

work. If you cannot, we will find you disabled.

(2) If you have only a marginal education, and long work experience (i.e., 35 years or more) where you only did arduous unskilled physical labor, and you can no longer do this kind of work, we use a different rule (see § 416.982).

3. Section 416.921 is revised to read as follows:

§ 416.921 What we mean by an impairment(s) that is not severe.

(a) *Non-severe impairment(s).* An impairment or combination of impairments is not severe if it does not significantly limit your physical or mental ability to do basic work activities.

(b) *Basic work activities.* When we talk about basic work activities, we mean the abilities and aptitudes necessary to do most jobs. Examples of these include—

(1) Physical functions such as walking, standing, sitting, lifting, pushing, pulling, reaching, carrying, or handling;

(2) Capacities for seeing, hearing, and speaking;

(3) Understanding, carrying out, and remembering simple instructions;

(4) Use of judgment;

(5) Responding appropriately to supervision, co-workers and usual work situations; and

(6) Dealing with changes in a routine work setting.

4. Section 416.922 is revised to read as follows:

§ 416.922 When you have two or more unrelated impairments—initial claims.

(a) *Unrelated severe impairments.* We cannot combine two or more unrelated severe impairments to meet the 12-month duration test. If you have a severe impairment(s) and then develop another unrelated severe impairment(s) but neither one is expected to last for 12 months, we cannot find you disabled, even though the two impairments in combination last for 12 months.

(b) *Concurrent impairments.* If you have two or more concurrent impairments which, when considered in combination, are severe, we must also determine whether the combined effect of your impairments can be expected to continue to be severe for 12 months. If one or more of your impairments improves or is expected to improve within 12 months, so that the combined effect of your remaining impairments is no longer severe, we will find that you do not meet the 12-month duration test.

§ 416.924 [Redesignated from § 416.923]

5. Existing § 416.923 is redesignated as § 416.924.

6. A new § 416.923 is added to read as follows:

§ 416.923 Multiple impairments.

In determining whether your physical or mental impairment or impairments are of a sufficient medical severity that such impairment or impairments could be the basis of eligibility under the law, we will consider the combined effect of all of your impairments without regard to whether any such impairment, if considered separately, would be of sufficient severity. If we do find a medically severe combination of impairments, the combined impact of the impairments will be considered throughout the disability determination process. If we do not find that you have a medically severe combination of impairments, we will determine that you are not disabled (see § 416.920).

[FR Doc. 85-5280 Filed 3-4-85; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 864

[Docket No. 83N-0196]

Denial of Request To Change Classification of the Calibrator for Hematocrit Measurement

Correction

In FR Doc. 85-3020 beginning on page 5352 in the issue of Thursday, February 7, 1985, make the following correction: On page 5352, in the second column, in the heading "Government" should read "Governing".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD Regulation 6010.8-R, Amdt. No. 24]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); CHAMPUS and Medicare Eligibility in Relation to Age and End Stage Renal Disease

AGENCY: Office of the Secretary, DoD.

ACTION: Correction of amendment of final rule.

SUMMARY: This corrects Amendment No. 24 to the CHAMPUS Regulation, DoD 6010.8-R (32 CFR 199), published May 30, 1984 (49 FR 22475), pertaining to Medicare and CHAMPUS eligibility and

the Medicare end stage renal disease program. This correction changes the effective date of the provisions given in the May 30, 1984 amendment affected by Pub. L. 95-292 from July 1, 1978 to October 1, 1978, revises the previously published language concerning attainment of age 65 under Medicare, and provides more detail concerning Medicare eligibility.

EFFECTIVE DATE: The effective date of Amendment 24 (published May 30, 1984, on page 22475) is corrected to read as follows. The provision of this technical change concerning the age limitation is effective retroactively to June 1, 1977. The provisions affected by Pub. L. 95-292, End Stage Renal Disease Program, are effective October 1, 1978.

FOR FURTHER INFORMATION CONTACT: Charles E. Guidice, Policy Branch, OCHAMPUS, telephone (303) 361-3586.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the Federal Register on April 4, 1977, (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as part 199 of this title.

