

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 2, 30, 31, 52, 61, 71, 90, 91, 98, 107, 110, 114, 115, 125, 126, 132, 133, 134, 167, 169, 175, 176, 188, 189, 195, and 199

[USCG-1999-4976]

RIN 2115-AF73

Frequency of Inspection, Alternate Hull Examination Program for Certain Passenger Vessels, and Underwater Surveys for Passenger, Nautical School, and Sailing School Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes amending its vessel inspection regulations. These amendments would introduce a 5-year Certificate of Inspection cycle in accordance with the Coast Guard Authorization Act of 1996 to harmonize our inspections with most internationally required certificates. The proposed rule would also establish hull examination alternatives and a drydock extension procedure for qualifying passenger vessels. Qualifying vessels must operate exclusively in fresh water, on restricted routes, and in low risk environments. In addition, the proposed rule would provide the option of alternating drydock examinations with underwater surveys for passenger, nautical school, and sailing school vessels. This rulemaking is necessary for the following reasons: to align inspection schedules with international protocols; to establish an examination process giving industry additional latitude in scheduling inspections; and to create a parity between passenger vessels and all other Coast Guard-inspected vessels. The Coast Guard expects this proposed rule to result in a reduction in the time and paperwork associated with Coast Guard vessel inspections and examinations.

DATES: Comments and related material must reach the Docket Management Facility on or before December 30, 1999. Comments sent to the Office of Management and Budget (OMB) on collection of information must reach OMB on or before January 14, 2000.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility (USCG 1999-4976, U.S. Department of Transportation, room PL-

401, 400 Seventh Street SW., Washington, DC 20590-0001.

(2) By hand delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

You must also mail comments on collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this proposed rule, call James W. Cratty, Office of Standards Evaluation and Development (G-MSR-2), Coast Guard, telephone 202-267-6742. For questions on viewing or submitting material to the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. The comment period for this rulemaking is 45 days. The reason for this is to enable us to publish the Final Rule in time to meet the International Convention for the Safety of Life at Sea, 1974 and the International Convention on Load Line Compliance date of February 3, 2000. If you choose to submit your comments, please include your name and address, identify the docket number for this rulemaking (USCG-1999-4976), indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the

Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The background and purpose for the three distinct portions of this proposed rule, Frequency of Inspection, Alternate Hull Examinations, and Underwater Surveys, is as follows:

Frequency of Inspection

On October 31, 1988, the International Maritime Organization (IMO) convened the International Conference on the Harmonized Systems of Survey and Certification to adopt the Protocol of 1988 relating to the International Convention for Safety of Life at Sea (SOLAS), 1974, and the Protocol of 1988 relating to the International Convention on Load Lines, 1966. By adopting these 1988 Protocols, IMO standardized the term of validity for certificates and intervals for vessel inspections required by the Conventions. These 1988 Protocols will enter into force as international law on February 3, 2000. As party to the SOLAS Convention, and the International Convention on Load Lines, the U.S. ratified the 1988 Protocol on July 1, 1991. Section 605 of the Coast Guard Authorization Act of 1996, Public Law 104-324, codified at Title 46 of the United States Code (U.S.C.) section 3307 was amended to allow vessel inspections once a year or once every 5 years, depending on vessel type. Previously, vessels were inspected once a year, or once every 2 or 3 years, depending on vessel type.

This rulemaking proposes aligning the term of validity for a Certificate of Inspection (COI) and the type of inspections required during the term of the COI with the standards prescribed in

the 1974 SOLAS Convention. Adopting a 5-year COI, with interval annual inspections, and a periodic inspection will ensure that U.S. vessels meet international standards and comply with international law. These changes will also provide vessel owners and operators with more flexibility to schedule required inspections and reduce paperwork associated with these inspections.

Alternate Hull Examination (AHE) Program

In February 1997, the Riverboat Gaming Maritime Association (RGMA) of East Peoria, IL (which represents a number of gaming vessel owners and operators) asked the Coast Guard (in a letter) to allow its member vessels to undergo hull examinations while afloat instead of at drydock as required by our regulations. Many of RGMA's member vessels operate locally, are landlocked, and do not have drydock facilities of adequate size within a reasonable distance. They also operate in the low risk environments of fresh water rivers, or protected lakes, near shore, and in shallow water. While reviewing RGMA's request, the Coast Guard considered the low risk environments in which these vessels operate and the advances in underwater survey technology. We concluded that an underwater hull examination, coupled with a thorough internal examination, can adequately evaluate the condition of a vessel's hull.

In March 1997, the owners of a vessel that operates in a low-risk environment, as described above, requested a 1-year extension for completing its required drydock examination. This vessel operates approximately eight times a day on the Des Plaines River in Joliet, IL in a restricted area (between two locks on the river). This vessel was due for its first 5-year drydock examination on May 31, 1997. The vessel's owners requested a 1-year drydock extension as an interim measure, pending the Coast Guard review of the proposed hull examination alternative.

In May 1997, along with a routine drydock extension survey, we observed a demonstration of the underwater survey methods under the AHE Program proposed in this rule. We determined that the survey results alone were sufficient to grant this vessel a 1-year drydock extension to May 1998, in accordance with 46 CFR 115.670. Under 46 CFR 115.670, the Officer in Charge, Marine Inspection (OCMI) or the Commandant may allow extensions of the examination intervals between drydock examinations and internal structural examinations.

Based on the results of the underwater survey demonstration, the Coast Guard created a pilot program (which will remain in place until this rulemaking is finalized) that allows owners and operators of qualified vessels to undergo an alternative hull examination process. This examination process includes an underwater survey and internal structural examination along with annual condition assessments and scheduled preventative maintenance. Under this pilot program, we will consider a drydock extension of up to 30 months for vessels that operate in low-risk environments.

To establish criteria for this pilot program, the Coast Guard published G-MOC Policy Letter 3-98 on March 5, 1998, entitled "Drydock Extensions for Certain Passenger Vessels." This policy letter provides specific eligibility criteria, outlines application requirements, and establishes the survey criteria for these special drydock extensions. On March 5, 1998, the Coast Guard published a notice in the **Federal Register** (63 FR 10777) announcing that the G-MOC Policy Letter would be incorporated into Coast Guard regulations.

In April 1998, the first vessel in the pilot program underwent a second drydock extension survey using the guidelines in the G-MOC Policy Letter. Based on the results of the survey, the Coast Guard granted the vessel owner a 30-month drydock extension so the vessel will not have to be drydocked until November 20, 2000. After the Coast Guard set this precedent, several other gaming vessel owners and operators also completed successful surveys and were granted 30-month drydock extensions.

This rulemaking would formalize this pilot program and title it the Alternate Hull Examination (AHE) Program. The AHE Program would allow owners and operators of qualifying vessels to receive drydock extensions of up to 30 or 60 months, depending on the chosen method of hull examination. Once a vessel enters the program, it may receive an indefinite number of consecutive drydock extensions; however, the OCMI may require it to be dry-docked if the AHE Program is deemed inadequate for evaluating its hull or if out-of-water repairs are required. The affected industry would save time and money, and still meet Coast Guard safety standards by using the advanced survey techniques under the proposed AHE Program.

Underwater Survey Program

Inspected U.S. passenger vessels, nautical school ships (public and

civilian), and sailing school vessels lack the regulatory option of alternating drydock examinations with underwater surveys. Current U.S. regulations allow this option to tank vessels, cargo and miscellaneous vessels, oceanographic research vessels, and mobile offshore drilling units (MODUs). Recognizing significant advances in underwater survey technology over the past decade, the Coast Guard has determined that it is safe and appropriate to include passenger vessels, nautical school ships, and sailing school vessels in the list of qualifying vessels.

Current U.S. regulations require U.S. passenger vessels operating on international voyages to drydock annually; however, their foreign counterparts generally drydock every 2 years. International regulations, as prescribed by the International Convention for Safety of Life at Sea (SOLAS) Chapter I, Regulation 7, require passenger ships to undergo annual surveys that include inspection of the outside of the ship's bottom. To satisfy this requirement, most classification societies, acting on behalf of foreign-flag administrations, accept drydock examinations every 2 years with an underwater hull examination at the mid-period. U.S. passenger vessels operating on international voyages would gain parity with their foreign counterparts by having such an option.

Navigation and Vessel Inspection Circular (NVIC) 1-89, entitled "Underwater Survey Guidance," dated March 15, 1989, provides guidance for conducting underwater surveys to vessel owners and operators, underwater survey diving contractors, and other interested persons. The NVIC addresses the application process, the advanced planning necessary, and the procedure to be followed during an underwater survey.

This proposed rule would incorporate the guidance from NVIC 1-89 into Coast Guard regulations, and allow owners and operators of U.S. passenger vessels, nautical school ships, and sailing school vessels with steel or aluminum hulls the option of alternating underwater hull surveys with drydock examinations. This voluntary option would result in a decrease in the overall costs for vessel owners and operators that choose this option. See the REGULATORY EVALUATION section of this proposed rule for a discussion of costs.

Discussion of Proposed Rule

The discussion of the three distinct portions of this proposed rule, Frequency of Inspection, Alternate Hull Examination, and Underwater Survey, is as follows:

Frequency of Inspection

We propose changing the term of validity for a Certificate of Inspection (COI) from 2 or 3 years to 5 years. We also propose changing the type of interval inspections required for yearly endorsement of a valid COI. Vessels and mobile offshore drilling units (MODUs) that currently receive 2-year COIs would undergo three annual inspections and a periodic inspection during the 5-year interval between COI renewals. Small passenger vessels that currently receive 3-year COIs would undergo four annual inspections during the 5-year interval between COI renewals. We are proposing these changes to align with the international standards provided in SOLAS, to provide owners and operators increased flexibility in scheduling inspections, and to eliminate "inspection creep."

Currently, when an inspection for certification is conducted before the current COI expiration date, the date of the inspection becomes the new COI issue date. This causes "inspection creep" whereby a vessel's due date for inspection is earlier with each new COI. This has proven to be a hardship on those vessel owners and operators with seasonal operations. We propose to allow you to have your vessel's inspection for certification up to 3 months before the expiration date of your COI. Additionally, your vessel may undergo its annual and periodic inspections up to 3 months before or 3 months after the anniversary date of the issuance of the vessel's COI. Providing this new extended scheduling window eliminates "inspection creep" and eases inspection scheduling. The current expiration date of your vessel's or MODU's COI would remain the same for as long as the vessel or MODU operates.

(a) General

Section 2.01-5.

In § 2.01-5, we propose removing paragraphs (a)(3) and (4) that reference two forms that we no longer use: CG-3753—Certificate of Inspection (for small passenger vessels) and CG-4678—Barge Certificate of Inspection.

Section 2.01-8.

In § 2.01-8, we propose removing the reference to § 176.35-1 because it no longer exists and replace it with references to § 115.900 and § 176.900, which relate to the applicability of SOLAS certificates.

(b) Notification

Section 2.01-3.

Due to the removal of the phrase "not more than 60 days" from 46 U.S.C. 3309, we propose removing the similar

phrase "but less than 60 days" from § 2.01-3. Currently, Vessel owners and operators cannot notify the Coast Guard more than 60 days before their COI expires. Vessel owners and operators would continue to notify the Coast Guard at least 30 days before their inspection for certification, but they would no longer be restricted on how early they may notify us.

(c) SOLAS certificates

Section 2.01-25.

In § 2.01-25(a), (b), and (e), we propose removing references to both the Cargo Ship Safety Radiotelephony Certificate and the Cargo Ship Radiotelegraphy Certificate. Amendments to SOLAS combined these certificates into one certificate: The Cargo Ship Safety Radio Certificate. The revised section would only reference the new certificate.

In § 2.01-25(b)(1), we propose to add two classes of vessels: Small passenger vessels carrying more than 150 passengers or with overnight accommodations for more than 49 passengers and offshore supply vessels (OSVs). These vessels were inadvertently excluded from this section that provides guidance on SOLAS Certificates.

Sections 2.01-25, 31.40-35, 91.60-35, and 189.60-35.

We propose amending §§ 2.01-25, 31.40-35, 91.60-35, and 189.60-35 to align our rules with SOLAS requirements. SOLAS requires that certificates be made readily available, but not necessarily posted in a prominent place.

Sections 31.40-1 and 91.60-1.

In § 31.40-1, we propose adding a cross-reference to § 30.01-6, which provides information on the applicability of subchapter D for vessels on international voyages. In § 91.60-1, we propose adding a cross-reference to § 91.05-10, which provides information on the applicability of subchapter I for vessels on international voyages. These cross-references would help vessel owners and operators determine in which geographical locations they are required to have SOLAS certificates.

Sections 31.40-15, 31.40-20, 91.60-15, 91.60-20, 189.60-15, and 189.60-20.

We propose removing §§ 31.40-20, 91.60-20, and 189.60-20 that reference obsolete certificates and application information. We propose revising §§ 31.40-15, 91.60-15, and 189.60-15 to remove references to the same obsolete certificates and to add the SOLAS Cargo Ship Safety Radio Certificate that will take the place of the obsolete certificates. The Federal Communications Commission (FCC) no

longer issues the Cargo Ship Safety Radiotelegraphy Certificate, referenced in §§ 31.40-15, 91.60-15, and 189.60-15 or the Cargo Ship Safety Radiotelephony Certificate, referenced in §§ 31.40-20, 91.60-20, and 189.60-20. The proposed rule would require tankships, cargo ships, and oceanographic research vessels with radio installations to obtain the Cargo Ship Safety Radio Certificate aligning them with the international standards provided in SOLAS.

The Protocol of 1988 relating to SOLAS provides the option for the Administration (Flag State) to combine the Cargo Ship Safety Construction Certificate, the Cargo Ship Safety Radio Certificate, and the Cargo Ship Safety Equipment Certificate into the Cargo Ship Safety Certificate. We have chosen not to adopt that option at this time. The FCC has primary responsibility over the Cargo Ship Safety Radio Certificate and maintains existing agreements with third parties, which act on its behalf for issuing this certificate. The Cargo Ship Safety Certificate option would present difficulties in coordination between the two agencies. Also, the Cargo Ship Safety Radio Certificate is not included in 46 CFR part 8, Vessel Inspection Alternatives, where vessel owners and operators have the option of obtaining an international certificate from sources other than the Coast Guard.

Establishing procedures to combine the FCC responsibilities for the Cargo Ship Safety Certificate with our responsibilities for the safety construction and safety equipment certificates is beyond the scope of this rulemaking.

Sections 31.40-40, 91.60-40, and 189.60-40.

We propose revising §§ 31.40-40, 91.60-40, and 189.60-40 to remove the references to the obsolete Cargo Ship Safety Radiotelegraphy and Cargo Ship Safety Radiotelephony Certificates. We propose adding a reference to the Cargo Ship Safety Radio Certificate in place of the obsolete certificates. Also, we propose changing the period of validity of the Convention certificates from 24 months to 60 months. These proposed changes would align our rules with the international standards provided in SOLAS.

Sections 107.405.

We propose amending § 107.405 to change the term of validity of the SOLAS Safety Equipment Certificate from 24 months to 60 months. We are proposing this change to align with the international standards provided in SOLAS.

(d) Definition of Anniversary Date

Sections 30.10-2a, 90.10-1a, 107.111, 114.400, 125.160, 169.107, 175.400, and 188.10-1.

In §§ 30.10-2a, 90.10-1a, 107.111, 114.400, 125.160, 169.107, 175.400, and 188.10-1, we propose adding the definition of "anniversary date" to the definitions applicable to title 46, subchapters D, I, I-A, K, L, R, T, and U. This definition would clarify the requirement for the annual and periodic inspections based on the expiration date of the COI. In part 188, we propose to redesignate the current § 188.10-1 as § 188.10-2 to maintain the alphabetical order of the definitions.

(e) Frequency of Inspections

Section 31.01-1.

In § 31.01-1, we propose removing the terms "biennially" and "annually" and changing the frequency of an inspection for certification to every 5 years. We are proposing these changes to align with the international standards provided in SOLAS.

Sections 31.05-10, 91.01-10, 107.211, 126.250, 169.207, and 189.01-10.

In §§ 31.05-10, 91.01-10, 107.211, 126.250, 169.207, and 189.01-10, we propose changing the term of validity for a COI to 5 years. We are proposing this change to align with the international standards provided in SOLAS, to provide owners and operators with increased flexibility in scheduling inspections, and to eliminate inspection creep. In §§ 31.05-10, 91.01-10, 126.250, 169.207, and 189.01-10 we also propose to amend the section headings to read "Period of Validity for a Certificate of Inspection".

Section 31.10-15.

In § 31.10-15(a), we propose amending paragraph (a) to change the frequency of inspection for a COI from 2 years to 5 years. We are proposing this change to align with the international standards provided in SOLAS. Additionally, we are proposing editorial changes to paragraph (a) to clarify the language.

Also, the proposed rule would add new paragraph (c) to specify that the new COI would be issued upon satisfactory completion of the inspection for certification.

Section 107.201.

In § 107.201, we propose removing the term "biennial" in paragraph (b) and replacing the term "reinspections" with the terms "annual and periodic inspections" in paragraph (c). This section references statutory authority for inspections and reinspections. The proposed change would update the terminology and change the frequency

of an inspection for certification to every 5 years. We are proposing these changes to align with the international standards provided in SOLAS.

Section 115.107 and 176.107.

The proposed rule would change the COI term of validity for small passenger vessels from 3 to 5 years in §§ 115.107 and 176.107. Rather than undergoing both annual inspections and a periodic inspection during the 5-year interval between inspections for certification, these vessels would undergo four annual inspections. These inspections would provide an adequate means of determining that the vessels are seaworthy for their intended routes. Under 46 U.S.C. 3307, we are proposing these changes to provide owners and operators with increased flexibility in scheduling inspections, and to eliminate inspection creep. However, the term of validity for COIs for small passenger vessels carrying more than 12 passengers on an international voyage would remain 1 year as required by 46 U.S.C. 3307(1).

(f) Conditions of Validity

Sections 31.10-17a, 91.27-5, 107.283, 126.520, 169.227, and 189.27-10.

We propose adding §§ 31.10-17a, 91.27-5, 107.283, 126.520, 169.227, and 189.27-10 to require annual and periodic inspections to maintain the validity of COIs for—

- MODUs;
- Tank vessels;
- Cargo and miscellaneous vessels;
- Offshore supply vessels;
- Sailing school vessels; and
- Oceanographic research vessels.

We are proposing these changes to align with the international standards provided in SOLAS.

To maintain a valid COI for the full 5-year period, this proposed rule would require your vessel or MODU to—

- Undergo the relevant annual and periodic inspections within the time frame allowed; and
- Obtain endorsements from the appropriate authority for relevant annual and periodic inspections.

Sections 115.502 and 176.502.

We propose adding §§ 115.502 and 176.502 to require four annual inspections for Small Passenger Vessels (subchapters K and T) to maintain the validity of the COI. We are proposing these changes to keep all COI inspection intervals consistent.

To maintain a valid COI for the full 5-year period, this proposal would require your vessel to—

- Undergo the relevant annual inspections within the time frame allowed; and

- Obtain endorsements from the appropriate authority for relevant annual inspections.

(g) Application for COI

Sections 31.01-15, 91.25-5, 126.420, 169.205, and 189.25-5.

In §§ 31.01-15, 91.25-5, 126.420, 169.205, and 189.25-5, we propose revising the application process for a renewal of a COI. This revision would require you to submit an application for a COI at least 30 days before the expiration date of a vessel's current COI. In addition, you must schedule the inspection for certification within 3 months before the expiration date of the current COI. We are proposing these changes to align with the international standards provided in SOLAS. Also, providing this new extended scheduling window with the fixed anniversary date eases inspection scheduling and eliminates inspection creep.

Section 107.215.

We propose revising the section heading and removing the term "biennial" from paragraphs (a) and (c) because the proposed frequency of an inspection for certification for a MODU is every 5 years. In addition, the proposed revision to paragraph (b) would require you to submit an application for a COI at least 30 days before the expiration date of a vessel's current COI. Proposed new paragraph (d) would establish the 5-year term of validity for a renewed COI. We are proposing these changes to align with the international standards provided in SOLAS.

(h) Annual and Periodic Inspections

Sections 31.10-17, 91.27-1, 126.510, 189.27-1, and 189.27-5.

We propose revising §§ 31.10-17, 91.27-1, 126.510, 189.27-1, and 189.27-5 to establish annual inspections and periodic inspections for tank vessels, cargo and miscellaneous vessels, offshore supply vessels, and oceanographic research vessels. We are proposing these changes to align with the international standards provided in SOLAS and to provide owners and operators with increased flexibility in scheduling inspections.

Currently, the regulations require "reinspections" (interval inspections) for these vessels during the 2 year intervals for COIs. Changing the term of validity for COIs to 5 years allows for more time between detailed inspections. To accommodate the new 5-year COI interval while maintaining safety, we propose requiring three annual inspections and one periodic inspection during the 5-year interval between inspections for certifications. We would

maintain the current time intervals between inspections and ensure that testing or inspection requirements are conducted during the inspections for certification and periodic inspections. A vessel would undergo an annual inspection each year that it does not undergo a periodic inspection or an inspection for certification. A vessel would undergo a periodic inspection in either the second or third anniversary year of the date of issuance for the COI. The owner or operator can choose which year to have the periodic inspection. Although no written request or application for inspection is required, you must schedule annual inspections and periodic inspections with the cognizant OCMi within 3 months before but no later than 3 months after the COI anniversary date.

The scope of the annual inspection under proposed §§ 31.10–17, 91.27–1, 126.510, 189.27–1, and 189.27–5 would be equivalent to the scope of the “reinspection” (interval inspections) described in the current regulations. The scope of a reinspection under §§ 31.10–17(c), 91.27–5, 126.520, and 189.275 is currently described as “in less detail” than an inspection for certification. Because the scope of the annual inspections is equivalent to the scope of the current reinspections, we would continue to use the words “in less detail” to describe annual inspections in proposed §§ 31.10–17(a)(2), 91.27–5(a)(2), 126.520(a)(2), and 189.275(c) and to differentiate between the annual inspection and the inspection for certification.

