoyant apparatus when either—

* * * * *

129. In § 180.175, redesignate paragraphs (c) through (f) as paragraphs (d) through (g), respectively; add a new paragraph (c); and revise newly redesignated paragraph (f)(4) to read as follows:

§ 180.175 Survival craft equipment.

* * * * *

(c) *Inflatable buoyant apparatus.* Each inflatable buoyant apparatus must be equipped in accordance with the manufacturer's approved servicing manual.

* * * * *

(f) * * *

(4) *Light.* The light must be a floating waterlight approved under approval series 161.010 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 10 mm (3/8 inch) lanyard, resistant to deterioration from ultraviolet light, and at least 5.5 meters (18 feet) in length.

§ 180.200 [Amended]

130. In § 180.200, in paragraph (a)(1), remove the words “Subpart 160.151 in

subchapter Q of this chapter,” and add, in their place, the words “Approved under approval series 160.151”; in paragraph (a)(2), remove the words “Subpart 160.027 in subchapter Q of this chapter,” and add, in their place, the words “Approved under approval series 160.027”; in paragraphs (a)(3) and (a)(4), remove the words “Subpart 160.010 in subchapter Q of this chapter,” and add, in their place, the words “Approved under approval series 160.010”; in paragraph (b), remove the words “the buoyant apparatus or”; in paragraph (c) remove the last sentence; and, in table 180.200(c), in the “Survival craft requirements” column for the entry “Oceans”, remove “(c) warm” and add, in its place, “(b) warm”.

§ 180.202 [Amended]

131. In § 180.202, in the section heading, remove the word “an” and add, in its place, the word “on”.

§ 180.206 [Amended]

132. In § 180.206, in paragraph (a), remove the word “§ 180.204” and add, in its place, the word “§ 180.205” and, in paragraph (b), remove the words “craft is” and add, in their place, the words “craft if”.

133. In § 180.210, redesignate paragraph (c) as paragraph (d); add a new paragraph (c); and revise newly redesignated paragraph (d) to read as follows:

§ 180.210 Rescue boats.

* * * * *

(c) In general, a rescue boat must be a small, lightweight boat with built-in buoyancy and capable of being readily launched and easily maneuvered. In addition, it must be of adequate proportion to permit taking an unconscious person on board without capsizing.

(d) On a vessel of more than 19.8 meters (65 feet) in length operating on protected waters, a rescue boat approved under approval series 160.056 is acceptable in meeting the intent of this section. On a vessel of more than 19.8 meters operating on exposed or partially protected waters, a rescue boat complying with approval series 160.056 is acceptable in meeting the intent of this section. 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

134. The authority citation for part 181 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.

§ 181.300 [Amended]

135. In § 181.300(e), remove the word “, manual”.

136. Add § 181.310(c) to read as follows:

§ 181.310 Fire main and hydrants.

* * * * *

(c) Each fire hydrant must have a valve installed to allow the fire hose to be removed while the fire main is under pressure.

§ 181.320 [Amended]

137. In § 181.320, in paragraph (a), remove the words “fire stations” and add, in their place, the words “fire hydrants”; and, in paragraph (d)(1), remove “§ 160.027 in subchapter Q of this chapter” and add, in its place “approval series 162.027”.

§ 181.400 [Amended]

138. In § 181.400(b)(5)(i), remove the word “Cylinders” is removed and add, in its place, the words “The cylinder”.

§ 181.410 [Amended]

139. In § 181.410, in paragraph (b)(2), remove the words “Except as provided in paragraph (c)(2) of this section” and add, in their place, the words “Except for a normally unoccupied space of less than 170 cubic meters (6000 cubic feet)”; in paragraph (b)(10), remove the word “agency” and add in its place, the word “agent”; in paragraph (c)(2)(ii), remove the words “paragraphs (b)(2) and” and add, in their place, the word “paragraph”; in paragraph (f)(4)(v), after the first occurrence of the word “millimeters”, add the word “(inches)” and, after the word “kilograms”, add the word “(pounds)”; and, in paragraph (f)(5)(i), after the word “kilograms”, add the word “(pounds)”.

§ 181.500 [Amended]

140. In § 181.500, in table 181.500(a), under the column entitled “Minimum No. required”, remove the number “2.500” and add, in its place, the number “2,500”; under the column entitled “Medium”, remove “CO2”, wherever it appears, and add, in its place, “CO2”; and under the column entitled “Min size”, remove “2.3 kg (5 lb)” and add, in its place, “4.5 kg (10 lb)”.

§ 181.610 [Amended]

141. In § 181.610, remove the number “181.610” and add, in its place, the number “181.300”.

PART 182—MACHINERY INSTALLATION

142. The authority citation for part 182 continues to read as follows:

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

§ 182.320 [Amended]

143. In § 182.320, redesignate paragraph (a) as paragraph (b) and paragraph (b) as paragraph (a).

§ 182.430 [Amended]

144. In § 182.430, remove paragraph (d) and redesignate paragraphs (e) through (l) as paragraphs (d) through (k), respectively.

§ 182.435 [Amended]

145. In § 182.435, in paragraph (b)(3)(ii), after the word “chloride”, add the words “or equivalent” and, in paragraph (c), remove the word “that” and add, in its place, the word “which”.

§ 182.458 [Amended]

146. In § 182.458(a), after the word “for”, add the words “portable dewatering pumps or”.

147. Revise § 182.520(b)(2) to read as follows:

§ 182.520 Bilge pumps.

* * * * *

(b) * * *

(2) Provided with suitable suction hose capable of reaching the bilge of each watertight compartment and discharging overboard.