Amendment No. 24 published in the Federal Register on May 30, 1984 (49 FR 22475), intended to bring the CHAMPUS Regulation up to date with current provisions of Medicare regulations concerning eligibility, contains technical errors which have been corrected by this change.

The provisions affected by Pub. L. 95-292 were erroneously published as being effective on July 1, 1978, and should have been effective October 1, 1978 the effective date of the law.

In addition, there were a number of other technical changes dealing with CHAMPUS and Medicare eligibility under the Medicare end stage renal disease program that required change in order to bring CHAMPUS in consonance with Medicare regulations.

Amendment No. 24 failed to indicate that for Medicare purposes a beneficiary attains age 65 on the day preceding his or her actual date of birth. This method of determining when age is attained for coverage purposes affects the CHAMPUS termination date in cases where the beneficiary is born on the first day of a month. This revised amendment reconciles the CHAMPUS termination date and the Medicare age determination date.

This correction also adds further detail concerning CHAMPUS and

Medicare coverage under the end stage renal disease program by adding a statement concerning termination of Medicare coverage with the twelfth (12th) month after dialysis is discontinued and a statement concerning when Medicare coverage begins when a transplant is delayed more than 2 months after preparatory hospitalization.

All other provisions previously published as Amendment No. 24 remain the same and are published with this correction for clarity.

List of Subjects in 32 CFR Part 199.

Health insurance, Military personnel, Handicapped.

Accordingly, 32 CFR, Chapter I is amended as follows:

PART 199—IMPLEMENTATION OF THE CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

1. Section 199.9 is amended by revising paragraph (e)(3)(vi) introductory text, (e)(3)(vi)(a), (b)(i), (c)(i) and (c)(ii), to read as follows:

§ 199.9 Eligibility.

(e) * * *

(3) * * *

(vi) *Attainment of entitlement to hospital insurance benefits (Part A) under Medicare.* Retirees and all other CHAMPUS eligible persons except dependents of active duty members lose their eligibility for CHAMPUS if they become eligible for Hospital Insurance Benefits (Part A) of Medicare. This is true even though the persons attaining such status live outside the United States where Medicare benefits are not available.

(a) *Loss of CHAMPUS eligibility: Age.* All CHAMPUS beneficiaries, except dependents of active duty members, and beneficiaries not eligible for Part A of Medicare, lose CHAMPUS eligibility at midnight on the last day of the month preceding the month of attainment of age 65. (For Medicare purposes, an individual attains age 65 the day before his or her 65th birthday.) If the person is not eligible to Part A of Medicare, he or she must file a Social Security Administration "Notice of Disallowance" certifying to that fact with the Uniformed Service responsible for the issuance of his or her identification card so a new card showing CHAMPUS eligibility can be issued.

(b) *Loss of CHAMPUS eligibility: End stage renal disease and disability.*—(i) *End stage renal disease.* Medicare coverage begins with the third (3rd)

month after the month a course of maintenance dialysis begins or with the first month of dialysis if the individual participates in a self-dialysis training program during the 3-month waiting period, or with the month in which a patient enters the hospital to prepare to receive a transplant (providing the transplant is performed within the following two months. If a transplant is delayed more than 2 months after the preparatory hospitalization, Medicare coverage will begin with the second month prior to the month of transplant. All beneficiaries, except dependents of active duty members, lose their CHAMPUS eligibility when Medicare coverage becomes available to a person because of chronic renal disease.

(c) *Reinstatement of CHAMPUS*

eligibility.—(i) *Age limitation.* Beneficiaries who lose their CHAMPUS eligibility because they reached the age limitation and were eligible for Part A, cannot be reinstated under CHAMPUS.

(ii) *End Stage Renal Disease.* Medicare coverage ceases for end stage renal disease patients with the thirty-sixth (36th) month after the month in which a successful kidney transplant takes place or with the 12th month after the month in which the course of maintenance dialysis ends. At this point CHAMPUS eligibility resumes if the person is otherwise still eligible. He or she is required to take action to be reinstated as a CHAMPUS beneficiary and to obtain a new identification card.