As indicated in proposed §§ 31.10–17(b)(2), 91.27–5(b)(2), 126.520(b)(2), and 189.27–5(c), the marine inspector would ensure that your vessel is in compliance with all applicable regulations and would endorse the current COI, unless deficiencies or major changes to the vessel are found. We propose to allow the marine inspector to conduct a more detailed inspection if deficiencies are found. As in the current regulations, the marine inspector has the authority to require any tests or correction deemed necessary. The OCMi would determine the time period in which deficiencies must be corrected on a case-by-case basis.

Finally, the scope of the periodic inspection in proposed §§ 31.10–17(c), 91.27–5(b)(2), 126.520(b)(2), and 189.27–5(c) would be the same as an inspection for certification in the current regulations at §§ 31.10–15, 91.25–10, 126.430, and 189.25–10.

Sections 91.27–13 and 126.530.

We propose revising §§ 91.27–13 and 126.530 to allow owners and operators

of offshore supply vessels less than 400 gross tons in foreign ports to receive a 5-year COI. Currently, a vessel owner, master, or operator may request authorization to conduct his or her own alternative midperiod examination in place of a reinspection. This proposed rule would allow a vessel owner, master, or operator to request authorization from the Coast Guard to conduct an alternative annual inspection in place of any or all annual inspections during the 5-year interval between inspections for certification. For these vessels, the cognizant OCMi would continue conducting the inspections for certification every fifth year and the periodic inspection in either the second or third year after the COI anniversary date.

The proposed rule would require you to apply, in writing, to the cognizant OCMi for authorization to conduct your own alternative annual inspection. Your application must be received by the OCMi before the end of the twelfth month of each COI anniversary year. If you are approved, the OCMi would provide written authorization, to proceed with the alternative annual inspection and provide you with any special instructions. The proposed rule would require you to conduct your alternative annual inspection within 3 months before but no later than 3 months after the COI anniversary date. The scope of the alternative annual inspection would be equivalent to the annual inspection conducted by the Coast Guard for other offshore supply vessels. The scope of the annual inspection would be equivalent to the midperiod alternative examination required in the current inspection regulations for these vessels.

In reviewing your application for authorization, items or issues the OCMi may consider include, but are not limited to, any outstanding inspection requirements for the vessel, vessel history, documentation of employment outside the United States, and prompt correction of past deficiencies. To qualify for an alternative annual examination, these vessels must be less than 400 gross tons and must be employed outside the United States during the 3 months before and after their COI anniversary date.

Requirements regarding submission of inspection results and OCMi evaluation are prescribed in 46 CFR 91.27–13.

In addition, we propose requiring the master of an offshore supply vessel that participates in the alternative annual inspection program to endorse the vessel's COI.

Sections 107.269 and 107.270.

We propose revising §§ 107.269 and 107.270 to establish annual inspections and periodic inspections for MODUs. We are proposing these changes to align with the international standards provided in SOLAS and to provide owners and operators with increased flexibility in scheduling inspections.

Currently, the regulations require “reinspections” (interval inspections) for these units during the 2 year intervals for COIs, which are the same in scope as the inspection for certification, except in § 107.231(x) and (y). We are proposing to change the term of validity for COIs to 5 years to allow for more time between detailed inspections. To accommodate the new 5-year COI interval and ensure all applicable units comply with our regulations, we propose requiring three annual inspections and one periodic inspection during the 5-year interval between inspections for certification. We would maintain the current time intervals between inspections and ensure that testing or inspection requirements are conducted during the inspections for certification and periodic inspections. A unit would undergo an annual inspection each year that it does not undergo a periodic inspection or an inspection for certification. A unit would undergo a periodic inspection in either the second or third anniversary year of the date of issuance for the COI. The owner or operator can choose which year to have the periodic inspection. Although no written request or application for inspection is required, you must schedule annual inspections and periodic inspections with the cognizant OCMi within 3 months before but no later than 3 months after the COI anniversary date.

Currently, the scope of a reinspection under § 107.269 is the same as the scope of the inspection for certification under § 107.231, except paragraphs (x) and (y). Under proposed § 107.269, the scope of the annual inspection would be “in less detail” than the scope of the “reinspection” (interval inspections) described in the current regulations.

As indicated in proposed §§ 107.269 and 107.270, the marine inspector would ensure that your unit is in compliance with all applicable regulations and would endorse the current COI, unless deficiencies or major changes to the unit are found. We propose to allow the marine inspector to conduct a more detailed inspection if deficiencies are found. As in the current regulations, the marine inspector has the authority to require any tests or correction deemed necessary. The OCMi would determine the time period in

which deficiencies must be corrected on a case-by-case basis.

Finally, the scope of the periodic inspection in proposed § 107.270 would be the same as an inspection for certification in the current regulations at § 107.231.

Under § 107.269, MODU owners and operators are not required to conduct installation tests during reinspection. The requirements for installation tests are provided in § 107.231(x) and (y). The current paragraph references to § 107.231(y), (z), (aa), and (bb) in § 107.269 are incorrect. Proposed §§ 107.269 and 107.270 would correct and amend these references to allow the installation test exceptions for annual and periodic inspections.

Section 107.279.

We propose revising this section to remove the terms “biennial” and “reinspections” in paragraphs (b), (c), and (d). Also, we would correct the references to the exceptions in § 107.231(x) and (y). We are proposing these changes to align with the international standards provided in SOLAS.

Sections 15.500 and 176.500.

Sections 115.500 and 176.500 currently describe when reinspection is required for small passenger vessels. We propose revising these sections to require small passenger vessels with a 5-year COI to undergo four annual inspections, and to require small passenger vessels carrying more than 12 passengers on international voyages, to undergo an inspection for certification each year. We are proposing these changes to align with 46 U.S.C. 3307 and the international standards provided in SOLAS and to provide owners and operators with increased flexibility in scheduling inspections.

Currently, the regulations require “reinspections” (interval inspections) during the 3-year intervals for COIs. Changing the term of validity for COIs to 5 years allows for more time between detailed inspections. To accommodate the new 5-year COI interval and ensure all applicable vessels comply with our regulations, we propose requiring annual inspections each year during the 5-year interval between inspections for certifications. We would maintain the current frequency of inspection intervals and ensure that testing or inspection requirements are conducted during the inspections for certification. Although no written application or request for inspection is required, you must schedule annual inspections with the cognizant OCMI within 3 months before but no later than 3 months after the COI anniversary date.

The scope of the annual inspection would be equivalent to the scope of the “reinspection” (interval inspections) described in the current regulations in §§ 115.502 and 176.502. The marine inspector would ensure that your vessel is in compliance with all applicable regulations and would endorse the current COI, unless deficiencies or major changes to the vessel are found. We also propose to allow the marine inspector to require any tests or corrections deemed necessary or conduct an examination more detailed in scope to ensure that the vessel is in satisfactory condition and fit for the service for which it is intended. The OCMI will determine a time period in which deficiencies must be corrected on case-by-case basis.

Sections 169.225 and 169.226.

We propose revising §§ 169.225 and 169.226 to establish annual inspections and periodic inspections for sailing school vessels. We are proposing these changes to align with the international standards provided in SOLAS and to provide owners and operators with increased flexibility in scheduling inspections.

Currently, the regulations require “reinspections” (interval inspections) for these vessels during the 2-year intervals for COIs, which are the same in scope as the inspection for certification. We are proposing to change the term of validity for COIs to 5 years to allow more time between detailed inspections. To accommodate the new 5-year COI interval and ensure all applicable vessels comply with our regulations, we propose requiring three annual inspections and one periodic inspection during the 5-year interval between inspections for certifications. We would maintain the current frequency of inspection intervals and ensure that testing or inspection requirements are conducted during the inspections for certification and periodic inspections. A vessel would undergo an annual inspection each year that it does not undergo a periodic inspection or an inspection for certification. A vessel would undergo a periodic inspection in either the second or third anniversary year of the date of issuance for the COI. The owner or operator can choose which year to have the periodic inspection. Although no written request or application for inspection is required, you must schedule annual inspections and periodic inspections with the cognizant OCMI within 3 months before but no later than 3 months after the COI anniversary date.

Currently, the scope of a reinspection under § 169.227 is the same as the scope

of the inspection for certification under § 169.222. Under proposed § 169.225, the scope of the annual inspection would be “in less detail” than the scope of the “reinspection” (interval inspections) described in the current regulations.

As indicated in proposed §§ 169.225 and 169.226, the marine inspector would ensure that your vessel is in compliance with all applicable regulations and would endorse the current COI, unless deficiencies or major changes to the vessel are found. We propose to allow the marine inspector to conduct a more detailed inspection if deficiencies are found. As in the current regulations, the marine inspector has the authority to require any tests or correction deemed necessary. The OCMI would determine the time period in which deficiencies must be corrected on a case-by-case basis.

Finally, the scope of the periodic inspection in proposed § 169.226 would be the same as an inspection for certification in the current regulations at § 169.222.

(i) Inspection Intervals for Specific Equipment and Systems

Sections 31.10–18 and 169.247.

Currently, under § 31.10–18(d), the deck foam systems are tested biennially and under §§ 31.10–18(e) and (h), fire extinguishing equipment and carbon dioxide cylinders are inspected at the inspection for certification. Also, currently under § 169.247 (a), fire-extinguishing equipment is inspected at the inspection for certification only. We propose amending §§ 31.10–18 and 169.247 to require inspections of this fire-fighting equipment to be conducted during each inspection for certification and periodic inspection. We are proposing these changes to align with the international standards provided in SOLAS.

Section 52.01–50.

In § 52.01–50, paragraph (k)(1), we propose adding the terms “periodic inspection.” This change would maintain the frequency of inspections for fusible plugs and harmonize our inspection requirements with the proposed 5-year COI. The current rules require fusible plugs to be cleaned and examined at each inspection for certification. These proposed changes would align our rules with the international standards provided in SOLAS.

Section 61.05–10.

We propose amending Table 61.05–10 to remove references to the COI interval and replace them with the number “2.5.” This change would maintain the

inspection intervals for boilers at 2.5 years and harmonize the inspections with the proposed 5-year COI. Certain boiler tests are currently conducted at the inspection for certification. These proposed changes would align our rules with the international standards provided in SOLAS.

Section 61.10-5.

In § 61.10-5, we propose amending paragraphs (c), (h), and (i), to establish an inspection interval that must not exceed 3 years within the proposed 5-year COI. Paragraph (c) regulates tubular heat exchangers, hydraulic accumulators, and pressure vessels used in refrigeration service; paragraph (h) regulates pneumatic tests; and paragraph (i) regulates safety valves on pressure vessels.

These proposed changes would also align our rules with the international standards provided in SOLAS.

Section 61.15-5.

In § 61.15-5, we propose amending paragraph (c) to establish an inspection interval for safety and relief valves which must not exceed 3 years within the proposed 5-year COI. Safety and relief valves are currently checked by the marine inspector at each inspection for certification. This proposed change would align our rules with the international standards provided in SOLAS.

Section 61.15-10.

In § 61.15-10(a), we propose adding the term "periodic inspection." This change would maintain the frequency of inspections for liquefied petroleum gas piping for heating and cooking and harmonize our inspection requirements with the proposed 5-year COI. The current rules require examinations or tests of this equipment at each inspection for certification. These proposed changes would align our rules with the international standards provided in SOLAS.

Section 61.15-12.

In § 61.15-12(a), we propose adding the term "periodic inspection." This change would maintain the frequency of inspections for nonmetallic expansion joints and harmonize our inspection requirements with the proposed 5-year COI. The current rules require examinations or tests of this equipment at each inspection for certification. These proposed changes would align our rules with the international standards provided in SOLAS.

Section 61.20-1.

In § 61.20-1, we propose amending paragraph (a) to establish an inspection interval for steering gear that must not exceed 3 years within the proposed 5-year COI. The marine inspector currently checks the steering gear at

each inspection for certification. This proposed change would also align our rules with the international standards provided in SOLAS.

Section 61.20-3.

In § 61.20-3, we propose amending paragraphs (a) and (b) by adding the term "periodic inspection." These changes would maintain the frequency of inspections for main and auxiliary machinery and associated equipment, including fluid control systems. These changes would harmonize inspection requirements with the proposed 5-year COI. The current rules require examinations or tests of this equipment at each inspection for certification. These proposed changes would align our rules with the international standards provided in SOLAS.

Section 61.30-15.

In § 61.30-15, we propose adding the term "periodic inspection." This change would maintain the frequency of visual inspections of thermal fluid heaters. This change would harmonize inspection requirements with the proposed 5-year COI. The current rules require examinations or tests of this equipment at each inspection for certification. This proposed change would align our rules with the international standards provided in SOLAS.

Section 61.30-20.

In § 61.30-20, we propose adding the term "periodic inspection." This change would maintain the frequency of automatic control and safety checks for thermal fluid heaters. This change would harmonize inspection requirements with the proposed 5-year COI. The current rules require examinations or tests of this equipment at each inspection for certification. This proposed change would align our rules with the international standards provided in SOLAS.

Sections 91.25-20, 132.350, and 189.25-20.

In §§ 91.25-20, 132.350, and 189.25-20, we propose adding the term "periodic inspection" to require fire-extinguishing equipment to undergo inspections at the inspection for certification and periodic inspection. In 91.25-20, we have also made minor editorial changes for clarity. We are proposing these changes to align with the international standards provided in SOLAS. These changes would also provide vessel owners and operators with more flexibility to schedule required inspections and reduce paperwork associated with these inspections.

Sections 91.25-25 and 189.25-25.

In §§ 91.25-25 and 189.25-25, we propose adding the terms "and periodic

inspection" to require hull equipment to be inspected at the inspection for certification and periodic inspection. We are proposing these changes to align with the international standards provided in SOLAS. These changes would also provide vessel owners and operators with more flexibility to schedule required inspections and reduce paperwork associated with these inspections.

Sections 91.25-38 and 189.25-38.

In §§ 91.25-38 and 189.25-38, we propose adding the terms "and periodic inspection" to require pollution prevention equipment to be inspected at the inspection for certification and periodic inspection. We are proposing these changes to align with the international standards provided in SOLAS. These changes would also provide vessel owners and operators with more flexibility to schedule required inspections and reduce paperwork associated with these inspections.

Sections 91.25-40, 169.255, and 189.25-40.

In §§ 91.25-40 and 189.25-40 we propose adding the terms "periodic inspection" to require sanitation inspections at the inspection for certification and periodic inspection. In § 169.255, we propose adding the terms "periodic inspection" and "annual inspection" to require sanitation inspections at the inspection for certification, periodic inspection, and annual inspection. We also propose to remove the term "reinspection." We are proposing these changes to align with the international standards provided in SOLAS. These changes would also provide vessel owners and operators with more flexibility to schedule required inspections and reduce paperwork associated with these inspections.

Sections 91.25-45 and 189.25-45.

In §§ 91.25-45 and 189.25-45, we propose adding the terms "periodic inspection" to require inspections for fire hazards at the inspection for certification and periodic inspection. We are proposing these changes to align with the international standards provided in SOLAS.

Section 98.25-95.

In § 98.25-95, we propose adding the terms "inspection for certification" and "periodic inspection" to require inspections of anhydrous ammonia tanks at the inspection for certification and periodic inspection. We also propose to remove the term "biennial". We are proposing these changes to align with the international standards provided in SOLAS.

Section 110.30-5.

We propose revising § 110.30–5 to require inspection of electric installations and electric equipment at each inspection for certification and periodic inspection. Currently, § 110.30–5 requires these inspections annually and biennially. We are proposing these changes to align with the international standards provided in SOLAS.

Sections 115.812 and 176.812.

In §§ 115.812 and 176.812, we propose removing the 3-year inspection interval for pressure vessels and boilers on small passenger vessels. These sections would continue to cross-reference tests and inspections in 46 CFR 61.10. Proposed changes to subpart 61.10 would maintain the frequency of inspections for pressure vessels and harmonize inspection requirements with the proposed 5-year COI. The current rules require tests and inspections of this equipment at each inspection for certification. These changes would also provide vessel owners and operators with more flexibility to schedule required inspections and reduce paperwork associated with these inspections.

Sections 133.45, 169.245, and 199.45.

In §§ 133.45, 169.245, and 199.45, we propose adding the terms “and periodic inspection” to require tests and inspections of lifesaving equipment at the inspection for certification and periodic inspection. We are proposing these changes to align with the international standards provided in SOLAS. These changes would also provide vessel owners and operators with more flexibility to schedule required inspections and reduce paperwork associated with these inspections.

Section 134.120.

In § 134.120, we propose adding the terms “and periodic inspection” to require tests and inspections of liftboat jacking systems, liftboat legs, liftboat leg pads, arrangements for the supply of water to fire mains, and items listed in 46 CFR 126.430 at the inspection for certification and periodic inspection. We are proposing these changes to align with the international standards provided in SOLAS. These changes would also provide vessel owners and operators with more flexibility to schedule required inspections and reduce paperwork associated with these inspections.

Section 169.239.

In § 169.239, we propose adding the terms “and periodic inspection” to require tests and inspections of the hull structure and its appurtenances at the inspection for certification and periodic inspection. We are proposing these

changes to align with the international standards provided in SOLAS. These changes would also provide vessel owners and operators with more flexibility to schedule required inspections and reduce paperwork associated with these inspections.

Section 169.241.

We propose amending § 169.241 to require examinations and tests of the engine starting system, engine control mechanism, auxiliary machinery, fuel systems, sea valves and bulkhead closure valves, and bilge and drainage systems at the periodic inspection and the inspection for certification. We are proposing these changes to align with the international standards provided in SOLAS. These changes would also provide vessel owners and operators with more flexibility to schedule required inspections and reduce paperwork associated with these inspections.

Section 169.243.

We propose amending § 169.243 to require examinations and tests of the electrical cable, overload or circuit protective devices, rotating machinery, the fire detection and alarm system, storage batteries, and generators at the periodic inspection and the inspection for certification. We are proposing these changes to align with the international standards provided in SOLAS. These changes would also provide vessel owners and operators with more flexibility to schedule required inspections and reduce paperwork associated with these inspections.

Section 169.251.

In § 169.251, we propose adding the terms “and periodic inspection” to require inspections and operational tests of the steering apparatus at the inspection for certification and periodic inspection. These tests determine whether the steering apparatus is in satisfactory condition and fit for the service intended. We are proposing these changes to align with the international standards provided in SOLAS. These changes would also provide vessel owners and operators with more flexibility to schedule required inspections and reduce paperwork associated with these inspections.

Section 169.253.

In § 169.253 we propose adding the terms “and periodic inspection” to require examinations and tests of the ship’s outfit, such as ground tackle, navigation lights, and compass, at the same intervals as the inspection for certification. These tests determine whether the ship’s outfit is in satisfactory condition and fit for the service intended. We are proposing

these changes to align with the international standards provided in SOLAS. These changes would also provide vessel owners and operators with more flexibility to schedule required inspections and reduce paperwork associated with these inspections.

Section 169.257.

In § 169.257, we propose adding the terms “periodic inspection” and “annual inspection” to require the vessel owner or operator to correct any unsafe practices and hazardous situations observed by the marine inspector during all vessel inspections. We also propose removing the term “reinspection.” We are proposing these changes to align with the international standards provided in SOLAS. These changes would also provide vessel owners and operators with more flexibility to schedule required inspections and reduce paperwork associated with these inspections.

Section 189.25–47.

In § 189.25–47, we propose adding the term “and periodic inspection” to require inspections for chemical and explosive hazards at the inspection for certification and periodic inspection. We are proposing these changes to align with the international standards provided in SOLAS. These changes would also provide vessel owners and operators with more flexibility to schedule required inspections and reduce paperwork associated with these inspections.

Section 195.11–15.

We propose revising § 195.11–15 to require inspection of accommodation, power and chemical stores vans during each inspection for certification and periodic inspection. Currently, § 195.11–15 requires these inspections at 2-year intervals. We are proposing these changes to align with the international standards provided in SOLAS.

(j) Application for Annual Inspection of Passenger Vessels and Nautical School Ships

Sections 71.25–5, 115.404, 167.15–20, and 176.404.

Under 46 U.S.C. 3309, we propose requiring in §§ 71.25–5, 115.404, 167.15–20, and 176.404 that an application for the annual inspection must be submitted at least 30 days before the current COI expires.

Currently, subchapter H passenger vessels, nautical school vessels inspected under 46 CFR 167.15, and subchapters T and K small passenger vessels on international voyages are required to have a 1-year COI. These vessels would continue to obtain and

maintain 1-year COIs and would undergo an inspection for certification each year. Subchapter H passenger vessels need to be inspected more frequently to ensure vessel and passenger safety due to the number of passengers carried and the increased risk associated with international voyages. Nautical school ships also need to be inspected more often due to the lack of experience of the students on board. Also, 46 U.S.C. 3307 requires small passenger vessels (subchapters T and K) carrying more than 12 passengers on an international voyage to undergo an inspection for certification each year.

Alternate Hull Examination (AHE) Program.

The Coast Guard conducts hull examinations on all inspected passenger vessels to evaluate their seaworthiness and to ensure overall passenger safety. Currently, as required by regulations, these examinations are conducted in drydock; however, many vessels on inland rivers are unable to reach these facilities without significant hardship. Because of advances in technology, the Coast Guard has determined that an underwater hull examination, coupled with a thorough internal structural examination, offers a safe and reasonable alternative to drydocking for vessels operating exclusively in "low risk" environments. Low risk environments are described in the discussion of eligibility requirements below. Based on this conclusion, the AHE Program was developed.

This proposed rule would establish the AHE Program in regulation. The program would allow for drydock extensions for up to 30 or 60 months, depending on the method you choose, for qualifying passenger vessels inspected under 46 CFR subchapters H, K, or T. This program would allow these vessels to undergo an indefinite number of alternate hull examinations instead of traditional drydock examinations.