* * * * *

§ 182.610 [Amended]

148. In § 182.610(f)(1), remove “§§ 111.93–11(d) and (e) in subchapter J” and add, in its place, “§ 58.25–55(d)”.

§ 182.610 [Amended]

149. In § 182.720, in paragraph (e)(1), remove the words “rated pressure stamped thereon” and add, in their place, the words “maximum operating pressure of the system” and, in paragraph (e)(3)(ii), after the word “watertight”, add the words “decks or”.

PART 183—ELECTRICAL INSTALLATION

150. The authority citation for part 183 continues 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.

151. In § 183.340, in paragraph (i), revise the last sentence and add paragraphs (i)(1) and (i)(2) to read as follows; in paragraph (p), after the word “Conductors”, add the words “for direct

current systems”; and, in paragraph (q)(3), remove the word “and” and add, in its place, the word “end”.

§ 183.340 Cable and wiring requirements.

* * * * *

(i) * * * The use of twist-on type wire nuts is permitted under the following conditions:

(1) The connections must be made within an enclosure and the insulated cap of the connector must be secured to prevent loosening due to vibration; and

(2) Twist-on type connectors may not be used for making joints in cables, facilitating a conductor splice, or extending the length of a circuit.

* * * * *

152. Add § 183.378 to read as follows:

§ 183.378 Ungrounded systems.

Each ungrounded system must be provided with a suitably sensitive ground detection system located at the respective switchboard that provides continuous indication of circuit status to ground with a provision to momentarily remove the indicating device from the reference ground.

§ 183.432 [Amended]

153. In § 183.432(b)(4), remove the number “6” and add, in its place, the number “2”.

PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

154. The authority citation for part 184 continues 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.

§ 184.220 [Amended]

155. In § 184.220(a), remove the words “heavy duty”.

§ 184.410 [Amended]

156. In § 184.410, remove the word “fixed” and add, in its place, the word “fixes”.

§ 184.420 [Amended]

157. In § 184.420(a), remove the word “intend” and add, in its place, the word “intended”.

§ 184.506 [Amended]

158. In § 184.506, remove the word “mut” and add, in its place, the word “must”.

159. Revise the section heading to § 184.702 to read as follows:

§ 184.702 Pollution prevention equipment and procedures.

160. Revise § 184.710 to read as follows:

§ 184.710 First-aid kits.

A vessel must carry either a first-aid kit approved under approval series 160.041 or a kit with equivalent contents and instructions. For equivalent kits, the contents must be stowed in a suitable, watertight container that is marked "First-Aid Kit". A first-aid kit must be easily visible and readily available to the crew.

PART 185—OPERATIONS

161. The authority citation for part 185 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 6101; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 185.304 [Amended]

162. In § 185.304(a)(6), remove the words "each closing radar contact" and add, in their place, the words "radar contact".

§ 185.335 [Amended]

163. In § 185.335(a), remove the word "watertight".

§ 185.356 [Amended]

164. In § 185.356, remove the number "179" and add, in its place, the number "176".

§ 185.410 [Amended]

165. In § 185.410, remove the words "or other danger" and add, in their place, the words "man overboard, or other dangerous situation".

166. In § 185.420, redesignate paragraph (b) as paragraph (c) and add a new paragraph (b) to read as follows:

§ 185.420 Crew training.

* * * * *

(b) Training conducted on a sister vessel may be considered equivalent to the initial and quarterly training requirements contained in paragraph (a) of this section.

* * * * *

167. In § 185.506, revise the introductory text of paragraphs (a) and (b); redesignate paragraphs (c) and (d) as paragraphs (d) and (e), respectively; and add a new paragraph (c) to read as follows:

§ 185.506 Passenger safety orientation.

(a) Except as allowed by paragraphs (b) and (c) of this section, before getting

underway on a voyage or as soon as practicable thereafter, the master of a vessel shall ensure that suitable public announcements are made informing all passengers of the following:

* * * * *

(b) As an alternative to an announcement that complies with paragraph (a) of this section, the master or other designated person may—

* * * * *

(c) Ferries operating on short runs of less than 15 minutes may substitute bulkhead placards or signs for the announcement required in paragraphs (a) and (b) of this section if the OCMI determines that the announcements are not practical due to the vessel's unique operation.

* * * * *

§ 185.518 [Amended]

168. In § 185.518(b), remove the words "in subchapter Q of this chapter, or other standard specified by the Commandant" and add, in their place, the words "of this chapter".

§ 185.524 [Amended]

169. In § 185.524(b)(3), remove the words "of fire extinguishers" and add, in their place, the words "and location of fire alarms, extinguishers,".

170. Revise § 185.602 to read as follows:

§ 185.602 Hull markings.

(a) Each vessel must be marked as required by part 67, subpart I, of this chapter.

(b) Paragraphs (c) through (g) of this section apply 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 vessel authorized to carry more than 12 passengers on an international voyage.

(3) A vessel with more than 1 deck above the bulkhead deck exclusive of a pilot house.

(c) Each vessel that complies with the stability requirements of §§ 170.170, 170.173, 171.050, 171.055, and 171.057 of this chapter, or 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 and aft to indicate the maximum allowable trim and amidships to indicate the maximum allowable draft.

(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 must be those required by the International Convention on Load Lines, 1966.

(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 that deck.

§ 185.604 [Amended]

171. In § 185.604(b), remove the words "vessel marked" and add, in their place, the words "vessel or company marked".

172. In § 185.730, paragraph (b)(2) is revised to read as follows:

§ 185.730 Servicing of inflatable liferafts, inflatable buoyant apparatus, inflatable life jackets, and inflated rescue boats.

* * * * *

(b) * * *

(2) At a servicing facility approved by the Commandant to service that particular brand.

* * * * *

Dated: September 19, 1997.

Robert E. Kramek,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 97-25599 Filed 9-29-97; 8:45 am]

BILLING CODE 4910-14-P