2. Section 199.10 is amended by revising paragraph (e)(5)(iii)(b) to read as follows:

§ 199.10 Basic program benefits.

(e) * * *

(5) * * *

(iii) * * *

(b) In most instances, for costs related to kidney transplants, Medicare (not CHAMPUS) benefits will be applicable. If a CHAMPUS beneficiary participates as a kidney donor for a Medicare beneficiary, Medicare will pay for expenses in connection with the kidney transplant to include all reasonable preparatory, operation and postoperation recovery expenses associated with the donation (postoperative recovery expenses are limited to the actual period of recovery). (Refer to paragraph (e)(3)(vi) "Eligibility.")

(10 U.S.C. 1079, 1086; 5 U.S.C. 301)

Patricia H. Means,
OSD Federal Register Liaison Officer,
Department of Defense.

February 27, 1985.

[FR Doc. 85-5250 Filed 3-4-85; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 153 and 154

[CGD 81-052]

Compliance Procedures for Self-Propelled Foreign Flag Vessels Carrying Hazardous Liquids and Bulk Liquefied Gases

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This Amendment revises the rules for self-propelled foreign flag vessels carrying bulk hazardous liquids and liquefied gases. It simplifies the examination and certification procedures for these vessels and makes them more consistent with the procedures for other tankers. It also reduces the amount of information the vessel owner must supply to Commandant (G-MTH) with the initial application. For the required examinations of a vessel accepted on the basis of an International Maritime Organization (IMO) Certificate of Fitness, the Amendment makes two important changes; it requires that the vessel owner request the examination directly with the Officer in Charge, Marine Inspection instead of through Commandant (G-MTH) and it reduces the advance notice for the request from fourteen to seven days. The fourteen day advance notice to Commandant (G-MTH) required previously is now required only for vessels accepted on the basis of Coast Guard plan review. In order to correspond with terminology used in the law, the Amendment replaces Letter of Compliance with Certificate of Compliance as the name of the document required for a foreign flag tanker carrying Subchapter O cargo in United States waters; however, until the new Certificate of Compliance is developed, the Letter of Compliance form will continue to be issued to fulfill the requirement for a Certificate of Compliance.

DATES: This Amendment is effective on April 19, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. E.P. Pfersich, Office of Merchant Marine Safety, (202) 426-1217.

SUPPLEMENTARY INFORMATION: On May 10, 1982, the Coast Guard published a proposal in the *Federal Register* (47 FR 20084) to revise the regulations governing self-propelled vessels carrying hazardous liquids and bulk liquefied gases. Interested persons were given an opportunity to submit written comments to the Coast Guard concerning the proposal until August 9, 1982. On July 8, 1982 the Coast Guard received verbal comments from members of the Chemical Carriers Association at the Association's meeting in New York, N.Y. A summary of the issues discussed at this meeting was placed in the public docket. A discussion of comments received is contained in the following paragraphs.

Discussion of Comments on Specific Sections

Section 1.01(b)(1) Organization. Reorganization of the Cargo and Hazardous Materials Division and the Merchant Marine Technical Division to form the Marine Technical and Hazardous Materials Division eliminated the need to revise subsection (iv) as proposed.

Section 153.1 Applicability. This section has been revised to be consistent with the authority citation for this part. Also, the footnote to this section has been removed since it is not essential to the understanding of the section. A new footnote 1 has been added. For further discussion of the new footnote see the preamble discussion of sections 153.9 and 154.5.

Section 153.9 Foreign flag vessel endorsement application and 154.5 Foreign flag vessel Certificate of Compliance endorsement application. One comment suggested that the Coast Guard specify a lead time for submission of the application for a Certificate of Compliance endorsed to authorize carriage of Subchapter O cargo. This is not necessary and is not the normal practice since the lead time needed depends on the relative completeness of an application. For a properly prepared, complete application it is usually possible for the Coast Guard to prepare a reply within five working days. A vessel owner may use that figure along with the time needed to transmit and receive exchanges of correspondence to estimate the lead time needed to complete the endorsement application process. The lead time required to request an examination for a Certificate of Compliance after the endorsement application is completed is specified in the regulations. To prevent delays to a vessel intended for service to the United States, it is good practice for the vessel

owner to submit the application to the Coast Guard as soon as all of the application materials are available.