(a) General

The proposed rule contains organizational and editorial changes to the regulations for the AHE Program.

Sections 71.50-5, 115.600, and 176.612.

We propose redesignating §§ 71.50-5, 115.600, and 176.612 as §§ 71.50-35, 115.605, and 176.665, respectively. Also, we propose redesignating §§ 115.612, 115.630, 115.675, 176.612, 176.630, and 176.670 as §§ 115.665, 115.670, 115.675, 176.665, 176.670, and 176.675. The proposed rule would add several new sections for the AHE Program and the Underwater Survey Program. These proposed organizational

changes would keep similar requirements together.

Sections 71.50-35, 115.665, and 176.665.

We propose adding the words "underwater survey" in the newly redesignated §§ 71.50-35, 115.665, and 176.665. This change would ensure that each vessel would have a plan on board that shows the vessel's scantlings whenever the vessel undergoes an examination, survey, or repairs. Vessel scantlings are dimensions of structural parts such as frames, girders, and plating used in shipbuilding. We propose adding the option of an underwater survey as part of the AHE Program for subchapters H, K, and T.

(b) Definitions

Sections 71.50-1, 115.600, and 176.600.

We propose amending the definitions for "drydock examination" and "internal structural examination," and adding the definition of "underwater survey" in § 71.50-1. We propose adding the definitions for "drydock examination," "internal structural examination," and "underwater survey" in §§ 115.600, and 176.600. These definitions would apply to subchapters H, K, and T. We propose adding the term "appurtenances" that was missing from the definition of "drydock examination." The following are examples of appurtenances: sea chests, propellers, rudders, and tailshafts. We propose removing the paragraph designations from all definitions within all 3 sections. We propose adding the definition of "underwater survey" to introduce and clarify this examination process in our regulations.

(c) AHE Program Description

Sections 71.50-15, 115.620, and 176.620.

We propose adding §§ 71.50-15, 115.620, and 176.620 to explain the AHE Program for certain passenger vessels and list the four steps of the program: the application process, the preliminary examination, the pre-survey meeting, and the hull examination. The hull examination includes an underwater survey that may be conducted with divers or an underwater remotely operated vehicle (ROV). If divers are exclusively used for the underwater survey portion of the AHE examination process, you may receive an extension of up to 30 months. If a Coast Guard-accepted underwater ROV is used, you may receive an extension of up to 60 months (5 years).

(d) Eligibility Requirements

Sections 71.50-17, 115.625, and 176.625.

We propose adding §§ 71.50-17, 115.625, and 176.625 that contain eligibility requirements for the AHE Program and include construction, operation, and vessel condition requirements. To qualify for enrollment in the AHE Program, vessels must—

- Be constructed of steel or aluminum;
- Have an adequate hull protection system;
- Have operated exclusively in fresh water since the last drydock examination;
- Operate in rivers or protected lakes; and

• Operate within 0.5 nautical miles from shore, or operate in water shallow enough so the vessel itself can provide adequate safe refuge for all persons on board in the event of a hull breach. To determine whether your vessel can provide adequate safe refuge you must consider its stability and physical space.

In addition, the OCMI must accept the vessel's overall condition, history of hull casualties and deficiencies, and the AHE Program application.

Vessels that meet these criteria face much lower safety risks compared to vessels that operate in salt-water and vessels constructed of wood or fiberglass.

In paragraph (a)(2) in each of these sections, an "adequate hull protection system" means a method of protecting the vessel's hull from corrosion. Frequently, this is accomplished by the application of a combination of hull coatings and cathodic protection (usually zincs).

(e) Application Requirements

Sections 71.50-19, 115.630, and 176.630.

We propose adding §§ 71.50-19, 115.630, and 176.630 that contain the AHE Program application requirements for vessels that meet the eligibility criteria for this program. These sections establish when and to whom the vessel owner or operator must submit an application, and what information the application must contain. The application must be in the form of a letter and must include—

- The time and place for conducting the hull examination;
- The names of the diving contractors or the underwater ROV company;
- Plans and drawings of the vessel;
- Information on the condition of the vessel;
- Plans for conducting the hull examination;

- Plans for the annual condition assessment;
- Plans for conducting preventative hull maintenance; and
- The name and qualifications of third-party examiners (if applicable).

The annual hull condition assessment is required to ensure periodic evaluation of the vessel's hull condition. It should include an abbreviated survey (spot check) of the vessel's underwater hull, including its protection system and through-hull fittings and appurtenances, any repairs that have been made, and any suspect areas of the hull. This would also give you an opportunity to complete any necessary preventative maintenance such as replacement of zincs and repair of hull coatings.

The AHE Program is recognized to be time and resource intensive for the Coast Guard when compared to the traditional drydock examination process, particularly when divers are used exclusively for the underwater hull survey. We introduce the "third-party examiner" in this proposed rulemaking (as allowed in 46 U.S.C. 3103) to enable the Coast Guard to use its resources more effectively. The third-party examiner is an individual who has been hired by the vessel owner or operator, and accepted by the OCM, to oversee the entire examination process under the AHE Program. This person must be familiar with the inspection procedures and his or her responsibilities under this program.

(f) Preliminary Examination Requirements

Sections 71.50-21, 115.635, and 176.635.

We propose adding §§ 71.50-21, 115.635, and 176.635 that contain requirements regarding the preliminary examination (if required) and the presence of the third-party examiner. During this exam, divers must assess the overall condition of the vessel's hull and identify specific concerns to be addressed during the underwater hull examination. The preliminary examination is not required when an underwater ROV is used.

(g) Pre-Survey Meeting

Sections 71.50-23, 115.640, and 176.640.

We propose adding §§ 71.50-23, 115.640, and 176.640 that contain requirements for the pre-survey meeting in which the details of the examination process of the AHE Program are discussed with the OCM. A vessel owner or operator must request this meeting in writing at least 30 days in advance of the proposed examination

date. The pre-survey meeting must take place 2 weeks before the examination.

(h) AHE Procedure

Sections 71.50-25, 115.645, and 176.645.

We propose adding §§ 71.50-25, 115.645, and 176.645 that contain requirements for conducting the underwater survey. To complete the underwater survey you must—

- Perform a general examination of the underwater hull plating and a detailed examination of all hull welds, propellers, tailshafts, rudders, and other hull appurtenances;
- Measure rudder and tailshaft bearing clearances and examine all sea chests;
- Remove and inspect all sea valves in the presence of a marine inspector;
- Remove all passengers from the vessel when the sea valves are being examined, if required by the Officer in Charge, Marine Inspection;
- Allow access to all internal areas of the hull for examination; and
- Meet the procedural requirements for divers or underwater ROVs in §§ 71.50-27, 115.650, and 176.650.

In paragraph (a)(4) of these sections, the OCM may require removal of all passengers from the vessel during the examination of sea valves. Removal of passengers is likely to occur if there is a risk to the watertight integrity of the hull or an inability to keep the essential machinery in operation. The marine inspector may examine any areas of the vessel the OCM deems necessary to ensure the safety of passengers and crew. In the event that damage or potential problems are found, the OCM may require the vessel to be taken out of service or dry-docked. For example, if the vessel had a grounding, an allision, collision, or if structural damage was suspected for any reason, the OCM may require the vessel to be dry-docked to examine the damage.

(i) AHE Program options: Divers or Underwater ROV

Sections 71.50-27, 115.650, and 176.650.

We propose adding §§ 71.50-27, 115.650, and 176.650 that include the requirements of the two options, divers or an underwater ROV, to conduct the underwater survey.

The proposed rule would require the use of a third-party examiner when divers are used exclusively for the underwater examination of hull plating. The proposed rule would also require appropriate underwater audio and video equipment to record the examination when divers are used. We recommend a maximum water velocity of 1 knot for

safe dive operations unless divers are line-tended as provided for in 46 CFR 197.430.

If divers are used exclusively for the underwater survey portion of the AHE Program, a third-party examiner must observe the entire examination process. By requiring the use of a third-party examiner, Coast Guard marine inspectors would need to be present only during critical portions of the examination process such as—

- Examination of critical welds, propeller, rudder, other hull appurtenances, sea chests, and sea valves;
- Plugging of sea chests and the removal of sea valves;
- Gauging of rudder and tailshaft bearings; and
- Any other portions deemed necessary by the OCM.

Since the entire underwater survey is recorded on video, the OCM may review, as necessary, any details that were not observed at the time of survey in order to support his or her drydock extension recommendation.

If an underwater ROV is used for the examination of hull plating, the presence of a third-party examiner is not required because the ROV operator will take the place of a third-party examiner during the underwater survey, which is the most time-intensive portion of the AHE examination process. We recognize that divers would be used for the portions of the underwater survey that the underwater ROV is incapable of covering. Depending on the vessel's hull configuration, the underwater ROV may not be able to access as much as 10 to 20 percent of the vessel's hull plating. In addition, divers would be used to examine sea valves, sea chests, hull appurtenances, and rudders. A Coast Guard marine inspector would normally be present during these portions of the examination regardless of whether a third-party examiner is present. The additional time required of the Coast Guard inspectors would be negligible and would not justify requiring a third party examiner to be present during those portions of the survey when divers are used.

Current ROV technology available to the marine industry includes underwater inspection vehicles with integrated non-destructive testing (NDT) sensors, high-resolution video systems, acoustic navigation and positioning systems, and data management systems with digital recording. Such systems are capable of capturing detailed, quantifiable data on hull plating thickness, coating thickness, coating condition, cathodic protection field, plating discontinuities (crack detection),

and hull form analysis. With the use of acoustic navigation and positioning systems, all survey data can be correlated to an exact position (within a few inches) on the vessel's hull, which provide permanent, repeatable results, for long-term trend analysis. Along with video imaging of the survey, inspection reports generated by digital data analysis can include color visualizations (maps) of the vessel's hull that indicate plating thickness (or wastage), coating thickness, and cathodic protection.

If you choose to use an underwater ROV, the design, equipment specifications, results-reporting capabilities, operator qualifications, and quality assurance methods must be accepted by the Commandant (G-MOC). Additionally, the underwater ROV must undergo at least one operational test before acceptance. Once accepted, the ROV system may be employed on any Coast Guard-inspected vessel enrolled or seeking entrance into the AHE Program. This acceptance would be valid for an indefinite period of time, unless revoked by the Commandant.

Because modern underwater ROV technology offers a hull examination process far superior to traditional underwater survey methods, and at least equivalent to hull examinations conducted in drydock, a 60 month (5-year) hull examination interval is proposed when an Underwater ROV is used in the AHE process. A 5-year interval would be in line with the current drydock examination interval required by regulations for passenger vessels operating in fresh water.

(j) Reports

Sections § 71.50-29, 115.655, and 176.655.

We propose adding §§ 71.50-29, 115.655, and 176.655 that provide requirements for the hull examination report. The OCMI would evaluate the hull examination report and submit it along with his or her recommendation to the Commandant (G-MOC).

If divers are used exclusively to examine the underwater hull plating, you must provide a written report to the OCMI. This report must include thickness gauging results, bearing clearances, a copy of the audio and video recordings, and any other information that will help the OCMI evaluate your vessel for a drydock extension. The third-party examiner must sign the report and confirm the validity of its contents. By signing the report, the third-party examiner confirms that the results of the report are true and accurate. If you used divers exclusively to examine the hull plating and the report is approved, you will

receive a drydock extension of up to 30 months. If your report is not approved, the OCMI may require your vessel to be dry-docked to ensure passenger safety.

When an underwater ROV is used to examine the hull plating, you must provide a report to the OCMI in a format acceptable to the Commandant (G-MOC). If the underwater ROV report is approved, you will receive a drydock extension of up to 60 months. If your report is not approved the OCMI may require your vessel to be drydocked to ensure passenger safety.

(k) Continued Participation

Sections § 71.50-31, 115.660, and 176.660.

We propose adding §§ 71.50-31, 115.660, and 176.660 that establish the requirements for continued participation in the AHE Program. To continue to participate in the AHE Program, the proposed rule would require you to—

(a) Conduct an annual hull condition assessment that evaluates your vessel's hull, through-hull fittings and appurtenances and provides ultrasonic test results of high risk areas of the vessel's hull;

(b) Conduct preventive maintenance which must include—

(1) Inspection and replacement (as needed) of zinc anodes;

(2) Inspection and cleaning (as needed) of the underwater hull;

(3) Inspection and maintenance of the rudder and shaft seals;

(4) Inspection and operational testing of sea valves; and

(5) Flushing of sea chests and sea strainers; and

(c) Submit the results of your preventive maintenance plan and hull condition assessment report to the Officer in Charge, Marine Inspection, annually.

These reports must conform to the plans that you submitted in the application and may be in the form of reports or checklists, whichever format is more effective.

Participating in the AHE Program is entirely voluntary. Once a vessel enters the program, it may receive an indefinite number of drydock extensions; however, the OCMI may require it to be dry-docked if the examination process of the AHE Program is deemed inadequate for evaluating its hull condition or if out-of-water repairs are necessary.

Underwater Survey Program

The proposed rule would provide owners and operators of U.S. passenger vessels, nautical school ships, and sailing school vessels with steel or

aluminum hulls (inspected under 46 CFR subchapters H, K, R, and T) the option of alternating an underwater hull survey with a drydock examination. In addition, it would establish vessel qualifications for the Underwater Survey Program.

In conjunction with this proposed rule, the Coast Guard would update NVIC 1-89 entitled "Underwater Survey Guidance" to include passenger vessels, nautical school ships, and sailing school vessels and to incorporate the option of using an underwater ROV instead of divers to examine the underwater hull plating.

If you choose to use an underwater ROV, the design, equipment specifications, results-reporting capabilities, operator qualifications, and quality assurance methods must be accepted by the Commandant (G-MOC). Additionally, the underwater ROV must undergo at least one operational test before acceptance witnessed by the Coast Guard. Once accepted, the ROV system may be employed on any Coast Guard-inspected vessel enrolled or seeking entrance into the Underwater Survey Program. This acceptance would be valid for an indefinite period of time, unless revoked by the Commandant.

(a) General

The proposed rule contains organizational and editorial changes to the regulations for the Underwater Survey Program.

Sections § 167.15-35 and 169.233.

We propose to add the term "underwater survey" to §§ 167.15-35 and 169.233. This change would require each vessel and barge to have a plan on board showing the vessel's scantlings during each underwater survey.

(b) Definitions

Sections 167.15-27 and 169.231.

We propose adding the definition of "underwater survey" in §§ 167.15-27 and 169.231. We propose adding the definition of "underwater survey" to introduce and clarify this examination process in subchapter R.

(c) Examination Intervals

Sections 71.50-3, 115.605, 167.15-30, 169.229, and 176.605.

In §§ 71.50-3, 115.605, 167.15-30, 169.229, and 176.605, we propose revising the requirements for the drydocking and internal structural examination intervals to allow the option to participate in an underwater survey for qualifying passenger vessels, nautical school ships, and sailing school vessels. The proposed revisions in §§ 71.50-3, 115.605, and 176.605 provide the underwater survey option

for passenger vessels on international voyages and passenger vessels not operated on international voyages. In § 167.15–30, the proposed revision would allow nautical school ships operating in fresh and salt water the option to have an underwater survey instead of drydocking. In § 169.229, the proposed revision would allow sailing school vessels operating in fresh and salt water the option to have an underwater survey instead of drydocking.

(d) Vessel Qualifications and Application

Sections 71.50–5, 115.615, 167.15–33, 169.230, and 176.615.

We propose adding §§ 71.50–5, 115.615, 167.15–33, 169.230, and 176.615 to establish requirements for vessels to qualify for an underwater survey instead of a drydock examination at alternating intervals. The OCMI may approve an underwater survey for a vessel if it is less than 15 years of age and, if it meets the structural and operational requirements of these sections. A vessel over 15 years of age may also qualify for an underwater survey, if the results of hull gaugings taken at the drydock examination preceding the proposed underwater survey find no appreciable deterioration and the OCMI provides a recommendation to the Commandant (G-MOC). The OCMI would notify the vessel owner or operator of approval. These sections also outline the application contents and submission requirements for an underwater survey.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). A draft Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT follows:

Frequency of Inspection

This portion of the rulemaking affects a total of 10,973 vessels. Potential benefits of this proposal include—

- A harmonized inspection system enabling vessel owners and operators to receive their COI, SOLAS certificates, and Load Line Certificates simultaneously;
- Increased flexibility for vessel owners and operators by establishing up

to a 3 month window on either side of the COI anniversary date in which to conduct inspections; and

- A reduction in the burden placed on vessel owners by requiring less time expended on inspections. We have identified 5,531 vessels (freight barges, freight ships, mobile offshore drilling units, industrial vessels, oceanographic research vessels, offshore supply vessels, sailing school vessels, seagoing towing vessels, tank barges, and tank ships) that would be required to change from a 2-year to a 5-year inspection interval. For the next 30 years, we estimate an annual burden reduction of 35 minutes per vessel. We have also identified 5,442 small passenger vessels that would change from a 3-year to a 5-year inspection interval; for the next 30 years, we estimate an annual burden reduction of 13.5 minutes per vessel.

We considered whether this proposed rule would have an impact on the currently assessed annual vessel inspection fees. The Coast Guard considers the impact to be minimal; and therefore, have a negligible effect on the annual vessel inspection fee schedule. Accordingly, this rule does not change annual vessel inspection fees. However, we will initiate a rulemaking in 2000 that will reassess annual vessels inspection fees, and will account for all market condition changes.

Although this rulemaking proposes a restructuring of the inspection process, vessels would continue to be inspected once per year.

Alternate Hull Examination (AHE) Program

Certain passenger vessels, operating on restricted inland waterways, experience higher drydocking costs compared to vessels with convenient access to drydock facilities. These costs are related to the hull inspection process (e.g., lost revenue during transit to and from drydock facilities and time out of water). However, some of these vessels are at a lower risk for hull stress due to these operating environments. To alleviate this cost burden, we propose to offer the AHE Program as an option to drydock examinations. These alternatives may, in applicable cases, be less costly for owners or operators than drydocking. No costs are associated with this component of the rulemaking. Each vessel owner is given the option to choose the most cost-effective hull examination process. There are 51 passenger vessels that would be able to take advantage of the increased flexibility of this proposed rule.

Underwater Survey Program

The Underwater Survey Program would increase hull inspection flexibility for U.S. passenger vessel, nautical school ship, and sailing school vessel owners or operators. This program allows a vessel to undergo an underwater survey instead of a drydock examination and is currently available to most other classes of inspected vessels.

Due to the success of the Underwater Survey Program with these other vessel types, and the advanced underwater survey technology now available, the Coast Guard proposes that passenger vessel owners or operators have the option to alternate between underwater surveys and drydock examinations. There are no additional costs to the vessel owners or operators with this component of the rulemaking. Use of underwater surveys is completely voluntary and would only be undertaken if deemed cost effective by the vessel owner. There are 5,670 vessels that would be able to take advantage of the increased flexibility of this proposed rule.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This proposed rule would not increase costs to any of the affected vessels and, therefore, would not increase cost to small entities. We estimate this rule would slightly reduce their burden by requiring less time expended on inspections. It would also add flexibility by allowing alternative means for conducting drydock examinations. The anticipated benefits of this rulemaking to small entities would be as follows:

Frequency of Inspection

- Requiring a COI certificate once every 5 years instead of every 2 or 3 years would reduce the collection-of-information burden for all portions of the affected populations of the industry, including small entities. We determined that this rule would reduce the collection-of-information burden over a 30-year period.
- The inspection cycle would align better with international standards,

enabling vessel owners and operators to complete several major inspections and surveys at the same time. This allows small businesses to reduce their inspection cost and increase their productivity.

- Requiring annual inspections that are less time consuming would reduce the number of total inspection hours per vessel. The purpose of annual inspections is to examine specific areas of concern on vessels between the COI and periodic inspections.

- The inspection cycle for small passenger vessels (changing from a 3-year to a 5-year inspection for certification interval) would not include a periodic inspection. After careful consideration, we determined that periodic inspections for small passenger vessels would have increase industry's burden for each inspection by an estimated 7 minutes per vessel annually. Therefore, the proposed rule would only require COI and annual inspections, reducing the inspection burden for all small passenger vessels.

AHE Program

These regulatory options would reduce the inspection burden for vessels that must travel a great distance to drydock while providing an equivalent level of safety as drydock hull examinations. In cases where it is cost efficient for the vessel owner, these options would greatly decrease the amount of time and resources associated with a traditional drydock inspection and would therefore be beneficial to small entities. Because each vessel owner or operator experiences varying transit distances and financial impact, each owner should assess these factors on an individual basis.

Underwater Survey Program

This voluntary regulatory option would align U.S. passenger vessel regulations with international standards. This alignment would help the owners and operators of U.S. passenger vessels by granting them the same flexibility given to other vessel classes for conducting drydock examinations. By preventing significant delays and revenue loss, this option would be more cost-effective than traditional drydock examinations for small entities that wish to participate in this voluntary option.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. No data is available at this time to determine how many of the vessels affected by this proposed rule are small entities. If you

think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES**. In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Mr. James W. Cratty, Office of Standards Evaluation and Development (G-MSR-2), 202-267-6742.

Small entities may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations, to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This proposed rule would call for two collections of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). As defined in 5 CFR 1320.3(c), "collection of information" comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions. The titles and descriptions of the collection of information, descriptions of those who must collect the information, and estimates of the total annual burden, follow. Estimates cover the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing the reviewing collection.

The information collection requirements of this proposed rule are addressed in the previously approved OMB collections 2115-0007, and 2115-0133.

OMB Collection 2115-0007

Title: Application for Vessel Inspection and Waiver.

Summary of the Collection of Information: The frequency of inspection portion of this proposed rule would require vessel owners and operators to change the frequency in which they send an "Application for Inspection of U.S. Vessel (CG-3752)". These changes revise the previously approved OMB Collection 2115-0007. This collection of information would be affected by proposed changes in the following sections: 46 CFR 31.01-15, 91.25-5, 126.420, 169.205, and 189.25-5.

Need for Information: This rulemaking would reduce the paperwork burden for affected vessels. Vessel owners or operators would be required to send an application (CG-3752) to schedule an inspection for renewal of a Certificate of Inspection once every 5 years, rather than every 2 or 3 years.

Proposed Use of Information: The application provides the Coast Guard with basic vessel information which is necessary for the initial planning and scheduling of inspection.

Description of the Respondents: This rule would affect respondents who previously had 2 or 3-year inspection intervals for their vessel's Certificate of Inspection (COI). This rule would implement a 5-year inspection interval. Previous 2-year COI vessel classes include freight barges, freight ships, industrial vessels, mobile offshore drilling units, oceanographic research vessels, offshore supply vessels, seagoing tows, tank barges, and tank ships. Previous 3-year COI vessel classes include small passenger vessels.

Number of Respondents: The total number of respondents for the collection as submitted to OMB is 11,221. The regulation would affect 10,973 respondents that currently have 2 or 3-year inspection intervals.

Frequency of Response: For the entire collection, we anticipate 2,443 total annual responses. Vessel owners will need to respond once per COI period. Completing and mailing the application constitutes a response. The Coast Guard anticipates that 2,195 vessels per year will get new COIs under the new 5-year inspection interval (10,973 respondents affected by this rule / 5 years).

Burden of Response: We estimate that this collection of information would place a burden of 613 hours. The annual hour burden created by this regulation for vessels with 5-year COIs would be 549 hours (2,195 COI/Year \times 0.25 hours). We expect operators to need 15 minutes at most to complete and mail the application.

Estimate of Total Annual Burden: There would be a total annual burden of

\$24,500. The annual burden attributed to this rulemaking for vessels with a 5-year COI would be \$21,960 (549 hours \times the private industry wage rate of \$40 per hour).

OMB Collection 2115-0133

Title: Various Forms and Posting Requirements Under Title 46 CFR Concerning Vessel Inspections.

Summary of the Collection of Information: This proposed rule would require vessel owners and operators to change the frequency in which they post COIs on vessels and apply for participation in AHE and Underwater Survey Programs. These changes revise and amend the previously approved OMB Collection 2115-0133.

This collection of information would be affected by proposed changes in the following sections:

Frequency of Inspection. 46 CFR 31.05-10, 91.01-10, 107.211, 115.107, 126.250, 169.207, 176.107, and 189.01-10.

AHE Program. 46 CFR 71.50-19, 115.630, and 176.630.

Underwater Survey Program. 46 CFR 71.50-5, 115.615, 167.15-33, 169.230 and 176.615.

Need for Information:

Frequency of Inspection. This rulemaking would reduce the paperwork burden for affected vessels. Vessel owners or operators would renew Certificates of Inspection once every 5 years, rather than every 2 or 3 years. A Certificate of Inspection is necessary to allow a Coast Guard inspector to evaluate the condition of a specific vessel and to ensure it is fit for the service for which it is intended.

AHE Program. The application for underwater hull inspection would provide the Officer in Charge, Marine Inspection (OCMI) with information necessary to determine if a vessel is eligible for the AHE Program. The application includes a preventative maintenance plan and a hull condition assessment plan.

Underwater Survey Program. Passenger vessels, nautical school ships, and sailing school vessels with steel or aluminum hulls may be considered for an alternative underwater survey instead of drydocking examinations, provided the vessel is fitted with an effective hull protection system and meets certain requirements. Depending on the age of the vessel, owners must apply to the OCMI or Commandant (G-MOC) for approval of underwater surveys instead of drydock examinations for each vessel. This is a voluntary collection of information, which is intended to allow greater flexibility for owners of passenger

vessels. In addition, this underwater survey option would align U.S. regulations with international standards.

Proposed Use of Information:

Frequency of Inspection. The Coast Guard uses the COI to evaluate the condition of a specific vessel and to ensure it is fit for the service for which it is intended.

AHE Program. The application for underwater hull inspection provides the OCMI with information necessary to determine if a vessel is eligible for the AHE Program.

Underwater Survey Program. The underwater survey application provides the OCMI information to determine if an underwater survey is sufficient to replace a drydock hull inspection.

Description of the Respondents:

Frequency of Inspection. This rule would affect respondents who previously had 2-year and 3-year COI interval. The rule would implement a 5-year inspection interval. Previous 2-year COI vessel classes include freight barges, freight ships, industrial vessels, MODUs, oceanographic research vessels, offshore supply vessels, seagoing tows, tank barges, and tank ships. Previous 3-year COI vessel classes include small passenger vessels.

AHE Program. The affected respondents are qualifying passenger vessels that operate exclusively on restricted, low-risk environments.

Underwater Survey Program. The affected respondents for this voluntary inspection process are all U.S. subchapter H, K, R, or T vessels, with steel or aluminum hulls.

Number of Respondents:

The total number of respondents for the collection as submitted to OMB is 13,121. The affected respondents by this rule are detailed below.

Frequency of Inspection. There are 11,213 vessels that have Certificates of Inspection. The regulation would affect 10,973 respondents that currently have 2 or 3-year inspection intervals.

AHE Program. We anticipate that 51 respondents would choose to take advantage of this program.

Underwater Survey Program. We anticipate that 85 respondents would choose to take advantage of this program.

Frequency of Response:

For the entire collection, we anticipate total annual responses of 3,384.

Frequency of Inspection. Vessel owners would need to respond once per COI period. The posting of the certificate constitutes a response. The Coast Guard anticipates that 2,195 vessels would get new COIs per year

under the new 5-year inspection interval (10,973 respondents/5 years).

AHE Program. The Coast Guard expects the owners of 20 vessels to apply for participation in the AHE Program per year.

Underwater Survey Program. The Coast Guard expects the owners of 43 vessels to apply per year for underwater surveys.

Burden of Response:

Frequency of Inspection. The annual hour burden created by this regulation would be 1,098 hours (2,195 COI per year \times 0.5 hours). We expect operators to need 30 minutes to post the certificate on each ship.

AHE Program. We expect 20 extension applications per year. Each application is expected to place a burden of two hours including research and legal review. Therefore, on average there would be a 40 annual hour burden (20 applications per year \times 2 hours per application).

Underwater Survey Program. We expect 43 applications for underwater surveys per year. Each application would place a burden of two hours including research and legal review. Therefore, on average there would be an 86 annual hour burden (43 applications per year \times 2 hours per application).

Estimate of Total Annual Burden:

The annual burden attributed to this rulemaking is \$48,960 (1,224 hours times the private industry wage rate of \$40 per hour).

Public Comments on Collection of Information:

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of the collection of information.

We ask for public comment on the proposed collection of information to help us determine how useful the information is; whether it can help us perform our functions better; whether it is readily available elsewhere; how accurate our estimate of the burden of collection is; how valid our methods for determining burden are; how we can improve the quality, usefulness, and clarity of the information; and how we can minimize the burden of collection.

If you submit comments on the collection of information, submit them both to OMB and to the Docket Management Facility where indicated under **ADDRESSES**, by the date under **DATES**.

You need not respond to a collection of information unless it displays a currently valid control number from OMB. Before the requirements for this collection of information become

effective, we will publish notice in the **Federal Register** of OMB's decision to approve, modify, or disapprove the collection.

Federalism

We have analyzed this proposed rule under E.O. 13132 and have determined that this rule does not have implications for federalism under that order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

This rule deals exclusively with changing inspection intervals and providing voluntary dry-docking alternatives for certain passenger vessels. We considered the environmental impact of this proposed rule and concluded that under figure 2–1, paragraph (34)(d), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

List of Subjects

46 CFR Part 2

Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 30

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

46 CFR Part 31

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 52

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 61

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 71

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 90

Cargo vessels, Marine safety.

46 CFR Part 91

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 98

Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 107

Marine safety, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 110

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 114

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

46 CFR Part 115

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

46 CFR Part 125

Administrative practice and procedure, Authority delegation, Hazardous materials transportation, Incorporation by reference, Marine safety, Offshore supply vessels, Oil and gas exploration, Vessels.

46 CFR Part 126

Authority delegation, Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 132

Fire prevention, Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Vessels.

46 CFR Part 133

Marine safety, Occupational safety and health, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 134

Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Provisions for liftboats, Vessels.

46 CFR Part 167

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

46 CFR Part 169

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

46 CFR Part 175

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 176

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

46 CFR Part 188

Marine safety, Oceanographic research vessels.

46 CFR Part 189

Marine safety, Oceanographic research vessels, Reporting and recordkeeping requirements.

46 CFR Part 195

Marine Safety, Navigation (water), Oceanographic research vessels.

46 CFR Part 199

Cargo vessels, Incorporation by reference, Marine safety, Oil and gas exploration, Passenger vessels.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 46 CFR parts 2, 30, 31, 52, 61, 71, 90, 91, 98, 107, 110, 114, 115, 125, 126, 132, 133, 134, 167, 169, 175, 176, 188, 189, 195, and 199 as follows:

PART 2—VESSEL INSPECTIONS

1. Revise the authority citation for part 2 to read as follows:

Authority: 33 U.S.C. 1903; 43 U.S.C. 1333; 46 U.S.C. 3306, 3307, 3703; E.O. 12334, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46; subpart 2.45 also issued under the authority of Act Dec. 27, 1950, Ch. 1155, secs. 1, 2, 64 Stat. 1120 (see 46 U.S.C. App. note prec. 1).

§ 2.01–3 [Amended]

2. In § 2.01–3(a), remove the words, “, but less than 60 days,”.

§ 2.01–5 [Amended]

3. In § 2.01–5(a), remove paragraphs (a)(3) and (4).

§ 2.01–8 [Amended]

4. In § 2.01–8(b), remove “§ 176.35–1” and add, in its place, “§§ 115.900 and 176.900”.

5. In § 2.01–25—

a. Remove paragraph (a)(1)(v) and redesignate paragraphs (a)(1)(vi) through (viii) as paragraphs (a)(1)(v) through (vii), respectively;

b. In paragraph (b)(1), immediately following the words “subchapter I (Cargo and Miscellaneous Vessels),” add the words “subchapter K (Small Passenger Vessels Carrying more than 150 Passengers or with overnight accommodations for more than 49 Passengers), subchapter L (Offshore Supply Vessels),”; and

c. Revise paragraphs (a)(4), (b)(2), (e)(2), and (f) to read as follows:

§ 2.01–25 International Convention for Safety of Life at Sea, 1974.

(a) * * *

(4) The Federal Communications Commission will issue the following certificates:

- (i) Cargo Ship Safety Radio Certificate.
- (ii) Exemption Certificate.

* * * * *

(b) * * *

(2) For vessels other than passenger vessels, you must contact the local office of the Federal Communications Commission to apply for the inspection concerning the issuance of a Cargo Ship Safety Radio Certificate.

* * * * *

(e) * * *

(2) The Federal Communications Commission issues the Exemption Certificate, which modifies the Cargo Ship Safety Radio Certificate.

(f) *Availability of Certificates.* The Convention certificates must be on board the vessel and readily available for examination at all times.

* * * * *

PART 30—GENERAL PROVISIONS

6. Revise the authority citation for part 30 to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3307, 3703; 49 U.S.C. 5103, 5106; 49 CFR 1.45, 1.46; Section 30.01–2 also issued under the authority of 44 U.S.C. 3507; Section 30.01–5 also issued under the authority of Sec. 4109, Pub. L. 101–380, 104 Stat. 515.

7. Add § 30.10–2a to read as follows:

§ 30.10–2a Anniversary date—TB/ALL.

The term *anniversary date* means the day and the month of each year, which corresponds to the date of expiration of the Certificate of Inspection.

PART 31—INSPECTION AND CERTIFICATION

8. Revise the authority citation for part 31 to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3205, 3306, 3307, 3703; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 588013 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46. Section 31.10–21 also issued under the authority of Sect. 4109, Pub. L. 101–380, 104 Stat. 515.

§ 31.01–1 [Amended]

9. In § 31.01–1(a), remove the words “biennially, annually,” and add, in their place, the words “every 5 years”.

10. In § 31.01–15, revise the section heading and paragraph (a) to read as follows:

§ 31.01–15 Application for a Certificate of Inspection—TB/ALL.

(a) You must submit a written application for an inspection for certification to the cognizant OCMI. To renew a Certificate of Inspection, you must submit an application at least 30 days before the expiration of the tank vessel’s current Certificate of Inspection. When renewing a Certificate of Inspection, you must schedule an inspection for certification within 3 months before the expiration date of the current Certificate of Inspection.

* * * * *

11. In § 31.05–10, revise the section heading and paragraph (a) to read as follows:

§ 31.05–10 Period of validity for a Certificate of Inspection—TB/ALL.

(a) A Certificate of Inspection is valid for 5 years.

* * * * *

12. In § 31.10–15, revise paragraph (a) and add paragraph (c) to read as follows:

§ 31.10–15 Inspection for Certification—TB/ALL.

(a) After receiving an application for inspection, the OCMI will inspect a tank

vessel in his or her jurisdiction once every 5 years. The OCMI will ensure that every tank vessel is of a structure suitable for the carriage of flammable and/or combustible liquids in bulk and for the proper grade or grades of cargo the vessel carries while in service. If the OCMI deems it necessary, he or she may direct the vessel to be put in motion, and may adopt any other suitable means to test the tank vessel and its equipment.

* * * * *

(c) If the vessel passes the inspection for certification, the OCMI will issue a new Certificate of Inspection.

13. Revise § 31.10–17 to read as follows:

§ 31.10–17 Annual and periodic inspections—TB/ALL.

(a) *Annual inspection.* Your vessel must undergo an annual inspection within 3 months before or after each anniversary date, except as specified in paragraph (b) of this section.

(1) You must contact the cognizant OCMI to schedule an inspection at a time and place which he or she approves. No written application is required.

(2) The scope of the annual inspection is the same as the inspection for certification but in less detail unless the cognizant marine inspector finds deficiencies or determines that a major change has occurred since the last inspection. If deficiencies are found or a major change to the vessel has occurred, the marine inspector will conduct an inspection more detailed in scope to ensure that the vessel is in satisfactory condition and fit for the service for which it is intended. If your vessel passes the annual inspection, the marine inspector will endorse your vessel’s current Certificate of Inspection.

(3) If the annual inspection reveals deficiencies in your vessel’s maintenance, you must make any or all repairs or improvements within the time period specified by the OCMI.

(4) Nothing in this subpart limits the marine inspector from conducting such tests or inspections he or she deems necessary to be assured of the vessel’s seaworthiness.

(b) *Periodic inspection.* Your vessel must undergo a periodic inspection within 3 months before or after the second or third anniversary of the date of your vessel’s Certificate of Inspection. This periodic inspection will take the place of an annual inspection.

(1) You must contact the cognizant OCMI to schedule an inspection at a time and place which he or she approves. No written application is required.

(2) The scope of the periodic inspection is the same as that for the inspection for certification, as specified in § 31.10–15(b). The OCMI will ensure that the vessel is in satisfactory condition and fit for the service for which it is intended. If your vessel passes the periodic inspection, the marine inspector will endorse your vessel's current Certificate of Inspection.

(3) If the periodic inspection reveals deficiencies in your vessel's maintenance, you must make any or all repairs or improvements within the time period specified by the OCMI.

(4) Nothing in this subpart limits the marine inspector from conducting such tests or inspections he or she deems necessary to be assured of the vessel's seaworthiness.

14. Add § 31.10–17a to read as follows:

§ 31.10–17a Certificate of Inspection: Conditions of validity.

To maintain a valid Certificate of Inspection, you must complete your annual and periodic inspections within the periods specified in § 31.10–17 (a) and (b) and your Certificate of Inspection must be endorsed.

§ 31.10–18 [Amended]

15. In § 31.10–18—
a. In paragraph (d), remove the words “biennially by” and add, in their place, the words “at the inspection for certification and the periodic inspection by” and remove the words “Prior to the biennial inspection” and add, in their place, the words “Before the inspection for certification and periodic inspection”;

b. In paragraph (e), immediately following the words “inspection for certification” add the words “, periodic inspection,”; and

c. In paragraph (h), immediately following the words “inspection for certification” add the words “, periodic inspection,”.

§ 31.40–1 [Amended]

16. In § 31.40–1, immediately following the words “international voyage.” add the words “(See § 30.01–6 of this chapter.)”.

17. Revise § 31.40–15 to read as follows:

§ 31.40–15 Cargo Ship Safety Radio Certificate—T/ALL.

Every tankship equipped with a radio installation on an international voyage must have a Cargo Ship Safety Radio Certificate. Each radio installation must meet the requirements of the Federal Communication Commission and the International Convention for Safety of Life at Sea.

18.–19. Revise § 31.40–35 and its section heading to read as follows:

§ 31.40–35 Availability of Certificates.

The Convention certificates shall be on board the vessel and readily available for examination at all times.

20. Revise § 31.40–40 to read as follows:

§ 31.40–40 Duration of Convention certificates—T/ALL.

(a) The following certificates are valid for a period of not more than 60 months.

(1) A Cargo Ship Safety Construction Certificate.

(2) A Cargo Ship Safety Equipment Certificate.

(3) A Safety Management Certificate.

(4) A Cargo Ship Safety Radio Certificate.

(b) An Exemption certificate must not be valid for longer than the period of the certificate to which it refers.

(c) A Convention certificate may be withdrawn, revoked, or suspended at any time when it is determined that the vessel is no longer in compliance with applicable requirements. (See § 2.01–70 of this chapter for procedures governing appeals.)

PART 52—POWER BOILERS

21. Revise the authority citation for part 52 to read as follows:

Authority: 46 U.S.C. 3306, 3307, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 52.01–50 [Amended]

22. 52.01–50(k)(1), immediately following the words “inspection for certification” add the words “, periodic inspection”.

PART 61—PERIODIC TESTS AND INSPECTIONS

23. Revise the authority citation for part 61 to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 2103, 3306, 3307, 3703; E.O. 12234, 45 FR 58801, 3 CFR 1980 Comp., p. 277; 49 CFR 1.46.

§ 61.05–10 [Amended]

24. In § 61.05–10, in Table 61.05–10, remove the letters “COI”, wherever they appear, and add, in their place, the number “2.5”; and, in footnote number 1 to Table 61.05–10, remove the words “; where COI is used, the intervals coincide with the applicable vessel's inspection for certification”.

25. In § 61.10–5, revise paragraphs (c), (h), and (i) to read as follows:

§ 61.10–5 Pressure vessels in service.

* * * * *

(c) *Special purpose vessels.* (1) If your vessel's Certificate of Inspection is

renewed annually, the following must be examined under operating conditions at each inspection for certification: all tubular heat exchangers, hydraulic accumulators, and all pressure vessels used in refrigeration service.

(2) If your vessel's Certificate of Inspection is renewed less often than annually, the following must be examined under operating conditions twice every 5 years: all tubular heat exchangers, hydraulic accumulators, and all pressure vessels used in refrigeration service.

(3) No more than 3 years may elapse between any examination and its immediate predecessor.

* * * * *

(h) *Pneumatic tests.*

(1) Pressure vessels that were pneumatically tested before being stamped with the Coast Guard Symbol must be examined internally twice every 5 years and examined externally at each Inspection for Certification. No more than 3 years may elapse between any external examination and its immediate predecessor.

(2) For tanks whose design precludes a thorough internal or external examination, the thickness must be determined by a nondestructive method acceptable to the Officer in Charge, Marine Inspection.

(3) If (due to the product carried) your vessel's inspection intervals are prescribed in subchapter D (Tank Vessels), subchapter I (Cargo and Miscellaneous Vessels), or subchapter I–A (Mobile Offshore Drilling Units), you must comply with the pneumatic test regulations there, instead of the ones in this section.

(i) *Safety or relief valves on pressure vessels.*

(1) If your vessel's Certificate of Inspection is renewed annually, the marine inspector must check the settings of the safety or relief valves on all pressure vessels, except cargo tanks, at each inspection for certification.

(2) If your vessel's Certificate of Inspection is renewed less often than annually, the marine inspector must check the settings of the safety or relief valves on all pressure vessels, except cargo tanks, twice every 5 years. No more than 3 years may elapse between any check and its immediate predecessor.

(3) Cargo tank safety or relief valves must be checked at the interval required in subchapter D (Tank Vessels) or subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

§ 61.15–5 [Amended]

26. In § 61.15–5(c), immediately following the words “inspection for

certification" add the words "for vessels whose Certificates of Inspection are renewed each year. For other vessels, the setting must be checked twice within any 5-year period, and no more than 3 years may elapse between any check and its immediate predecessor".

§ 61.15-10 [Amended]

27. In § 61.15-10(a), remove the words "and at each inspection for certification" and add, in their place, the words ", at each inspection for certification, and at each periodic inspection".

§ 61.15-12 [Amended]

28. In § 61.15-12(a), immediately following the words "inspection for certification" add the words "and periodic inspection".

29. Revise § 61.20-1(a) to read as follows:

§ 61.20-1 Steering gear.

(a) The marine inspector must inspect the steering gear at each inspection for certification for vessels whose Certificate of Inspections are renewed each year. For other vessels, the marine inspector must inspect the steering gear twice within a 5-year period, and no more than 3 years may elapse between any inspection and its immediate predecessor. The marine inspector may inspect the steering gear more often, if necessary.

* * * * *

§ 61.20-3 [Amended]

30. In § 61.20-3, in paragraph (a), immediately following the words "inspection for certification" add the words "and periodic inspection"; and, in paragraph (b), immediately following the words "inspection for certification" add the words "and periodic inspection".

§ 61.30-15 [Amended]

31. In § 61.30-15, immediately following the words "inspection for certification" add the words ", periodic inspection".

§ 61.30-20 [Amended]

32. In § 61.30-20, immediately following the words "inspection for certification" add the words ", periodic inspection".

PART 71—INSPECTION AND CERTIFICATION

33. Revise the authority citation for part 71 to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3205, 3306, 3307; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

34. Add § 71.25-5(b) to read as follows:

§ 71.25-5 When made.