To conform with 48 U.S.C. 3711, this amendment replaces Letter of Compliance with Certificate of Compliance as the name of the document required for a foreign flag tanker carrying hazardous cargo. To minimize administrative changes the Coast Guard has chosen not to develop a new form entitled Certificate of Compliance at this time. This will be done at a later date. In the interim, the Letter of Compliance form will continue to be used and will serve the purpose of the Certificate of Compliance. The endorsement for the carriage of Subchapter O cargo will be the Cargoes and Restrictions List issued as an enclosure to the Letter of Compliance. To explain that the endorsed Letter of Compliance will be used in place of an endorsed Certificate of Compliance until the Certificate of Compliance form is developed, a new footnote 1 and footnote designations have been added to the following sections: 153.9, 153.900, 154.5 and 154.1802.

Sections 153.10 Equivalent standards and 153.214 Personnel emergency and safety equipment. The references to the "Letter of Compliance" were overlooked during drafting of the proposed rule. In this Amendment "Letter of Compliance" is changed to "Certificate of Compliance."

Sections 153.809 and 154.151 Procedures for having the Coast Guard examine a vessel for a Certificate of Compliance. The Coast Guard received six comments stating that twenty-four hours notice was not sufficient to arrange the examinations required by Section 153.808 and Section 154.150. The comments suggested forty-eight or seventy-two hours notice. An additional factor taken into account is the delayed capability in the Coast Guard's Marine Safety Information System (MSIS) to store the Cargoes and Restrictions list information needed by the Marine Inspection Offices. Until this capability is available, alternative methods for providing any outstanding information to the Marine Inspection Office before an examination necessitate a greater advance notice for the examination. Subsections 153.809(b)(2) and 154.151(b)(2) therefore have been revised to require seven days advance notice to request an examination for issue of a Certificate of Compliance. These subsections also have been revised to clarify that the examination request is separate from any other pre-arrival notice to the Coast Guard. When the capability of the MSIS is improved,

the Coast Guard plans to reduce the required advance notice.

One comment stated that leaving the requirement for submission of plans before the examination to the discretion of the Officer in Charge, Marine Inspection, would be a hardship as an owner would not know from port to port whether or not plans would be required. This comment suggested that for examinations the required plans should be submitted twenty-four hours in advance. Two comments stated that it would be an unreasonable burden on foreign owners to deliver plans to the Officer in Charge, Marine Inspection, and that this provision alone might cause vessel delays greater than those experienced under the existing system. The Coast Guard agrees with the latter viewpoint. The original purpose of providing plans for the required examination was to make sure that the vessel was constructed to the plans approved during plan review; this is no longer necessary. The Coast Guard feels that the plans available on board a chemical or liquefied gas tanker should be sufficient to allow a Marine Inspector to conduct the required examination. Two additional comments were received supporting this position. Consequently, the Coast Guard has rewritten subsections 153.809(b)(3) and 154.151(b)(3) to require the specified plans to be available on board the vessel for the use of the Marine Inspector before the beginning of the examination required by sections 153.808 and 154.150.

In the proposed rule, sections 153.809(c) and 154.151(c) were written to require a 14 day advance notice to Commandant (G-MTH) only for the initial U.S. arrival of a vessel accepted on the basis of Coast Guard plan review. For subsequent examinations the proposed rule would have permitted the advance notice from the vessel owner to be sent directly to the cognizant Marine Inspection Office. Since such vessels will be subject to continued review of alterations and repairs by Commandant (G-MTH), the text of sections 153.809(c) and 154.151(c) has been revised to require the 14 day advance notice to Commandant (G-MTH) for any Certificate of Compliance examination of a plan review vessel; rather than just the initial examination. Thus for plan review vessels the present requirements for advance notice are retained; however, since virtually no vessels subject to Part 153 or Part 154 are accepted on the basis of plan review, there is no significant consequence to this approach.

Sections 153.900 Certificates, letters, endorsements required and 154.1802 Certificates, letters, and endorsements: Foreign flag vessels. One comment pointed out that with the removal of sections 153.811 and 154.153 foreign flag ships are prohibited from entering U.S. ports with Subchapter O cargo on board if they do not possess a valid Certificate of Compliance endorsed to authorize carriage of Subchapter O cargo. As stated in the preamble of the Notice of Proposed Rulemaking, the Coast Guard considers it unnecessarily burdensome to require a vessel to sail to a U.S. port without cargo on board solely for the purpose of being examined for issue of a Certificate of Compliance. Accordingly, sections 153.900 and 154.1802 have been revised to permit a vessel without a valid Certificate of Compliance to enter U.S. waters with Subchapter O cargo on board, when entry is for the purpose of being examined under 153.808 or 154.150.

Sections 153.900 and 154.1802 have been revised by adding reference to a footnote explaining that the Letter of Compliance endorsed to authorize carriage of Subchapter O cargo will be used in place of an endorsed Certificate of Compliance until the Certificate of Compliance form is developed. For further discussion see the preamble to sections 153.9 and 154.5.

Sections 153.903 Expiration of IMO Certificates and 154.1803 Expiration of Certificates of Compliance. As proposed, sections 153.903 and 154.1803 stated that upon expiration of a vessel's IMO Certificate of Fitness, its Certificate of Compliance becomes invalid for the carriage of cargoes listed in Table I of 46 CFR 153 or Table 4 of 46 CFR 154. Two comments pointed out that the Coast Guard frequently authorizes new cargoes for carriage before they are incorporated into Table I of 46 CFR 153 or Table 4 of 46 CFR 154. This carriage is authorized under sections 153.5(b) or 154.12 as appropriate. Sections 153.903 and 154.1803 have been revised to state that should a vessel's IMO Certificate of Fitness expire, its Certificate of Compliance becomes invalid for the carriage of cargoes authorized under 153.5(b) or 154.12 as well as those listed in Table I or Table 4.

Appendix I—List of Cargoes Not Regulated Under Part 153 or Subchapter D. The description of Table II has been reworded to describe more clearly its contents and to change "Letter of Compliance" to "Certificate of Compliance."

In this Amendment "Commandant (G-MHM)" has been changed to "Commandant (G-MTH)" to reflect the new organization of the Coast Guard's

Office of Merchant Marine Safety. Throughout this Amendment "IMCO" has been changed to "IMO". IMO is the abbreviation for International Maritime Organization which was formerly the Intergovernmental Maritime Consultative Organization (IMCO). Finally, several typographical errors in the proposed rule have been corrected in this Amendment.

Several comments were received which addressed requirements in 46 U.S.C. 3703. Since legislative changes are beyond the scope of this rulemaking, these comments have not been addressed in the preamble. They have been retained on file for use in any legislative changes which may be undertaken in the future.

Regulatory Evaluation

This final rule is considered to be non-major under Executive Order 12291 and non-significant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). A final regulatory evaluation has been prepared and placed in the rulemaking docket. It may be inspected or copied in Room 2110, 2100 Second Street, S.W., Washington, D.C. from 8:00 a.m. to 3:30 p.m. Copies may also be obtained by contacting the Executive Secretary, Marine Safety Council, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-1477). The principal benefit of this rulemaking will be reduced vessel delays associated with examination arrangements; this is estimated to be \$1.2 million per year. Additional benefits will include an estimated 364 hour reduction in annual paperwork burden resulting in savings of \$13,000 to the Coast Guard.

Regulatory Flexibility Evaluation

The agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities. We do not expect this rulemaking to impose any new costs on vessel owners and operators. The \$1.2 million per year benefits which will result from reduced vessel delays equals \$2,400 per vessel per year which is only 10 percent of one day's operating costs. Though beneficial, we do not consider the impact significant.

Environmental Analysis

This regulation has been evaluated in accordance with DOT order 5610.1C National Environmental Policy Act Implementing Procedures and has been found to be Categorically Excluded from further environmental documentation. A copy of the Categorical Exclusion

Determination statement has been placed in the public docket.