* * * * *

(b) You must submit your application for the annual inspection at least 30 days before your current certificate of inspection expires.

35. Revise § 71.50-1 to read as follows:

§ 71.50-1 Definitions relating to hull examinations.

As used in this part—

Drydock examination means hauling out a vessel or placing a vessel in a drydock or slipway for an examination of all accessible parts of the vessel's underwater body, and all through-hull fittings and appurtenances.

Internal structural examination means an examination of the vessel while afloat or in drydock and consists of a complete examination of the vessel's main strength members, including the major internal framing, the hull plating, voids, and ballast tanks, but not including cargo or fuel oil tanks.

Underwater survey means the examination of the vessel's underwater hull including all through-hull fittings and appurtenances, while the vessel is afloat.

36. In § 71.50-3 revise the section heading paragraph (a), and the introductory text of paragraph (b) to read as follows:

§ 71.50-3 Drydock examination, internal structural examination, and underwater survey intervals.

(a) If your vessel is operated on international voyages, it must undergo a drydock and internal structural examination once every 12 months unless it has been approved to undergo an underwater survey per § 71.50-5.

(b) If your vessel is operated on other than international voyages and does not meet the conditions in paragraphs (c) through (f) of this section, it must undergo a drydock and internal structural examination as follows unless it has been approved to undergo an underwater survey per § 71.50-5:

* * * * *

§ 71.50-5 [Redesignated as § 71.50-35 and Amended]

37. Redesignate § 71.50-5 as § 71.50-35; in paragraph (b), remove the words "a drydock examination or internal structural examination" and add, in their place, the words "a drydock examination, internal structural examination, or underwater survey,"; in paragraph (c), remove the words "a drydock examination or internal

structural examination" and add, in their place, the words "a drydock examination, internal structural examination, or underwater survey".

38. Add new § 71.50-5 to read as follows:

§ 71.50-5 Underwater Survey.

(a) The OCMI, may approve an underwater survey instead of a drydock examination at alternating intervals if your vessel is—

- (1) Less than 15 years of age;
- (2) A steel or aluminum hulled vessel;
- (3) Fitted with an effective hull protection system; and

- (4) Described in § 71.50-3(a) or (b).

(b) For vessels less than 15 years of age, you must submit an application for an underwater survey to the Officer in Charge, Marine Inspection at least 90 days before your vessel's next required drydock examination. The application must include—

- (1) The procedure for carrying out the underwater survey;
- (2) The time and place of the underwater survey;
- (3) The method used to accurately determine the diver's or remotely operated vehicle's (ROV) location relative to the hull;
- (4) The means for examining all through-hull fittings and appurtenances;
- (5) The means for taking shaft bearing clearances;
- (6) The condition of the vessel, including the anticipated draft of the vessel at the time of survey; and
- (7) A description of the hull protection system.

(c) If your vessel is 15 years old or older, the Commandant (G-MOC), may approve an underwater survey instead of a drydock examination at alternating intervals. You must submit an application for an underwater survey to the Officer in Charge, Marine Inspection at least 90 days before your vessel's next required drydock examination. You may be allowed this option if—

- (1) The vessel is qualified under paragraphs (a)(2) through (4) of this section;
- (2) Your application includes the information in paragraphs (b)(1) through (7) of this section; and

(3) During the vessel's drydock examination that precedes the proposed underwater survey, a complete set of hull gaugings was taken and they indicated that the vessel was free from appreciable hull deterioration.

(d) After this drydock examination, the Officer in Charge, Marine Inspection submits a recommendation for future underwater surveys, the results of the hull gauging, and the results of the Coast Guards' drydock examination

results to the Commandant (G-MOC) for review.

39. Add § 71.50-15 to read as follows:

§ 71.50-15 Description of the Alternate Hull Examination Program for certain passenger vessels.

The Alternate Hull Examination (AHE) Program provides you with an alternative to drydock examination by allowing your vessel's hull to be examined while it remains afloat. This program has four steps: the application process, the preliminary examination, the pre-survey meeting, and the hull examination. Once you complete these steps, the Officer in Charge, Marine Inspection (OCMI) may recommend that the Commandant (G-MOC) extend the interval between your drydock examination dates (drydock extension). If divers are exclusively used for the examination process, you may receive an extension of up to 30 months. If an underwater ROV is used, you may receive an extension of up to 60 months (5 years). At the end of this extension period, you may apply for additional drydock extensions under the AHE Program.

40. Add § 71.50-17 to read as follows:

§ 71.50-17 Eligibility requirements for the AHE Program for certain passenger vessels.

(a) Your vessel may be eligible for the AHE Program if—

- (1) It is constructed of steel or aluminum;
- (2) It has an effective hull protection system;
- (3) It has operated exclusively in fresh water since its last drydock examination;
- (4) It operates on rivers or protected lakes; and
- (5) It operates exclusively in shallow water or within 0.5 nautical miles from shore.

(b) In addition to the requirements in paragraph (a), the Officer in Charge, Marine Inspection will evaluate the following information when determining your vessel's eligibility for the AHE Program:

- (1) The overall condition of the vessel, based on its inspection history.
- (2) The vessel's history of hull casualties and hull-related deficiencies.
- (3) The AHE Program application, as described in § 71.50-19.

41. Add § 71.50-19 to read as follows:

§ 71.50-19 The AHE Program application.

If your vessel meets the eligibility criteria in § 71.50-17, you may apply to the AHE Program. You must submit an application at least 90 days before the requested hull examination date to the

Officer in Charge, Marine Inspection who will oversee the hull examination. The application must include—

- (a) The proposed time and place for conducting the hull examination;
- (b) The name of the participating diving contractor and, if applicable, the underwater remotely operated vehicle (ROV) company which must be accepted by the Commandant (G-MOC) under § 71.50-27;
- (c) The name and qualifications of the third-party examiner, if applicable. This person must be familiar with the inspection procedures and his or her responsibilities under this program. The Officer in Charge, Marine Inspection has the discretionary authority to accept or deny use of any third-party examiner;
- (d) A signed statement from your vessel's master, chief engineer, or the person in charge stating the vessel meets the eligibility criteria of § 71.50-17 and a description of the vessel's overall condition, level of maintenance, known or suspected damage, underwater body cleanliness, and the anticipated draft of the vessel at the time of the examination;
- (e) Plans or drawings that illustrate the external details of the hull below the sheer strake;
- (f) A detailed plan for conducting the hull examination in accordance with §§ 71.50-25 and 71.50-27, which must address all safety concerns related to the removal of sea valves during the inspection;
- (g) A preventative maintenance plan for your vessel's hull, its related systems and equipment; and
- (h) A plan for conducting the annual condition assessment of your vessel's hull which must include, at a minimum—

(1) An evaluation of your vessel's underwater hull including all through-hull fittings and appurtenances; and

- (2) The ultrasonic test results of the vessel's hull, focused on areas that may be at high risk due to corrosion.

42. Add § 71.50-21 to read as follows:

§ 71.50-21 Preliminary examination requirements.

(a) If you use divers to examine the underwater hull plating, you must arrange to have a preliminary examination conducted by a third-party examiner, with the assistance of qualified divers. The purpose of the preliminary examination is to assess the overall condition of the vessel's hull and identify any specific concerns to be addressed during the underwater hull examination.

(b) If you use an underwater ROV to examine your vessel's hull plating, a preliminary examination and the

participation of a third-party examiner will not be necessary.

43. Add § 71.50-23 to read as follows:

§ 71.50-23 Pre-Survey meeting.

(a) You must conduct a pre-survey meeting to discuss the details of the AHE procedure with the Officer in Charge, Marine Inspection. If you use divers to examine the underwater hull plating, the third-party examiner must attend the meeting and you must present the results of the preliminary examination. If you use an underwater ROV to examine the vessel's hull plating, then the ROV operator must attend the pre-survey meeting and address the underwater ROV's capabilities and limitations related to your vessel's hull design and configuration.

(b) A vessel owner or operator must request this meeting in writing at least 30 days in advance of the proposed examination date.

44. Add § 71.50-25 to read as follows:

§ 71.50-25 AHE Procedure.

(a) To complete the underwater survey you must—

(1) Perform a general examination of the underwater hull plating and a detailed examination of all hull welds, propellers, tailshafts, rudders, and other hull appurtenances;

(2) Measure rudder and tailshaft bearing clearances and examine all sea chests;

(3) Remove and inspect all sea valves in the presence of a marine inspector;

(4) Remove all passengers from the vessel when the sea valves are being examined, if required by the Officer in Charge, Marine Inspection;

(5) Allow access to all internal areas of the hull for examination; and

(6) Meet the requirements in § 71.50-27.

(b) A marine inspector may examine any other areas deemed necessary by the Officer in Charge, Marine Inspection.

(c) The Officer in Charge, Marine Inspection may require you to drydock the vessel or otherwise take it out of service if the AHE uncovers potential problems to further assess the extent of the damage and to effect permanent repairs.

45. Add § 71.50-27 to read as follows:

§ 71.50-27 AHE Program options: divers or underwater ROV.

To conduct the underwater survey portion of your hull examination, you may use divers or an underwater ROV.

(a) If you use divers to conduct the underwater survey, you must:

- (1) Locate the vessel so the divers can work safely under the vessel's keel and

around both sides. The water velocity must be safe for dive operations.

(2) Provide permanent hull markings or a temporary underwater grid system to identify the diver's location with respect to the hull, within one foot of accuracy.

(3) Take ultrasonic thickness gaugings at a minimum of 5 points on each plate, evenly spaced.

(4) Take plating thickness gaugings along transverse sections at the bow, stern, midship, and longitudinally along the wind and water strake. The divers must space such gaugings at a maximum of 3 feet apart.

(5) Ensure the third-party examiner observes the entire underwater examination process.

(6) Record the entire underwater survey with audio and video recording equipment and ensure that communications between divers and the third-party examiner are recorded.

(7) Use appropriate equipment, such as a clear box, if underwater visibility is poor, to provide the camera with a clear view of the hull.

(b) You may use an underwater ROV to conduct the underwater survey. The underwater ROV operator, survey process and equipment, quality assurance methods, and the content and format of the survey report must be accepted by the Commandant (G-MOC). If you choose this option, you must—

(1) Locate the vessel to ensure that the underwater ROV can operate effectively under the vessel's keel and around all sides; and

(2) Employ divers to examine any sections of the hull and appurtenances that the underwater ROV cannot access or is otherwise unable to evaluate.

46. Add § 71.50–29 to read as follows:

§ 71.50–29 Hull examination reports.

(a) If you use divers for the examination of the hull plating, you must provide the Officer in Charge, Marine Inspection with a written hull examination report. This report must include thickness gauging results, bearing clearances, a copy of the audio and video recordings and any other information that will help the OCMI evaluate your vessel for a drydock extension. The third-party examiner must sign the report and confirm the validity of its contents.

(b) If you use an underwater ROV for the examination of the hull plating, you must provide the Officer in Charge, Marine Inspection with a report in the format that is accepted by the Commandant (G-MOC), per § 71.50–27(b).

(c) The Officer in Charge, Marine Inspection will evaluate the hull

examination report and will submit it along with his or her recommendations to the Commandant (G-MOC) for review. If approved and you use divers to examine the hull plating, you may receive a drydock extension of up to 30 months. If approved and you use an underwater ROV to examine the hull plating, you may receive a drydock extension of up to 60 months (5 years).

47. Add § 71.50–31 to read as follows:

§ 71.50–31 Continued participation in the AHE Program.

To continue to participate in the AHE Program, you must conduct your annual hull condition assessment and submit your hull condition assessment and preventive maintenance reports or checklists on an annual basis to the Officer in Charge, Marine Inspection. These reports or checklists must conform to the plans you submitted in your application under § 71.50–19, which the Officer in Charge, Marine Inspection approved.

PART 90—GENERAL PROVISIONS

48. Revise the authority citation for part 90 to read as follows:

Authority: 46 U.S.C. 3306, 3307, 3703; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

49. Redesignate §§ 90.10–1 and 90.10–2 as §§ 90.10–2 and 90.10–3, and add new § 90.10–1 to read as follows:

§ 90.10–1 Anniversary date.

The term *anniversary date* means the day and the month of each year, which corresponds to the date of expiration of the Certificate of Inspection.

PART 91—INSPECTION AND CERTIFICATION

50. Revise the authority citation for part 91 to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3205, 3306, 3307; E.O. 12234; 45 FR 58801; 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 91.01–10 [Amended]

51. In § 91.01–10—

a. In the section heading, immediately following the word “validity” add the words “for a Certificate of Inspection”;

b. In paragraph (a), remove the words “periods of either 1 or 2 years” and add, in their place, the words “a period of 5 years”; and

c. In paragraph (c)(2), remove the words “2 years” and add, in their place, the words “5 years”.

52. Revise § 91.25–5 to read as follows:

§ 91.25–5 Application for a Certificate of Inspection.

You must submit a written application for an inspection for certification to the cognizant Officer in Charge, Marine Inspection. To renew a Certificate of Inspection, you must submit an application at least 30 days before the expiration of the tank vessel's current certificate. You must use Form CG-3752, Application for Inspection of U.S. Vessel, and submit it to the Officer in Charge, Marine Inspection at, or nearest to, the port where the vessel is located. When renewing a Certificate of Inspection, you must schedule an inspection for certification within 3 months before the expiration date of the current Certificate of Inspection.

53. Revise § 91.25–20(a) to read as follows:

§ 91.25–20 Fire-extinguishing equipment.

(a) At each inspection for certification, periodic inspection and at other times necessary, the inspector will determine that all fire-extinguishing equipment is in suitable condition and may require any tests necessary to determine the condition of the equipment. The inspector will determine if the tests and inspections required by § 91.15–60 of this subchapter have been conducted. At each inspection for certification and periodic inspection, the inspector will check fire-extinguishing equipment with the following tests and inspections:

* * * * *

§ 91.25–25 [Amended]

54. In § 91.25–25(a), immediately following the words “inspection for certification” add the words “and periodic inspection”.

§ 91.25–38 [Amended]

55. In § 91.25–38, immediately following the words “inspection for certification” add the words “and periodic inspection”.

§ 91.25–40 [Amended]

56. In § 91.25–40, immediately following the words “inspection for certification” add the words “and periodic inspection”.

§ 91.25–45 [Amended]

57. In § 91.25–45, immediately following the words “inspection for certification” add the words “and periodic inspection”.

Subpart 91.27, Consisting of §§ 91.27–1 Through 91.27–15—[Amended]

58. In subpart 91.27, in the subpart heading, remove the word “Reinspection” and add, in its place,

the words "Annual and Periodic Inspections".

59. Revise § 91.27-1 to read as follows:

§ 91.27-1 Annual and periodic inspections.

(a) *Annual inspection.* Your vessel must undergo an annual inspection within the 3 months before or after each anniversary date, except as required in paragraph (b) of this section.

(1) You must contact the cognizant Officer in Charge, Marine Inspection to schedule an inspection at a time and place which he or she approves. No written application is required.

(2) The scope of the annual inspection is the same as the inspection for certification as specified in § 91.25-10 but in less detail unless the cognizant marine inspector finds deficiencies or determines that a major change has occurred since the last inspection. If deficiencies are found or a major change to the vessel has occurred, the marine inspector will conduct an inspection more detailed in scope to ensure that the vessel is in satisfactory condition and fit for the service for which it is intended. If your vessel passes the annual inspection, the marine inspector will endorse your current Certificate of Inspection.

(3) If the annual inspection reveals deficiencies in your vessel's maintenance, you must make any or all repairs or improvements within the time period specified by the Officer in Charge, Marine Inspection.

(4) Nothing in this subpart limits the marine inspector from conducting such tests or inspections he or she deems necessary to be assured of the vessel's seaworthiness.

(b) *Periodic inspection.* Your vessel must undergo a periodic inspection within 3 months before or after the second or third anniversary of the date of your vessel's Certificate of Inspection. This periodic inspection will take the place of an annual inspection.

(1) You must contact the cognizant Officer in Charge, Marine Inspection to schedule an inspection at a time and place which he or she approves. No written application is required.

(2) The scope of the periodic inspection is the same as that for the inspection for certification, as specified in § 91.25-10. The Officer in Charge, Marine Inspection will insure that the vessel is in satisfactory condition and fit for the service for which it is intended. If your vessel passes the periodic inspection, the marine inspector will endorse your current Certificate of Inspection.

(3) If the periodic inspection reveals deficiencies in your vessel's maintenance, you must make any or all repairs or improvements within the time period specified by the Officer in Charge, Marine Inspection.

(4) Nothing in this subpart limits the marine inspector from conducting such tests or inspections he or she deems necessary to be assured of the vessel's seaworthiness.

60. Revise § 91.27-5 to read as follows:

§ 91.27-5 Certificate of Inspection: Conditions of validity.

To maintain a valid Certificate of Inspection, you must complete your annual and periodic inspections within the periods specified in § 91.27-1(a) and (b) and your Certificate of Inspection must be endorsed.

§ 91.27-10 [Removed]

61. Remove § 91.27-10.

62. Revise § 91.27-13 to read as follows:

§ 91.27-13 Alternative annual inspection for offshore supply vessels less than 400 gross tons in foreign ports.

(a) The owner or operator of an offshore supply vessel of less than 400 gross tons, except liftboats as defined in § 90.10-20 of this chapter, may request authorization to conduct an alternative annual inspection in place of the annual inspection described in § 91.27-1(a) of this chapter. You must submit your request to the Officer in Charge, Marine Inspection responsible for conducting inspections in the country in which the vessel is operating and will be examined. To qualify for the alternative annual inspection, you must meet the following requirements:

(1) The request for authorization must be in writing and received by the cognizant Officer in Charge, Marine Inspection before the end of the twelfth month of each COI anniversary year.

(2) The vessel is expected to be continuously employed outside of the United States during the 3 months before and after each anniversary date of the issuance of the COI.

(b) In determining whether to grant authorization for the alternative annual inspection, the Officer in Charge, Marine Inspection will consider the following:

(1) Information contained in previous inspection and drydock examination reports, including the Officer in Charge, Marine Inspection's recommendation for participation in the alternative midperiod examination program, and the alternative annual inspection program.

(2) The nature, number, and severity of any marine casualties or accidents, as defined in § 4.03-1 of this chapter, which the vessel has experienced in the last 3 years.

(3) The nature, number, and severity of any outstanding inspection requirements for the vessel.

(4) The owner or operator's history of compliance and cooperation in the alternative midperiod examination program and the alternative annual inspection program, which includes—

(i) The prompt correction of deficiencies;

(ii) The reliability of previously submitted alternative examination and annual inspection reports; and

(iii) The reliability of representations that the vessel under consideration will be, and other vessels previously examined under this section were, employed outside of the United States for the 3 month period before and after each anniversary date.

(c) If authorization is granted, the Officer in Charge, Marine Inspection must provide the applicant written authorization to proceed with the alternative annual inspection, including special instructions when appropriate.

(d) The following conditions must be met for the alternative annual inspection to be accepted by the Coast Guard in lieu of conducting an annual inspection in accordance with § 91.27-1(a) of this subpart.

(1) The alternative annual inspection must be conducted within 3 months before and after each anniversary date.

(2) The alternative annual inspection must be of the scope detailed in § 91.27-1(a) of this subpart and must be conducted by the vessel's master, operator, or a designated representative of the owner or operator.

(3) Upon completion of the alternative annual inspection, the person or persons conducting the inspection must prepare a comprehensive report describing the conditions found. This inspection report must contain sufficient detail to allow an evaluation to be made by the Officer in Charge, Marine Inspection to whom the report is submitted that the vessel is fit for the service and route specified on the certificate of inspection. The report must include reports and receipts documenting the servicing of lifesaving and fire protection equipment, and any photographs or sketches necessary to clarify unusual circumstances. Each person preparing the report must sign it and certify that the information contained therein is complete and accurate.

(4) Unless the vessel's master participated in the alternative annual

inspection and the preparation of the inspection report, the master must review the report for completeness and accuracy. The master must sign the report to indicate review and forward it to the vessel's owner or operator who requested authorization to conduct the inspection.

(5) The owner or operator of an offshore supply vessel inspected under this subpart must review and submit the report required by paragraph (d)(3) of this section to the Officer in Charge, Marine Inspection who authorized the owner or operator to conduct the alternative annual inspection. The inspection report must be received by the cognizant Officer in Charge, Marine Inspection before the first day of the fifth month following the anniversary date. The forwarding letter or endorsement must be certified and contain the following information—

(i) That the person or persons who conducted the inspection acted on behalf of the vessel's owner or operator;

(ii) That the inspection report was reviewed by the owner or operator;

(iii) That the discrepancies noted during the inspection have been corrected or will be corrected within a stated time frame; and

(iv) That the owner or operator has sufficient personal knowledge of conditions aboard the vessel at the time of the inspection or has made necessary inquiries to justify forming a belief that the inspection report is true and correct.

(e) The form of certification required under this subpart is as follows:

"I certify that the above is true and complete to the best of my knowledge and belief."

(f) Deficiencies and hazards discovered during an alternative annual inspection conducted pursuant to this section must be corrected or eliminated, if practical, before the inspection report is submitted to the Officer in Charge, Marine Inspection in accordance with paragraph (d)(5) of this section. Deficiencies and hazards that are not corrected or eliminated by the time the inspection report is submitted must be listed in the report as "outstanding." Upon receipt of an inspection report indicating outstanding deficiencies or hazards, the Officer in Charge, Marine Inspection will inform the owner or operator of the vessel in writing of the time period in which to correct or eliminate the deficiencies or hazards and the method for establishing that the corrections have been accomplished. Where a deficiency or hazard remains uncorrected or uneliminated after the expiration of the time specified for correction or elimination, the Officer in

Charge, Marine Inspection will initiate appropriate enforcement measures.

(g) Upon receipt of the report required by paragraph (d)(3) of this section, the Officer in Charge, Marine Inspection must evaluate it and make the following determination:

(1) Whether the alternative annual inspection is accepted in lieu of the annual inspection required by § 91.27–1(a) of this subpart.