Paperwork Reduction Act

This rulemaking contains information collection requirements. These items have been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act (44 USC 3501) and have been approved by OMB. The section numbers and the corresponding OMB approval number are as follows: sections 153.9, 153.809 and 153.901 under OMB approval number 2115-0089; sections 154.5, 154.151 and 154.1802 under OMB approval number 2115-0113. These numbers will be added to the display table in § 150.105 in a subsequent document.

Drafting Information

The principal persons involved in drafting this rulemaking are: Mr. E.P. Pfersich, Project Manager, Office of Merchant Marine Safety and Mr. Michael N. Mervin, Project Attorney, Office of the Chief Counsel.

List of Subjects

46 CFR Part 153

Tank vessels, Barges, Hazardous materials transportation.

46 CFR Part 154

Natural gas vessels, Gases, Hazardous materials transportation, Marine safety, Foreign trade, Harbors.

Accordingly, Title 46 of the Code of Federal Regulations is hereby amended as follows:

PART 153—SAFETY RULES FOR SELF-PROPELLED VESSELS CARRYING HAZARDOUS LIQUIDS

1. By revising the authority citation for Part 153 to read as follows:

Authority: 46 U.S.C. 3703, 49 U.S.C. 1801-11; 49 CFR 1.46 (n)(4) and (l).

2. By removing footnote 1 to § 153.1 and revising § 153.1 to read as follows:

§ 153.1 Applicability.

This part prescribes rules that apply to tankships that have on board the cargoes described in § 153.5 for the purpose of implementing the laws governing vessels having on board hazardous liquid cargoes in bulk.

§ 153.2 [Amended].

3. By removing the definition for "Letter of Compliance" from § 153.2

4. By amending § 153.2 by adding in alphabetical sequence the following definitions:

"Certificate of Compliance" means a certificate issued by the Coast Guard that a foreign flag vessel had been examined and found to comply with the regulations in this chapter.

"Officer in Charge, Marine Inspection," is defined in § 1.05(b) of this chapter.

5. By revising § 153.7(a)(1) and adding (a)(3) to read as follows:

§ 153.7 Existing tankships.

(a) * * *

(1) "Permit" means a Certificate of Inspection, Letter of Compliance, or Certificate of Compliance.

(3) "Letter of Compliance" in this section means a letter issued by the Coast Guard before 27 December 1977 which permitted a foreign flag tankship to carry a bulk cargo regulated under this part.

6. By revising § 153.9, adding a new footnote 1 and revising footnote 2, to read as follows:

§ 153.9 Foreign flag vessel endorsement application.

(a) *Application for a vessel whose flag administration issues IMO Certificates.* A person who desires a Certificate of Compliance¹ endorsed with the name of a cargo in Table I of this part, as described in § 153.900, must submit to Commandant (G-MTH) an application which includes a copy of the IMO Certificates² issued by the vessel's flag administration with:

(2) An additional classification society statement that the vessel complies with § 153.370, § 153.371, and § 153.438 if a person desires a Certificate of Compliance endorsed with the name of a cargo whose vapor pressure exceeds 100 kPa absolute at 37.8 °C (approximately 14.7 psia at 100 °F).

(b) *Application for a vessel whose flag administration does not issue IMO Certificates.* A person who desires a Certificate of Compliance¹ endorsed with the name of a cargo in Table I of this part, as described in § 153.900, must submit an application to Commandant

(G-MTH) that includes the following information:

(c) *Conditions applying to all Certificate of Compliance applications.*

(1) If requested by the Commandant (G-MTH), a person desiring a Certificate of Compliance for a vessel must furnish any other vessel information such as plans, design calculations, test results, certificates, and manufacturer's data, that the Coast Guard needs to determine that the vessel meets the standards of this part.

(2) Correspondence with the Coast Guard and vessel information submitted under this part must be in English except IMO Certificates which may be in French.

7. By revising § 153.10(a) to read as follows:

§ 153.10 Equivalent standards.