(2) Whether the vessel is in satisfactory condition.

(3) Whether the vessel continues to be reasonably fit for its intended service and route. The Officer in Charge, Marine Inspection may request any additional information needed to make the determinations required by this section. The Officer in Charge, Marine Inspection will inform the owner or operator in writing of the determinations required by this section.

(h) If the Officer in Charge, Marine Inspection determines, in accordance with paragraph (g) of this section, that the alternative annual inspection is not accepted in lieu of the annual inspection required by § 91.27–1(a) of this subpart, the vessel must be reinspected by the cognizant Officer in Charge, Marine Inspection as soon as practical.

(i) If the Officer in Charge, Marine Inspection determines, in accordance with paragraph (g) of this section, that the alternative annual inspection is accepted in lieu of the annual inspection required by § 91.27–1(a) of this subpart, the master must complete the applicable COI endorsement.

§ 91.60–1 [Amended]

63. In § 91.60–1, immediately following the words "international voyage," add the words "(See § 91.05–10 of this chapter.)"

64. Revise § 91.60–15 to read as follows:

§ 91.60–15 Cargo Ship Safety Radio Certificate.

Every vessel equipped with a radio installation on an international voyage must have a Cargo Ship Safety Radio Certificate. Each radio installation must meet the requirements of the Federal Communication Commission and the International Convention for Safety of Life at Sea.

65–66. Revise § 91.60–35 to read as follows:

§ 91.60–35 Availability of Certificates.

The Convention certificates must be on board the vessel and readily available for examination at all times.

67. Revise § 91.60–40 to read as follows:

§ 91.60–40 Duration of Convention Certificates.

(a) The following certificates are valid for a period of not more than 60 months.

(1) A Cargo Ship Safety Construction Certificate.

(2) A Cargo Ship Safety Equipment Certificate.

(3) A Safety Management Certificate.

(4) A Cargo Ship Safety Radio Certificate.

(b) An Exemption certificate must not be valid for longer than the period of the certificate to which it refers.

(c) A Convention certificate may be withdrawn, revoked, or suspended at any time when it is determined that the vessel is no longer in compliance with applicable requirements. (See § 2.01–70 of this chapter for procedures governing appeals.)

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

68. Revise the authority citation for part 98 to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3306, 3307, 3703; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 98.25–95 [Amended]

69. In § 98.25–95(a)(2), remove the words "biennial inspection" and add, in their place, the words, "inspection for certification and periodic inspection".

PART 107—INSPECTION AND CERTIFICATION

70. Revise the authority citation for part 107 to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3307; 46 U.S.C. 3316; 49 CFR 1.45, 1.46; § 107.05 also issued under the authority of 44 U.S.C. 3507.

71. In § 107.111, add, in alphabetical order, the definition for "anniversary date" to read as follows:

§ 107.111 Definitions.

* * * * *

Anniversary date means the day and the month of each year, which corresponds to the date of expiration of the Certificate of Inspection.

* * * * *

§ 107.201 [Amended]

72. In § 107.201, in paragraph (b) remove the word "biennial", capitalize the word "inspection" the first time it appears, and in paragraph (c) remove the word "reinspections" and add, in its place, the words "annual and periodic inspections".

73. Revise § 107.211(d) to read as follows:

§ 107.211 Original Certificate of Inspection.

* * * * *

(d) A Certificate of Inspection is valid for 5 years.

74. In § 107.215—

(a) Revise section heading;

(b) In paragraph (a), remove the words “a biennial” and add, in their place, the word “an”;

(c) In paragraph (b), remove the words “60 days” and add, in their place, the words “30 days”;

(d) In paragraph (c) remove the words “biennial inspection” and add, in their place, the words “inspection for certification”; and

(e) Add new paragraph (d) to read as follows:

§ 107.215 Renewal of Certificate of Inspection.

* * * * *

(d) A Certificate of Inspection is valid for 5 years.

75. Revise § 107.269 to read as follows:

§ 107.269 Annual inspection.

(a) Your mobile offshore drilling unit (MODU) must undergo an annual inspection within the 3 months before or after each anniversary date, except as specified in § 107.270.

(b) You must contact the cognizant OCMi to schedule an inspection at a time and place which he or she approves. No written application is required.

(c) The scope of the annual inspection is the same as the inspection for certification as specified in § 107.231, except § 107.231 (x) and (y), but in less detail unless the cognizant OCMi finds deficiencies or determines that a major change has occurred since the last inspection. If deficiencies are found or a major change to the MODU has occurred, the OCMi will conduct an inspection more detailed in scope to ensure that the MODU is in satisfactory condition and fit for the service for which it is intended. If your MODU passes the annual inspection, the OCMi will endorse your current Certificate of Inspection.

(d) If the annual inspection reveals deficiencies in your MODU's maintenance, you must make any or all repairs or improvements within the time period specified by the OCMi.

(e) Nothing in this subpart limits the marine inspector from conducting such tests or inspections he or she deems necessary to be assured of the vessel's seaworthiness.

76. Add § 107.270 to read as follows:

§ 107.270 Periodic inspection.

(a) Your vessel must undergo a periodic inspection within 3 months before or after the second or third anniversary of the date of your vessel's Certificate of Inspection. This periodic inspection will take the place of an annual inspection.

(b) You must contact the cognizant OCMi to schedule an inspection at a time and place which he or she approves. No written application is required.

(c) The scope of the periodic inspection is the same as that for the inspection for certification, as specified in § 107.231 except § 107.231 (x) and (y). The OCMi will insure that the MODU is in satisfactory condition and fit for the service for which it is intended. If your MODU passes the periodic inspection, the marine inspector will endorse your current Certificate of Inspection.

(d) If the periodic inspection reveals deficiencies in your MODU's maintenance, you must make any or all repairs or improvements within the time period specified by the OCMi.

(e) Nothing in this subpart limits the marine inspector from conducting such tests or inspections he or she deems necessary to be assured of the vessel's seaworthiness.

77. In § 107.279, revise paragraphs (b), (c) and (d) to read as follows:

§ 107.279 Certificate of Inspection: Failure to meet requirements.

* * * * *

(b) Withhold renewal of the Certificate of Inspection until the MODU meets the requirements of § 107.231, except § 107.231 (x) and (y).

(c) Suspend a valid Certificate of Inspection after an annual or periodic inspection until the MODU meets the requirements of § 107.231, except § 107.231 (x) and (y).

(d) Revoke a valid Certificate of Inspection after an annual or periodic inspection if the unit operates without complying with Coast Guard orders to correct unlawful conditions.

78. Add § 107.283 to subpart B to read as follows:

§ 107.283 Certificate of Inspection: Conditions of validity.

To maintain a valid Certificate of Inspection, you must complete your annual and periodic inspections within the periods specified in §§ 107.269 and 107.270 and your Certificate of Inspection must be endorsed.

§ 107.405 [Amended]

79. In § 107.405(b), remove the words “24 months” and add, in their place, the words “60 months”.

PART 110—GENERAL PROVISIONS

80. Revise the authority citation for part 110 to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3307, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p.277; 49 CFR 1.45, 1.46; § 110.01–2 also issued under 44 U.S.C. 3507.

81. Revise § 110.30–5 to read as follows:

§ 110.30–5 Inspection for certification.

Electric installations and electric equipment must be inspected at the inspection for certification and periodic inspection to determine mechanical and electrical condition and performance. Particular note must be made of circuits added or modified after the original issuance of the Certificate of Inspection.

PART 114—GENERAL PROVISIONS

82. Revise the authority citation for part 114 to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3307, 3703; 49 U.S.C. App. 1804; 49 CFR 1.45, 1.46. Sec. 114.900 also issued under 44 U.S.C. 3507.

83. In § 114.400(b), add, in alphabetical order, the definition for “anniversary date” to read as follows:

§ 114.400 Definition of terms used in this subchapter.

* * * * *

(b) * * *

Anniversary date means the day and the month of each year, which corresponds to the date of expiration of the Certificate of Inspection.

* * * * *

PART 115—INSPECTION AND CERTIFICATION

84. Revise the authority citation for part 115 to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3205, 3306, 3307; 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.

§ 115.105 [Amended]

85. In § 115.105(e), in the second sentence, remove the word “periodic”.

86. Revise § 115.107 and its section heading to read as follows:

§ 115.107 Period of validity for a Certificate of Inspection.

(a) A Certificate of Inspection is valid for 1 year for vessels carrying more than 12 passengers on international voyages.

(b) A Certificate of Inspection is valid for 5 years for all other vessels.

(c) A Certificate of Inspection may be suspended and withdrawn or revoked

by the cognizant OCMI at any time for noncompliance with the requirements of this subchapter.

87. In § 115.404, redesignate existing text as paragraph (a) and add paragraph (b) to read as follows:

§ 115.404 Subsequent inspections for certification.

* * * * *

(b) You must submit your written application for renewal of a Certificate of Inspection to the OCMI at least 30 days prior to the expiration date of your current COI, as required in § 115.105.

88. Revise § 115.500 to read as follows:

§ 115.500 When required.

(a) Vessels carrying more than 12 passengers on international voyages must undergo an inspection for certification each year as specified in § 115.404.

(b) All other vessels must undergo an inspection for certification as specified in § 115.404 and an annual inspection as specified in paragraph (b)(1) of this section.

(1) *Annual inspection.* Your vessel must undergo an annual inspection within the 3 months before or after each anniversary date.

(i) You must contact the cognizant OCMI to schedule an inspection at a time and place which he or she approves. No written application is required.

(ii) The scope of the annual inspection is the same as the inspection for certification, as specified in § 115.404 but in less detail unless the cognizant marine inspector finds deficiencies or determines that a major change has occurred since the last inspection. If deficiencies are found or a major change to the vessel has occurred, the marine inspector will conduct an inspection more detailed in scope to ensure that the vessel is in satisfactory condition and fit for the service for which it is intended. If your vessel passes the annual inspection, the marine inspector will endorse your current Certificate of Inspection.

(iii) If the annual inspection reveals deficiencies in your vessel's maintenance, you must make any or all repairs or improvements within the time period specified by the OCMI.

(iv) Nothing in this subpart limits the marine inspector from conducting such tests or inspections he or she deems necessary to be assured of the vessel's seaworthiness.

(2) [Reserved]

89. Revise § 115.502 to read as follows:

§ 115.502 Certificate of Inspection: Conditions of validity.

To maintain a valid Certificate of Inspection, you must complete your annual inspections within the periods specified in § 115.500 and your Certificate of Inspection must be endorsed.

§ 115.600 [Redesignated as § 115.605]

90. Redesignate § 115.600 as § 115.605 and add new § 115.600 to read as follows:

§ 115.600 Definitions relating to hull examinations.

As used in this part—

Drydock examination means hauling out a vessel or placing a vessel in a drydock or slipway for an examination of all accessible parts of the vessel's underwater body and all through-hull fittings and appurtenances.

Internal structural examination means an examination of the vessel while afloat or in drydock and consists of a complete examination of the vessel's main strength members, including the major internal framing, the hull plating, voids, and ballast tanks, but not including cargo or fuel oil tanks.

Underwater survey means the examination of the vessel's underwater hull including all through-hull fittings and appurtenances, while the vessel is afloat.

91. In newly redesignated § 115.605—

- a. Revise the section heading;
- b. Revise paragraph (a);
- c. Revise the first sentence of paragraph (b); and
- d. Revise the introductory text of paragraph (c) to read as follows:

§ 115.605 Drydock examination, internal structural examination, and underwater survey intervals.

(a) The owner or managing operator shall make a vessel available for drydock examinations, internal structural examinations, and underwater surveys required by this section.

(b) If your vessel is operated on international voyages subject to SOLAS requirements, it must undergo a drydock examination once every 12 months unless it has been approved to undergo an underwater survey per § 115.615. * * *

(c) If your vessel is operated on other than international voyages and does not meet the conditions in paragraph (d) of this section, it must undergo a drydock and internal structural examination as follows unless it has been approved to undergo an underwater survey per § 115.615:

* * * * *

§ 115.610 [Amended]

92. In § 115.610, remove “§ 115.600” wherever it appears and add, in its place, “§ 115.605”.

§§ 115.612, 115.630, and 115.670 [Redesignated as §§ 115.665, 115.670, and 115.675]

93. Redesignate §§ 115.612, 115.630, and 115.670 as §§ 115.665, 115.670, and 115.675, respectively.

94. Add § 115.615 to read as follows:

§ 115.615 Underwater Survey.

(a) The OCMI, may approve an underwater survey instead of a drydock examination at alternating intervals if your vessel is—

- (1) Less than 15 years of age;
- (2) A steel or aluminum hulled vessel;
- (3) Fitted with an effective hull protection system; and

(4) Described in § 115.605 (b) or (c).

(b) For vessels less than 15 years of age, you must submit an application for an underwater survey to the OCMI at least 90 days before your vessel's next required drydock examination. The application must include—

- (1) The procedure for carrying out the underwater survey;
- (2) The time and place of the underwater survey;
- (3) The method used to accurately determine the diver's or remotely operated vehicle's (ROV) location relative to the hull;
- (4) The means for examining all through-hull fittings and appurtenances;
- (5) The means for taking shaft bearing clearances;
- (6) The condition of the vessel, including the anticipated draft of the vessel at the time of survey; and
- (7) A description of the hull protection system.

(c) If your vessel is 15 years old or older, the Commandant (G-MOC), may approve an underwater survey instead of a drydock examination at alternating intervals. You must submit an application for an underwater survey to the OCMI at least 90 days before your vessel's next required drydock examination. You may be allowed this option if—

- (1) The vessel is qualified under paragraphs (a)(2) through (4) of this section;
- (2) Your application includes the information in paragraphs (b)(1) through (7) of this section; and
- (3) During the vessel's drydock examination, preceding the proposed underwater survey, a complete set of hull gaugings was taken and they indicated that the vessel was free from appreciable hull deterioration.

(d) After this drydock examination, the Officer in Charge, Marine Inspection

submits a recommendation for future underwater surveys, the results of the hull gauging, and the results of the Coast Guards' drydock examination results to the Commandant (G-MOC) for review.

95. Add § 115.620 to read as follows:

§ 115.620 Description of the Alternate Hull Examination Program for certain passenger vessels.

The Alternate Hull Examination (AHE) Program provides you with an alternative to drydock examination by allowing your vessel's hull to be examined while it remains afloat. This program has four steps: the application process, the preliminary examination, the pre-survey meeting, and the hull examination. Once you complete these steps, the Officer in Charge, Marine Inspection (OCMI) may recommend that the Commandant (G-MOC) extend the interval between your drydock examination dates (drydock extension). If divers are exclusively used for the underwater survey portion of the examination process, you may receive an extension of up to 30 months. If an underwater ROV is used, you may receive an extension of up to 60 months (5 years). At the end of this extension period, you may apply for additional drydock extensions under the AHE Program.

96. Add § 115.625 to read as follows:

§ 115.625 Eligibility requirements for the AHE Program for certain passenger vessels.

(a) Your vessel may be eligible for the AHE Program if—

- (1) It is constructed of steel or aluminum;
- (2) It has an effective hull protection system;
- (3) It has operated exclusively in fresh water since its last drydock examination;
- (4) It operates in rivers or protected lakes; and
- (5) It operates exclusively in shallow water or within 0.5 nautical miles from shore.

(b) In addition to the requirements in paragraph (a), the OCMI will evaluate the following information when determining your vessel's eligibility for the AHE Program:

- (1) The overall condition of the vessel, based on its inspection history.
- (2) The vessel's history of hull casualties and hull-related deficiencies.
- (3) The AHE Program application, as described in § 115.630.

97. Add § 115.630 to read as follows:

§ 115.630 The AHE Program application.

If your vessel meets the eligibility criteria in § 115.625, you may apply to

the AHE Program. You must submit an application at least 90 days before the requested hull examination date to the OCMI who will oversee the survey. The application must include—

- (a) The proposed time and place for conducting the hull examination;
- (b) The name of the participating diving contractor or underwater remotely operated vehicle (ROV) company which must be accepted by the Commandant (G-MOC) under § 115.650;
- (c) The name and qualifications of the third-party examiner, if applicable. This person must be familiar with the inspection procedures and his or her responsibilities under this program. The OCMI has the discretionary authority to accept or deny use of a particular third-party examiner;
- (d) A signed statement from your vessel's master, chief engineer, or the person in charge describing the vessel's overall condition, level of maintenance, known or suspected damage, underwater body cleanliness, and the anticipated draft of the vessel at the time of the examination;
- (e) Plans or drawings that illustrate the external details of the hull below the sheer strake;
- (f) A detailed plan for conducting the hull examination in accordance with §§ 115.645 and 115.650, which must address all safety concerns related to the removal of sea valves during the inspection;
- (g) A preventative maintenance plan for your vessel's hull, its related systems and equipment; and
- (h) A plan for the annual hull condition assessment which must include, at a minimum—
 - (1) An evaluation of your vessel's underwater hull including all through-hull fittings and appurtenances; and
 - (2) The ultrasonic test results of the vessel's hull, focused on areas that may be at high risk due to corrosion.

98. Add § 115.635 to read as follows:

§ 115.635 Preliminary examination requirements.

(a) If you use divers to examine the underwater hull plating, you must arrange to have a preliminary examination conducted by a third-party examiner, with the assistance of qualified divers. The purpose of the preliminary examination is to assess the overall condition of the vessel's hull and identify any specific concerns to be addressed during the underwater hull examination.

(b) If you use an underwater ROV to examine your vessel's hull plating, a preliminary examination and the participation of a third-party examiner will not be necessary.

99. Add § 115.640 to read as follows:

§ 115.640 Pre-Survey meeting.

(a) You must conduct a pre-survey meeting to discuss the details of the AHE procedure with the OCMI. If you use divers to examine the underwater hull plating, the third-party examiner must attend the meeting and you must present the results of the preliminary examination. If you use an underwater ROV to examine the vessel's hull plating, then the ROV operator must attend the pre-survey meeting and address the underwater ROV's capabilities and limitations related to your vessel's hull design and configuration.

(b) A vessel owner or operator must request this meeting in writing at least 30 days in advance of the proposed examination date.

100. Add § 115.645 to read as follows:

§ 115.645 AHE Procedure.

(a) To complete the underwater survey you must—

- (1) Perform a general examination of the underwater hull plating and a detailed examination of all hull welds, propellers, tailshafts, rudders, and other hull appurtenances;
- (2) Measure rudder and tailshaft bearing clearances and examine all sea chests;
- (3) Remove and inspect all sea valves in the presence of a marine inspector;
- (4) Remove all passengers from the vessel when the sea valves are being examined, if required by the OCMI;
- (5) Allow access to all internal areas of the hull for examination; and
- (6) Meet the requirements in § 115.650.

(b) A marine inspector may examine any other areas deemed necessary by the OCMI.

(c) The OCMI may require you to drydock the vessel or otherwise take it out of service if the AHE uncovers potential problems to further assess the extent of the damage and to effect permanent repairs.

101. Add § 115.650 to read as follows:

§ 115.650 AHE Program options: Divers or underwater ROV.

To complete your underwater survey, you may use divers or an underwater ROV.

(a) If you use divers to conduct the underwater survey, you must—

- (1) Locate the vessel so the divers can work safely under the vessel's keel and around both sides. The water velocity must be safe for dive operations;
- (2) Provide permanent hull markings or a temporary underwater grid system to identify the diver's location with

respect to the hull, within one foot of accuracy;

(3) Take ultrasonic thickness gaugings at a minimum of 5 points on each plate, evenly spaced;

(4) Take a representative number of plating thickness gaugings along transverse sections at the bow, stern, midship, and longitudinally along the wind and water strake. The divers must space such gaugings at a minimum of 3 feet apart;

(5) Ensure the third-party examiner observes the entire underwater examination process;

(6) Record the entire underwater survey with audio and video recording equipment and ensure that communications between divers and the third-party examiner are recorded; and

(7) Use appropriate equipment, such as a clear box, if underwater visibility is poor, to provide the camera with a clear view of the hull.

(b) You may use an underwater ROV to conduct the underwater survey. The underwater ROV operator, survey process and equipment, quality assurance methods, and the content and format of the survey report must be accepted by the Commandant (G-MOC). If you choose this option, you must—

(1) Locate the vessel to ensure that the underwater ROV can operate effectively under the vessel's keel and around both sides; and

(2) Employ divers to examine any sections of the hull and appurtenances that the underwater ROV cannot access or is otherwise unable to evaluate.

102. Add § 115.655 to read as follows:

§ 115.655 Hull examination reports.

(a) If you use divers for the examination of the hull plating, you must provide the OCMi with a written hull examination report. This report must include thickness gauging results, bearing clearances, a copy of the audio and video recordings and any other information that will help the OCMi evaluate your vessel for a drydock extension. The third-party examiner must sign the report and confirm the validity of its contents.

(b) If you use an underwater ROV for the examination of the hull plating, you must provide the OCMi with a report in a format that is acceptable to the Commandant (G-MOC), per § 115.650(b).

(c) The Officer in Charge, Marine Inspection will evaluate the hull examination report and will submit it along with his or her recommendations to the Commandant (G-MOC) for review. If approved and you use divers to examine the hull plating, you will receive a drydock extension of up to 30

months. If approved and you use an underwater ROV to examine the hull plating, you will receive a drydock extension of up to 60 months (5 years).

103. Add § 115.660 to read as follows:

§ 115.660 Continued participation in the AHE Program.

To continue to participate in the AHE Program, you must conduct your annual hull condition assessment and submit your hull condition assessment and preventive maintenance reports or checklists on an annual basis to the Officer in Charge, Marine Inspection. These reports or checklists must conform to the plans that you submitted in your application under § 115.630, which the OCMi approved.

§ 115.665 [Amended]

104. In newly redesignated § 115.665, in paragraph (a), remove “§ 115.600” and add, in its place, “§ 115.605”; and in paragraph (c), remove the words “a drydock examination or internal structural examination” and add, in their place, the words “a drydock examination, internal structural examination, an underwater survey,”.

§ 115.675 [Amended]

105. In newly redesignated § 115.675, remove “§ 115.600” and add, in its place, “§ 115.605”.

§ 115.812 [Amended]

106. § 115.812(a), remove the words “; 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 125—GENERAL

107. The authority citation for part 125 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3307; 49 U.S.C. App. 1804; 49 CFR 1.46.

§ 125.160 [Amended]

108. In § 125.160, add, in alphabetical order, the definition of “anniversary date” to read as follows:

§ 125.160 Definitions.

* * * * *

Anniversary date means the day and the month of each year, which corresponds to the date of expiration of the Certificate of Inspection.

* * * * *

PART 126—INSPECTION AND CERTIFICATION

109. Revise the authority citation for part 126 to read as follows:

Authority: 46 U.S.C. 3205, 3306, 3307; 33 U.S.C. 1321 (j); E.O. 11735, 38 FR 21243, 3 CFR 1971–1975 Comp., p. 793; 49 CFR 1.46.

§ 126.250 [Amended]

110. In § 126.250, in the section heading, immediately following the word “validity” add the words “for a Certificate of Inspection”; and in paragraph (a), remove the number “2” and add, in its place, the number “5”.

111. Revise § 126.420 to read as follows:

§ 126.420 Application for Certificate of Inspection.

You must submit a written application for an inspection for certification to the cognizant OCMi. To renew a Certificate of Inspection, you must submit an application at least 30 days before the expiration of the tank vessel's current certificate. You must use Form CG–3752, Application for Inspection of U.S. Vessel, and submit it to the OCMi at, or nearest to, the port where the vessel is located. When renewing a Certificate of Inspection, you must schedule an inspection for certification within 3 months before the expiration date of the current Certificate of Inspection.

112.–115. Revise subpart E to read as follows:

Subpart E—Annual, Periodic, and Alternative Annual Inspections

Sec.

126.510 Annual and periodic inspections.

126.520 Certificate of Inspection: Conditions of validity.

126.530 Alternative annual inspection for offshore supply vessels less than 400 gross tons in foreign ports.

Subpart E—Annual, Periodic, and Alternative Annual Inspections

§ 126.510 Annual and periodic inspections.

(a) *Annual inspection.* Your vessel must undergo an annual inspection within 3 months before or after each anniversary date, except as required in paragraph (b) of this section.

(1) You must contact the cognizant OCMi to schedule an inspection at a time and place which he or she approves. No written application is required.

(2) The scope of the annual inspection is the same as the inspection for certification as specified in § 126.430, but in less detail unless the cognizant marine inspector finds deficiencies or determines that a major change has occurred since the last inspection. If deficiencies are found or a major change to the vessel has occurred, the marine inspector will conduct an inspection more detailed in scope to ensure that the vessel is in satisfactory condition and fit for the service for which it is intended. If your vessel passes the

annual inspection, the marine inspector will endorse your current Certificate of Inspection.

(3) If the annual inspection reveals deficiencies in your vessel's maintenance, you must make any or all repairs or improvements within the time period specified by the OCMI.

(4) Nothing in this subpart limits the marine inspector from making such tests or inspections he or she deems necessary to be assured of the vessel's seaworthiness.

(b) *Periodic inspection.* Your vessel must undergo a periodic inspection within 3 months before or after the second or third anniversary of the date of your vessel's Certificate of Inspection. This periodic inspection will take the place of an annual inspection.

(1) You must contact the cognizant OCMI to schedule an inspection at a time and place which he or she approves. No written application is required.

(2) The scope of the periodic inspection is the same as that for the inspection for certification, as specified in § 126.430. The OCMI will insure that the vessel is in satisfactory condition and fit for the service for which it is intended. If your vessel passes the periodic inspection, the marine inspector will endorse your current Certificate of Inspection.

(3) If the periodic inspection reveals deficiencies in your vessel's maintenance, you must make any or all repairs or improvements within the time period specified by the OCMI.

(4) Nothing in this subpart limits the marine inspector from conducting such tests or inspections he or she deems necessary to be assured of the vessel's seaworthiness.

§ 126.520 Certificate of Inspection: Conditions of validity.

To maintain a valid Certificate of Inspection, you must complete your annual and periodic inspections within the periods specified in § 126.510 (a) and (b) and your Certificate of Inspection must be endorsed.

§ 126.530 Alternative annual inspection for offshore supply vessels less than 400 gross tons in foreign ports.

(a) The owner, master or operator of an OSV of less than 400 gross tons may request authorization to conduct an alternative annual inspection in place of the annual inspection described in § 126.510(a) of this subpart. The request must go to the cognizant OCMI assigned responsibility for inspections in the country in which the vessel is operating and will be examined. To qualify for the alternative annual examination, the

vessel must meet the following requirements:

(1) The request must be in writing and be received by the OCMI not later than the anniversary date.

(2) The vessel is likely to be continuously employed outside of the United States during the 3 months before and after each anniversary date.

(b) In determining whether to authorize the alternative annual inspection, the OCMI considers the following:

(1) Information contained in previous examination reports on inspection and drydock, including the recommendation of the then cognizant OCMI for participation in the alternative midperiod program and alternative annual examination.

(2) The nature, number, and severity of marine casualties or accidents, as defined in § 4.03-1 of this chapter, involving the vessel in the 3 years preceding the request.

(3) The nature, number, and gravity of any outstanding inspection requirements for the vessel.

(4) The owner's or operator's history of compliance and cooperation in such alternative midperiod examinations and annual inspections, including:

(i) The prompt correction of deficiencies.

(ii) The reliability of previously submitted reports on such alternative midperiod examinations and annual inspections.

(iii) The reliability of representations that the vessel would be, and was, employed outside of the United States during the 3 months before and after each anniversary date.

(c) This OCMI provides the applicant with written authorization, if any, to proceed with the alternative annual inspection, including, when appropriate, special instructions.

(d) The following conditions must be met for the alternative annual inspection to be accepted instead of the annual inspection required by § 126.510 of this subpart:

(1) The alternative annual inspection must occur within the 3 months before or after each anniversary date.

(2) The alternative annual inspection must be of the scope detailed by § 126.510(a) of this subchapter and must be conducted by the master, owner or operator of the vessel, or by a designated representative of the owner or operator.

(3) Upon completion of the alternative annual inspection, the person or persons making the examination must prepare a comprehensive report describing the conditions found. This report must contain sufficient detail to let the OCMI determine whether the

vessel is fit for the service and route specified on the Certificate of Inspection. This report must include all reports and receipts documenting the servicing of lifesaving equipment and any photographs or sketches necessary to clarify unusual circumstances. Each person preparing this report must sign it and certify that the information contained therein is complete and accurate.

(4) Unless the master of the vessel participated in the alternative annual inspection and the preparation of the comprehensive report, the master will review the report for completeness and accuracy. The master must sign the report to indicate his or her review and validation and must forward it to the owner or operator of the vessel.

(5) The owner or operator of a vessel examined under this section must review and submit the comprehensive report, required by paragraph (d)(3) of this section, to the OCMI. The report must reach the OCMI before the first day of the fifth month following the anniversary date. The forwarding letter or endorsement must be certified to be true and must contain the following information:

(i) That the person or persons who made the alternative annual inspection acted on behalf of the vessel's owner or operator.

(ii) That the report was reviewed by the owner or operator.

(iii) That the discrepancies noted during the reinspection have been corrected, or will be within a stated time.

(iv) That the owner or operator has sufficient personal knowledge of conditions aboard the vessel at the time of the reinspection, or has conducted inquiries necessary to justify forming a belief that the report is complete and accurate.

(e) The form of certification required under this section, for the alternative annual inspection, is as follows:

I certify that to the best of my knowledge and belief the information contained in the report is complete and accurate.

(f) Deficiencies and hazards discovered during the alternative annual inspection conducted pursuant to this section must be corrected or eliminated, if practical, before the examination report is submitted to the OCMI in accordance with paragraph (d)(5) of this section. Deficiencies and hazards that are not corrected or eliminated by the time the examination report is submitted must be listed in the report as "outstanding." Upon receipt of an examination report indicating outstanding deficiencies or hazards, the

OCMI must inform the owner or operator in writing of the time period within which to correct or eliminate the deficiencies or hazards and the method for establishing that the corrections have been accomplished. Where a deficiency or hazard remains uncorrected or uneliminated after the expiration of the time specified for correction or elimination, the Officer in Charge, Marine Inspection must initiate appropriate enforcement measures.

(g) Upon receipt of the report, the OCMI will evaluate it and determine the following:

(1) Whether the cognizant OCMI accepts the alternative annual inspection instead of the annual inspection required by § 126.510(a) of this subpart.

(2) Whether the vessel is in satisfactory condition.

(3) Whether the vessel continues to be reasonably fit for its intended service and route.

(h) The OCMI may require further information necessary for the determinations required by this section. The OCMI will inform the owner or operator in writing of these determinations.

(i) If the OCMI, in compliance with paragraph (g) of this section, does not accept the alternative annual inspection instead of the annual inspection required by § 126.510(a) of this subpart, he or she will require reinspection of the vessel as soon as practicable. He or she will inform the vessel owner or operator in writing that the alternative examination is not acceptable and that a reinspection is necessary. The owner, master, or operator must make the vessel available for the reinspection at a time and place agreeable to this OCMI.

(j) If the OCMI determines, in accordance with paragraph (g) of this section, that the alternative annual inspection is accepted in lieu of the annual inspection required by § 126.510(a) of this subpart, the master must complete the applicable COI endorsement.

PART 132—FIRE-PROTECTION EQUIPMENT

116. Revise the authority citation for part 132 to read as follows:

Authority: 46 U.S.C. 3306, 3307; 449 CFR 1.46.

§ 132.350 [Amended]

117. In § 132.350(a)(2), after the words "inspection for certification" add the words "and periodic inspection".

PART 133—LIFESAVING SYSTEMS

118. Revise the authority citation for part 133 to read as follows:

Authority: 46 U.S.C. 3306, 3307; 449 CFR 1.46.

§ 133.45 [Amended]

119. In § 133.45(b), after the words "inspection for renewal of certification" add the words "and periodic inspection".

PART 134—ADDED PROVISIONS FOR LIFTBOATS

120. Revise the authority citation for part 134 to read as follows:

Authority: 46 U.S.C. 3306, 3307; 49 CFR 1.46.

§ 134.120 [Amended]

121. In § 134.120, after the words "inspection for certification" add the words "and periodic inspection".

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

122. Revise the authority citation for part 167 to read as follows:

Authority: 46 U.S.C. 3306, 3307, 6101, 8105; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

123. In § 167.15–20, designate existing text as paragraph (a) and add paragraph (b) to read as follows:

§ 167.15–20 Inspections of nautical school ships.

* * * * *

(b) To renew a Certificate of Inspection, you must submit an application at least 30 days before the expiration of the vessel's current certificate.

124. Add § 167.15–27(c) to read as follows:

§ 167.15–27 Definitions relating to hull examinations.

* * * * *

(c) *Underwater survey* means the examination of the vessel's underwater hull including all through-hull fittings and appurtenances, while the vessel is afloat.

125. In § 167.15–30, revise the section heading and paragraphs (a) (1) and (2) to read as follows:

§ 167.15–30 Drydock examination, internal structural examination, and underwater survey intervals.

(a) * * *

(1) If your vessel operates in saltwater, it must undergo two drydock examinations and two internal structural examinations within any 5-year period unless it has been approved to undergo an underwater survey under

§ 167.15–33. No more than 3 years may elapse between any two examinations.

(2) If your vessel operates in fresh water at least 6 months of the 12-month period since your last drydocking, it must undergo a dry dock and internal structural examination at intervals not to exceed 5 years unless it has been approved to undergo an underwater survey under § 167.15–33.

* * * * *

126. Add § 167.15–33 to read as follows:

§ 167.15–33 Underwater survey.

(a) The OCMI, may approve an underwater survey instead of a drydock examination at alternating intervals if your vessel is—

(1) Less than 15 years of age;
(2) A steel or aluminum hulled vessel;
(3) Fitted with an effective hull protection system; and

(4) Described in § 167.15–30(a)(1) or (2).

(b) For vessels less than 15 years of age, you must submit an application for an underwater survey to the OCMI at least 90 days before your vessel's next required drydock examination. The application must include—

(1) The procedure for carrying out the underwater survey;

(2) The time and place of the underwater survey;

(3) The method used to accurately determine the diver's or remotely operated vehicle's (ROV) location relative to the hull;

(4) The means for examining all through-hull fittings and appurtenances;

(5) The means for taking shaft bearing clearances;

(6) The condition of the vessel, including the anticipated draft of the vessel at the time of survey; and

(7) A description of the hull protection system.

(c) If your vessel is 15 years old or older, the Commandant (G–MOC), may approve an underwater survey instead of a drydock examination at alternating intervals. You must submit an application for an underwater survey to the OCMI at least 90 days before your vessel's next required drydock examination. You may be allowed this option if—

(1) The vessel is qualified under paragraphs (a) (2) through (4) of this section;

(2) Your application includes the information in paragraphs (b) (1) through (7) of this section; and

(3) During the vessel's drydock examination, preceding the proposed underwater survey, a complete set of hull gaugings was taken and they indicated that the vessel was free from appreciable hull deterioration.

(d) After this drydock examination, the Officer in Charge, Marine Inspection submits a recommendation for future underwater surveys, the results of the hull gauging, and the results of the Coast Guards' drydock examination results to the Commandant (G-MOC) for review.

§ 167.15-35 [Amended]

127. In § 167.15-35, in paragraph(b), remove the words "a drydock examination or internal structural examination" and add, in their place, the words "a drydock examination, internal structural examination, underwater survey,"; and, in paragraph (c), remove the words "a drydock examination or internal structural examination" and add, in their place, the words "a drydock examination, internal structural examination, underwater survey,".

PART 169—SAILING SCHOOL VESSELS

128. Revise the authority citation for part 169 to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3307, 6101; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp., p. 793; 49 CFR 1.45, 1.46; § 169.117 also issued under the authority of 44 U.S.C. 3507.

129. In § 169.107, redesignate paragraphs (a) through (y) as paragraphs (b) through (z), respectively, and add new paragraph (a) to read as follows:

§ 169.107 Definitions.

(a) *Anniversary date* means the day and the month of each year, which corresponds to the date of expiration of the Certificate of Inspection.

* * * * *

130. In § 169.205, revise section heading and paragraph (d) to read as follows:

§ 169.205 Obtaining or renewing a Certificate of Inspection.

* * * * *

(d) You must submit a written application for an inspection for certification to the cognizant Officer in Charge, Marine Inspection. To renew a Certificate of Inspection, you must submit an application at least 30 days before the expiration of the vessel's current certificate. Applications are available at any U.S. Coast Guard Marine Safety Office or Marine Inspection Office. When renewing a Certificate of Inspection, you must schedule an inspection for certification within 3 months before the expiration date of the current Certificate of Inspection.

* * * * *

131. In § 169.207, revise section heading and paragraph (a) to read as follows:

§ 169.207 Period of validity for a Certificate of Inspection.

(a) A Certificate of Inspection is valid for 5 years.

* * * * *

132. Revise § 169.225 to read as follows:

§ 169.225 Annual inspection.

(a) Your vessel must undergo an annual inspection within 3 months before or after each anniversary date, except as specified in § 169.226.

(b) You must contact the cognizant Officer in Charge, Marine Inspection to schedule an inspection at a time and place which he or she approves. No written application is required.

(c) The scope of the annual inspection is the same as the inspection for certification as specified in § 169.222 but in less detail unless the cognizant marine inspector finds deficiencies or determines that a major change has occurred since the last inspection. If deficiencies are found or a major change to the vessel has occurred, the marine inspector will conduct an inspection more detailed in scope to ensure that the vessel is in satisfactory condition and fit for the service for which it is intended. If your vessel passes the annual inspection, the marine inspector will endorse your current Certificate of Inspection.

(d) If the annual inspection reveals deficiencies in your vessel's maintenance, you must make any or all repairs or improvements within the time period specified by the Officer in Charge, Marine Inspection.

(e) Nothing in this subpart limits the marine inspector from conducting such tests or inspections he or she deems necessary to be assured of the vessel's seaworthiness.

133. Add § 169.226 to read as follows:

§ 169.226 Periodic inspection.

(a) Your vessel must undergo a periodic inspection within 3 months before or after the second or third anniversary of the date of your vessel's Certificate of Inspection. This periodic inspection will take the place of an annual inspection.

(b) You must contact the cognizant Officer in Charge, Marine Inspection to schedule an inspection at a time and place which he or she approves. No written application is required.

(c) The scope of the periodic inspection is the same as that for the inspection for certification, as specified in § 169.222. The Officer in Charge,

Marine Inspection will insure that the vessel is in satisfactory condition and fit for the service for which it is intended. If your vessel passes the periodic inspection, the marine inspector will endorse your current Certificate of Inspection.

(d) If the periodic inspection reveals deficiencies in your vessel's maintenance, you must make any or all repairs or improvements within the time period specified by the Officer in Charge, Marine Inspection.

(e) Nothing in this subpart limits the marine inspector from conducting such tests or inspections he or she deems necessary to be assured of the vessel's seaworthiness.

134. Revise § 169.227 to read as follows:

§ 169.227 Certificate of Inspection: Conditions of validity.

To maintain a valid Certificate of Inspection, you must complete your annual and periodic inspections within the periods specified in §§ 169.225 and 169.226 respectively and your Certificate of Inspection must be endorsed.

135. In § 169.229, revise the section heading and paragraphs (a)(1) and (2) to read as follows:

§ 169.229 Drydock examination, internal structural examination, and underwater survey intervals.

(a) * * *

(1) If your vessel operates in saltwater, it must undergo two drydock examinations and two internal structural examinations within any 5-year period unless it has been approved to undergo an underwater survey under § 167.15-33. No more than 3 years may elapse between any two examinations.

(2) If your vessel operates in fresh water at least 6 months of the 12-month period since your last drydocking, it must undergo a dry dock and internal structural examination at intervals not to exceed 5 years unless it has been approved to undergo an underwater survey under § 167.15-33.

* * * * *

136. Add § 169.230 to read as follows:

§ 169.230 Underwater survey.

(a) The Officer in Charge, Marine Inspection, on a case-by-case basis, may approve an underwater survey instead of a drydock examination at alternating intervals if your vessel is—

(1) A steel or aluminum hulled vessel;

(2) Less than 15 years of age;

(3) Fitted with an effective hull protection system; and

(4) Listed in § 169.229(a)(1) or (2).

(b) For vessels less than 15 years of age, you must submit an application for

an underwater survey to the Officer in Charge, Marine Inspection at least 90 days before your vessel's next required drydock examination. The application must include—

(1) The procedure for carrying out the underwater survey;

(2) The time and place of the underwater survey;

(3) The method used to accurately determine the diver's or remotely operated vehicle's (ROV) location relative to the hull;

(4) The means for examining all through-hull fittings and appurtenances;

(5) The means for taking shaft bearing clearances;

(6) The condition of the vessel, including the anticipated draft of the vessel at the time of survey; and

(7) A description of the hull protection system.

(c) If your vessel is 15 years old or older, the Commandant (G-MOC), on a case-by-case basis, may approve an underwater survey instead of a drydock examination at alternating intervals. You must submit an application for an underwater survey to the Officer in Charge, Marine Inspection at least 90 days before your vessel's next required drydock examination. You may be allowed this option if—

(1) The vessel is qualified under paragraphs (a)(2) through (4) of this section;

(2) Your application includes the information in paragraphs (b)(1) through (7) of this section; and

(3) During the vessel's drydock examination, preceding the proposed underwater survey, a complete set of hull gaugings was taken and they indicated that the vessel was free from appreciable hull deterioration.

(d) After this drydock examination, the Officer in Charge, Marine Inspection submits a recommendation for future underwater surveys, the results of the hull gauging, and the results of the Coast Guards' drydock examination results to the Commandant (G-MOC) for review.

137. Add § 169.231(c) to read as follows:

§ 169.231 Definitions relating to hull examinations.

* * * * *

(c) *Underwater survey* means the examination of the vessel's underwater hull including all through-hull fittings and appurtenances, while the vessel is afloat.

§ 169.233 [Amended]

138. In § 169.233, in paragraph(b), remove the words "a drydock examination or internal structural

examination" and add, in their place, the words "a drydock examination, internal structural examination, underwater survey,"; and, in paragraph (c), remove the words "a drydock examination or internal structural examination" and add, in their place, the words "a drydock examination, internal structural examination, underwater survey,".

§ 169.239 [Amended]

139. In § 169.239, after the words "inspection for certification" add the words "and periodic inspection".

140. Revise § 169.241(a) introductory text to read as follows:

§ 169.241 Machinery.

(a) At each inspection for certification and periodic inspection, the marine inspector will examine and test the following items to the extent necessary, to determine that they are in proper operating condition and fit for the service for which they are intended:

* * * * *

141. Revise the introductory text in § 169.243 to read as follows:

§ 169.243 Electrical.

At each inspection for certification and periodic inspection, the marine inspector will examine and test the following items to the extent necessary, to determine that they are in proper operating condition, in safe electrical condition, and fit for the service for which they are intended:

* * * * *

142. Revise the introductory text in § 169.245 to read as follows:

§ 169.245 Lifesaving equipment.

At each inspection for certification and periodic inspection the following tests and inspections of lifesaving equipment will be conducted:

* * * * *

§ 169.247 [Amended]

143. In § 169.247(a), after the words "inspection for certification" add the words "and periodic inspection".

§ 169.251 [Amended]

144. In § 169.251, after the words "inspection for certification" add the words "and periodic inspection".

§ 169.253 [Amended]

145. In § 169.253(a), after the words "inspection for certification" add the words "and periodic inspection".

§ 169.255 [Amended]

146. In § 169.255, after the words "inspection for certification" remove the words "and reinspection" and, in

their place, add the words " , periodic inspection, and annual inspection".

§ 169.257 [Amended]

147. In § 169.257(a) and (b), after the words "inspection for certification" remove the word "reinspection" and, in its place, add the words "periodic inspection, annual inspection,".

PART 175—GENERAL PROVISIONS

148. Revise the authority citation for part 175 to read as follows:

Authority: 46 U.S.C. 2103, 3205, 3306, 3307, 3703; 49 U.S.C. App. 1804; 49 CFR 1.45, 1.46; 175.900 also issued under authority of 44 U.S.C. 3507.

149. In § 175.400, add, in alphabetical order, the definition for "anniversary date" to read as follows:

§ 175.400 Definition of terms used in this subchapter.

* * * * *

Anniversary date means the day and the month of each year, which corresponds to the date of expiration of the Certificate of Inspection.

* * * * *

PART 176—INSPECTION AND CERTIFICATION

150. Revise the authority citation for part 176 to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3205, 3306, 3307; 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.

151. Revise § 176.107 to read as follows:

§ 176.107 Period of validity for a Certificate of Inspection.

(a) A Certificate of Inspection is valid for 1 year for vessels carrying more than 12 passengers on international voyages.

(b) A Certificate of Inspection is valid for 5 years for all other vessels.

(c) A Certificate of Inspection may be suspended and withdrawn or revoked by the cognizant OCMI at any time for noncompliance with the requirements of this subchapter.

152. In § 176.404, redesignate the existing text as paragraph (a) and add paragraph (b) to read as follows:

§ 176.404 Subsequent inspections for certification.

* * * * *

(b) You must submit your written application for renewal of a Certificate of Inspection to the OCMI at least 30 days prior to the expiration date of the Certificate of Inspection, as required in § 176.105 of this part.

153. Revise § 176.500 to read as follows:

§ 176.500 When required.

(a) Vessels carrying more than 12 passengers on international voyages must undergo an inspection for certification each year as specified in § 176.404.

(b) All other vessels must undergo an inspection for certification as specified in § 176.404 undergo an annual inspection as specified in paragraph (b)(1) of this section.

(1) *Annual inspection.* Your vessel must undergo an annual inspection within the 3 months before or after each anniversary date.

(i) You must contact the cognizant OCMI to schedule an inspection at a time and place which he or she approves. No written application is required.

(ii) The scope of the annual inspection is the same as the inspection for certification but in less detail unless the cognizant marine inspector finds deficiencies or determines that a major change has occurred since the last inspection. If deficiencies are found or a major change to the vessel has occurred, the marine inspector will conduct an inspection more detailed in scope to ensure that the vessel is in satisfactory condition and fit for the service for which it is intended. If your vessel passes the annual inspection, the marine inspector will endorse your current Certificate of Inspection.

(iii) If the annual inspection reveals deficiencies in your vessel's maintenance, you must make any or all repairs or improvements within the time period specified by the OCMI.

(iv) Nothing in this subpart limits the marine inspector from conducting such tests or inspections he or she deems necessary to be assured of the vessel's seaworthiness.

(2) [Reserved]

154. Revise § 176.502 to read as follows:

§ 176.502 Certificate of Inspection: Conditions of validity.

To maintain a valid Certificate of Inspection, you must complete your annual inspection within the periods specified in § 176.500(b)(1) and your Certificate of Inspection must be endorsed.

§ 176.600 [Redesignated as § 176.605]

155. Redesignate § 176.600 as § 176.605 and add new § 176.600 to read as follows:

§ 176.600 Definitions relating to hull examinations.

As used in this part—

Drydock examination means hauling out a vessel or placing a vessel in a

drydock or slipway for an examination of all accessible parts of the vessel's underwater body and all through-hull fittings and appurtenances.

Internal structural examination means an examination of the vessel while afloat or in drydock and consists of a complete examination of the vessel's main strength members, including the major internal framing, the hull plating, voids, and ballast tanks, but not including cargo or fuel oil tanks.

Underwater survey means the examination of the vessel's underwater hull including all through-hull fittings and appurtenances, while the vessel is afloat.

156. In newly redesignated

§ 176.605—

- a. Revise the section heading;
- b. Revise paragraph (a);
- c. Revise the first sentence of paragraph (b); and
- d. Revise the introductory text of paragraph (c) to read as follows:

§ 176.605 Drydock examination, internal structural examination, and underwater survey intervals.

(a) The owner or managing operator shall make a vessel available for drydock examinations, internal structural examinations, and underwater surveys required by this section.

(b) If your vessel is operated on international voyages subject to SOLAS requirements, it must undergo a drydock examination once every 12 months unless it has been approved to undergo an underwater survey per § 176.615. * * *

(c) If your vessel is not operated on international voyages and does not meet the conditions in paragraph (d) of this section, it must undergo a drydock and internal structural examination as follows unless it has been approved to undergo an underwater survey per § 176.615:

* * * * *

§ 176.610 [Amended]

157. In § 176.610, remove “§ 176.600” wherever it appears and add, in its place, “§ 176.605”.

§§ 176.612, 176.630, and 176.670

[Redesignated as §§ 176.665, 176.670, and 176.675]

158. Redesignate §§ 176.612, 176.630, and 176.670 as §§ 176.665, 176.670, and 176.675, respectively.

159. Add § 176.615 to read as follows:

§ 176.615 Underwater Survey.

(a) The OCMI, may approve an underwater survey instead of a drydock

examination at alternating intervals if your vessel is—

- (1) Less than 15 years of age;
 - (2) A steel or aluminum hulled vessel;
 - (3) Fitted with an effective hull protection system; and
 - (4) Described in § 176.605 (b) or (c).
- (b) For vessels less than 15 years of age, you must submit an application for an underwater survey to the OCMI at least 90 days before your vessel's next required drydock examination. The application must include—
- (1) The procedure for carrying out the underwater survey;
 - (2) The time and place of the underwater survey;
 - (3) The method used to accurately determine the diver's or remotely operated vehicle's (ROV) location relative to the hull;
 - (4) The means for examining all through-hull fittings and appurtenances;
 - (5) The means for taking shaft bearing clearances;
 - (6) The condition of the vessel, including the anticipated draft of the vessel at the time of survey; and
 - (7) A description of the hull protection system.

(c) If your vessel is 15 years old or older, the Commandant (G-MOC), may approve an underwater survey instead of a drydock examination at alternating intervals. You must submit an application for an underwater survey to the OCMI at least 90 days before your vessel's next required drydock examination. You may be allowed this option if—

(1) The vessel is qualified under paragraphs (a)(2) through (4) of this section;

(2) Your application includes the information in paragraphs (b) (1) through (7) of this section; and

(3) During the vessel's drydock examination, preceding the proposed underwater survey, a complete set of hull gaugings was taken and they indicated that the vessel was free from appreciable hull deterioration.

(d) After this drydock examination, the Officer in Charge, Marine Inspection submits a recommendation for future underwater surveys, the results of the hull gauging, and the results of the Coast Guards' drydock examination results to the Commandant (G-MOC) for review.

160. Add § 176.620 to read as follows:

§ 176.620 Description of the Alternate Hull Examination Program for certain passenger vessels.

The Alternate Hull Examination (AHE) Program provides you with an alternative to drydock examination by allowing your vessel's hull to be

examined while it remains afloat. This program has four steps: the application process, the preliminary examination, the pre-survey meeting, and the hull examination. Once you complete these steps, the OCMi may recommend that the Commandant (G-MOC) extend the interval between your drydock examination dates (drydock extension). If divers are exclusively used for the underwater survey portion of the examination process, you may receive an extension of up to 30 months. If an underwater ROV is used, you may receive an extension of up to 60 months (5 years). At the end of this extension period, you may apply for additional drydock extensions under the AHE Program.

161. Add § 176.625 to read as follows:

§ 176.625 Eligibility requirements for the AHE Program for certain passenger vessels.

(a) Your vessel may be eligible for the AHE Program if—

- (1) It is constructed of steel or aluminum;
- (2) It has an effective hull protection system;
- (3) It has operated exclusively in fresh water since its last drydock examination;
- (4) It operates in rivers or protected lakes; and
- (5) It operates exclusively in shallow water or within 0.5 nautical miles from shore.

(b) In addition to the requirements in paragraph (a), the OCMi will evaluate the following information when determining your vessel's eligibility for the AHE Program:

- (1) The overall condition of the vessel, based on its inspection history.
- (2) The vessel's history of hull casualties and hull-related deficiencies.
- (3) The AHE Program application, as described in § 176.630.

162. Add § 176.630 to read as follows:

§ 176.630 The AHE Program application.

If your vessel meets the eligibility criteria in § 176.625, you may apply to the AHE Program. You must submit an application at least 90 days before the requested hull examination date to the OCMi who will oversee the survey. The application must include—

- (a) The proposed time and place for conducting the hull examination;
- (b) The name of the participating diving contractor or underwater ROV company which must be accepted by the Commandant (G-MOC) under § 176.650;
- (c) The name and qualifications of the third-party examiner, if applicable. This person must be familiar with the

inspection procedures and his or her responsibilities under this program. The OCMi has the discretionary authority to accept or deny use of a particular third-party examiner;

(d) A signed statement from your vessel's master, chief engineer, or the person in charge describing the vessel's overall condition, level of maintenance, known or suspected damage, underwater body cleanliness, and the anticipated draft of the vessel at the time of the examination;

(e) Plans or drawings that illustrate the external details of the hull below the sheer strake;

(f) A detailed plan for conducting the hull examination in accordance with §§ 176.645 and 176.650, which must address all safety concerns related to the removal of sea valves during the inspection;

(g) A preventative maintenance plan for your vessel's hull, its related systems and equipment; and

(h) A plan for the annual hull condition assessment which must include, at a minimum—

- (1) An evaluation of your vessel's underwater hull including all through-hull fittings and appurtenances; and
- (2) The ultrasonic test results of the vessel's hull, focused on areas that may be at high risk due to corrosion.

163. Add § 176.635 to read as follows:

§ 176.635 Preliminary examination requirements.

(a) If you use divers to examine the underwater hull plating, you must arrange to have a preliminary examination conducted by a third-party examiner, with the assistance of qualified divers. The purpose of the preliminary examination is to assess the overall condition of the vessel's hull and identify any specific concerns to be addressed during the underwater hull examination.

(b) If you use an underwater ROV to examine your vessel's hull plating, a preliminary examination and the participation of a third-party examiner will not be necessary.

164. Add § 176.640 to read as follows:

§ 176.640 Pre-Survey meeting.

(a) You must conduct a pre-survey meeting to discuss the details of the AHE procedure with the OCMi. If you use divers to examine the underwater hull plating, the third-party examiner must attend the meeting and you must present the results of the preliminary examination. If you use an underwater ROV to examine the vessel's hull plating, then the ROV operator must attend the pre-survey meeting and address the underwater ROV's

capabilities and limitations related to your vessel's hull design and configuration.

(b) A vessel owner or operator must request this meeting in writing at least 30 days in advance of the proposed examination date.

165. Add § 176.645 to read as follows:

§ 176.645 AHE Procedure.

(a) To complete the underwater survey you must—

(1) Perform a general examination of the underwater hull plating and a detailed examination of all hull welds, propellers, tailshafts, rudders, and other hull appurtenances;

(2) Measure rudder and tailshaft bearing clearances and examine all sea chests;

(3) Remove and inspect all sea valves in the presence of a marine inspector;

(4) Remove all passengers from the vessel when the sea valves are being examined, if required by the OCMi;

(5) Allow access to all internal areas of the hull for examination; and

(6) Meet the requirements in § 176.650.

(b) A marine inspector may examine any other areas deemed necessary by the OCMi.

(c) The OCMi may require you to drydock the vessel or otherwise take it out of service if the AHE uncovers potential problems to further assess the extent of the damage and to effect permanent repairs.

166. Add § 176.650 to read as follows:

§ 176.650 AHE Program options: Divers or underwater ROV.

To complete your underwater survey, you may use divers or an underwater ROV.

(a) If you use divers to conduct the underwater survey, you must—

(1) Locate the vessel so the divers can work safely under the vessel's keel and around both sides. The water velocity must be safe for dive operations;

(2) Provide permanent hull markings or a temporary underwater grid system to identify the diver's location with respect to the hull, within one foot of accuracy;

(3) Take ultrasonic thickness gaugings at a minimum of 5 points on each plate, evenly spaced;

(4) Take a representative number of plating thickness gaugings along transverse sections at the bow, stern, midship, and longitudinally along the wind and water strake. The divers must space such gaugings at a minimum of 3 feet apart;

(5) Ensure the third-party examiner observes the entire underwater examination process;

(6) Record the entire underwater survey with audio and video recording equipment and ensure that communications between divers and the third-party examiner are recorded; and

(7) Use appropriate equipment, such as a clear box, if underwater visibility is poor, to provide the camera with a clear view of the hull.

(b) You may use an underwater ROV to conduct the underwater survey. The underwater ROV operator, survey process and equipment, quality assurance methods, and the content and format of the survey report must be accepted by the Commandant (G-MOC). If you choose this option, you must—

(1) Locate the vessel to ensure that the underwater ROV can operate effectively under the vessel's keel and around both sides; and

(2) Employ divers to examine any sections of the hull and appurtenances that the underwater ROV cannot access or is otherwise unable to evaluate.

167. Add § 176.655 to read as follows:

§ 176.655 Hull examination reports.

(a) If you use divers for the examination of the hull plating, you must provide the OCMI with a written hull examination report. This report must include thickness gauging results, bearing clearances, a copy of the audio and video recordings and any other information that will help the OCMI evaluate your vessel for a drydock extension. The third-party examiner must sign the report and confirm the validity of its contents.

(b) If you use an underwater ROV for the examination of the hull plating, you must provide the OCMI with a report in a format that is acceptable to the Commandant (G-MOC), per § 176.650(b).

(c) The OCMI will evaluate the hull examination report and will submit it along with his or her recommendations to the Commandant (G-MOC) for review. If approved and you use divers to examine the hull plating, you will receive a drydock extension of up to 30 months. If approved and you use an underwater ROV to examine the hull plating, you will receive a drydock extension of up to 60 months (5 years).

168. Add § 176.660 to read as follows:

§ 176.660 Continued participation in the AHE Program.

To continue to participate in the AHE Program, you must conduct your annual hull condition assessment and submit your hull condition assessment and preventive maintenance reports or checklists on an annual basis to the OCMI. These reports or checklists must conform to the plans that you submitted

in your application under § 176.630, which the OCMI approved.

§ 176.665 [Amended]

169. In newly redesignated § 176.665, in paragraph (a), remove “§ 176.600” and add, in its place, “§ 176.605”; and, in paragraph (c), remove the words “a drydock examination or internal structural examination” and add, in their place, the words “a drydock examination, internal structural examination, an underwater survey.”.

§ 176.675 [Amended]

170. In newly redesignated § 176.675, remove “§ 176.600” and add, in its place, “§ 176.605”.

§ 176.812 [Amended]

171. § 176.812, in paragraph (a), remove the words “; 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”; and, in paragraph (b), remove the number “§ 61.10” and add, in its place, the number “§ 61.05”.

PART 188—GENERAL PROVISIONS

172. Revise the authority citation for part 188 to read as follows:

Authority: 46 U.S.C. 2113, 3306, 3307; 49 U.S.C. App. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 188.10 [Redesignated as § 188.10–2]

173. Redesignate § 188.10–1 as § 188.10–2 and add new § 188.10–1 to read as follows:

§ 188.10–1 Anniversary date.

The term *anniversary date* means the day and the month of each year, which corresponds to the date of expiration of the Certificate of Inspection.

PART 189—INSPECTION AND CERTIFICATION

174. Revise the authority citation for part 189 to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3306, 3307; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 189.01–10 [Amended]

175. In § 189.01–10—
a. In the section heading, immediately following the word “validity” add the words “for a Certificate of Inspection”;

b. In paragraph (a), remove the first sentence and add, in its place, the sentence “A Certificate of Inspection is valid for 5 years.”; and

c. In paragraph (c)(2), remove the words “in no case to exceed 2 years”

and add, in their place, the words “not to exceed 5 years”.

176. Revise § 189.25–5 to read as follows:

§ 189.25–5 Application for a Certificate of Inspection.

You must submit a written application for an inspection for certification to the cognizant OCMI. To renew a Certificate of Inspection, you must submit an application at least 30 days before the expiration of the tank vessel's current certificate. You must use Form CG–3752, Application for Inspection of U.S. Vessel, and submit it to the OCMI at, or nearest to, the port where the vessel is located. When renewing a Certificate of Inspection, you must schedule an inspection for certification within 3 months before the expiration date of the current Certificate of Inspection.

§ 189.25–20 [Amended]

177. In § 189.25–20(a), in the first sentence, remove the words “inspection for certification and” add, in their place, the words “inspection for certification, periodic inspection, and”; and, in the last sentence, immediately following the words “inspection for certification” add the words “and periodic inspection”.

§ 189.25–25 [Amended]

178. In § 189.25–25(a), after the words “inspection for certification” add the words “and periodic inspection”.

§ 189.25–38 [Amended]

179. In § 189.25–38, after the words “inspection for certification” add the words “and periodic inspection”.

§ 189.25–40 [Amended]

180. In § 189.25–40, after the words “inspection for certification” add the words “and periodic inspection”.

§ 189.25–45 [Amended]

181. In § 189.25–45(a), after the words “inspection for certification” add the words “and periodic inspection”.

§ 189.25–47 [Amended]

182. In § 189.25–47(a) and (b), after the words “inspection for certification.” add the words “and periodic inspection.”.

183.–187. Subpart 189.27 is revised to read as follows:

Subpart 189.27—Annual and Periodic Inspections

§ 189.27–1 Annual inspection.

Sec.

189.27–1 Annual inspection.

189.27–5 Periodic inspection.

189–27–10 Certificate of Inspection: Conditions of validity.

189.60–15 Cargo Ship Safety Radio Certificate.

Subpart 189.27—Annual and Periodic Inspections

§ 189.27–1 Annual inspection.

(a) Your vessel must undergo an annual inspection within the 3 months before or after each anniversary date, except as specified in § 189.27–5.

(b) You must contact the cognizant OCMI to schedule an inspection at a time and place which he or she approves. No written application is required.

(c) The scope of the annual inspection is the same as the inspection for certification, as specified in § 189.25–10, but in less detail unless the cognizant marine inspector finds deficiencies or determines that a major change has occurred since the last inspection. If deficiencies are found or a major change to the vessel has occurred, the marine inspector will conduct an inspection more detailed in scope to ensure that the vessel is in satisfactory condition and fit for the service for which it is intended. If your vessel passes the annual inspection, the marine inspector will endorse your current Certificate of Inspection.

(d) If the annual inspection reveals deficiencies in your vessel's maintenance, you must make any or all repairs or improvements within the time period specified by the OCMI.

(e) Nothing in this subpart limits the marine inspector from conducting such tests or inspections he or she deems necessary to be assured of the vessel's seaworthiness.

§ 189.27–5 Periodic inspection.

(a) Your vessel must undergo a periodic inspection within 3 months before or after the second or third anniversary of the date of your vessel's Certificate of Inspection. This periodic inspection will take the place of an annual inspection.

(b) You must contact the cognizant OCMI to schedule an inspection at a time and place which he or she approves. No written application is required.

(c) The scope of the periodic inspection is the same as that for the

inspection for certification, as specified in § 189.25–10. The OCMI will insure that the vessel is in satisfactory condition and fit for the service for which it is intended. If your vessel passes the periodic inspection, the marine inspector will endorse your current Certificate of Inspection.

(d) If the periodic inspection reveals deficiencies in your vessel's maintenance, you must make any or all repairs or improvements within the time period specified by the OCMI.

(e) Nothing in this subpart limits the marine inspector from conducting such tests or inspections he or she deems necessary to be assured of the vessel's seaworthiness.

§ 189.27–10 Certificate of Inspection: Conditions of validity.

To maintain a valid Certificate of Inspection, you must complete your annual and periodic inspections within the periods specified in §§ 189.27–1 and 189.27–5 respectively, and your Certificate of Inspection must be endorsed.

§ 189.60–15 Cargo Ship Safety Radio Certificate.

Every vessel equipped with a radio installation on an international voyage must have a Cargo Ship Safety Radio Certificate. Each radio installation must meet the requirements of the Federal Communication Commission and the International Convention for Safety of Life at Sea.

§ 189.60–20 [Removed]

188.–189. Revise § 189.60–35 to read as follows:

§ 189.60–35 Availability of Certificates.

The Convention certificates must be on board the vessel and readily available for examination at all times.

190. Revise § 189.60–40 to read as follows:

§ 189.60–40 Duration of Convention certificates.

(a) The following certificates are valid for a period of not more than 60 months (5 years).

(1) A Cargo Ship Safety Construction Certificate.

(2) A Cargo Ship Safety Equipment Certificate.

(3) A Safety Management Certificate.

(4) A Cargo Ship Safety Radio Certificate.

(b) An Exemption certificate must not be valid for longer than the period of the certificate to which it refers.

(c) A Convention certificate may be withdrawn, revoked, or suspended at any time when it is determined that the vessel is no longer in compliance with applicable requirements. (See § 2.01–70 of this chapter for procedures governing appeals.)

PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

191. Revise the authority citation for part 195 to read as follows:

Authority: 46 U.S.C. 2113, 3306, 3307; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

192. Revise § 195.11–15 (a) to read as follows:

§ 195.11–15 Plan approval and inspection.

(a) Accommodation, power and chemical stores vans are subject to normal plan submission procedures of subpart 189.55 and to initial construction inspection. They must be inspected at each inspection for certification and periodic inspection.

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PART 199—LIFESAVING SYSTEMS FOR CERTAIN INSPECTED VESSELS

193. Revise the authority citation for part 199 to read as follows:

Authority: 46 U.S.C. 3306, 3307, 3703; 46 CFR 1.46.

§ 199.45 [Amended]

194. In § 199.45(b), immediately following the words “renewal of certification” add the words “and periodic inspection”.

Dated: November 1, 1999.

R. C. North,

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

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