(a) A vessel that does not meet each standard required in this part for an endorsement on a Certificate of Inspection or Certificate of Compliance may meet an alternate standard if the Commandant (G-MTH) finds that the alternate standard provides an equivalent or greater level of protection for the purpose of safety.

8. By revising the introductory text of § 153.16 to read as follows:

§ 153.16 Requirements for foreign flag vessel permits.

To have its Certificate of Compliance endorsed with the name of a cargo listed in Table I, a foreign flag vessel must:

9. By revising § 153.214(b)(2) to read as follows:

§ 153.214 Personal emergency and safety equipment.

(b) * * *

(2) A set of overalls or large apron, boots, long sleeved gloves, and goggles, each made of materials resistant to the cargoes in Table I that are endorsed on the Certificate of Inspection or Certificate of Compliance.

10. By revising § 153.808 to read as follows:

§ 153.808 Examination required for a Certificate of Compliance.

Before a vessel receives either an initial or a reissued Certificate of Compliance endorsed with the name of a cargo from Table I of this part, the vessel must call at a U.S. port for an examination during which the Officer in Charge, Marine Inspection, determines

whether or not the vessel meets the requirements of this chapter.

11. By revising the introductory text and paragraphs (b) and (c) in § 153.809 to read as follows:

§ 153.809 Procedures for having the Coast Guard examine a vessel for a Certificate of Compliance.

To have the Coast Guard examine the vessel for a Certificate of Compliance, as required in § 153.808, the owner of a foreign flag vessel must proceed as follows:

(b) Except when paragraph (c) of this section applies,

(1) after receiving notification from Commandant (G-MTH) that review is complete and the application is acceptable, dispatch the vessel to a United States port;

(2) notify the Officer in Charge, Marine Inspection, for the port where the vessel is to be inspected at least seven days before the vessel arrives and arrange the exact time and other details of the examination. This notification is in addition to any other pre-arrival notice to the Coast Guard required by other regulations and must include:

(i) The name of the vessel's first U.S. port of call;

(ii) the date the vessel is scheduled to arrive;

(iii) the name and telephone number of the owner's local agent; and

(iv) the names of all cargoes listed in Table I of this part that are on board the vessel;

(3) make sure that the following plans are available on board the vessel for the use of the Marine Inspector before beginning the examination required by § 153.808:

(i) a general arrangement (including the location of firefighting, safety, and lifesaving gear);

(ii) a capacity plan;

(iii) a schematic diagram of cargo piping on deck and in tanks (including the location of all valves and pumps); and

(iv) a schematic diagram of cargo tank vent piping (including the location of relief valves and flame screens).

(c) If the vessel was accepted for U.S. service on the basis of Coast Guard plan review under § 153.9(b), the vessel owner shall notify Commandant (G-MTH) fourteen days prior to the vessel's arrival at a U.S. port. This notification must include:

(1) The name of the vessel's first U.S. port of call;

(2) the date the vessel is scheduled to arrive;

¹Until the Certificate of Compliance form is developed, the Letter of Compliance with a Subchapter O endorsement for the carriage of hazardous liquids will serve the purpose of the endorsed Certificate of Compliance.

²Generally, the IMO Certificate is sufficient for the Coast Guard to endorse the vessel's Certificate of Compliance with the names of those cargoes in Table I that are listed on the IMO Certificate. The IMO Certificate would not be sufficient when the Certificate authorized a cargo that is not permitted in U.S. waters, when the Certificate is in error or waives part of the Code, or when the regulations in this part exceed those of the Code.

(3) the name and telephone number of the owner's local agent; and

(4) the names of all cargoes listed in Table I of this part that are board the vessel.

§ 153.810 [Removed]

12. By removing § 153.810:

§ 153.811 [Removed]

13. By removing § 153.811.

14. By revising § 153.900 (b) (1) and (2) and (c) (1) and (2) to read as follows:

§ 153.900 Certificates, letters, endorsements required.

(b) * * *

(1) An IMO Certificate issued by the flag administration and, except when entering United States waters to be examined as required by § 153.808, a Certificate of Compliance issued and endorsed under this part with the name of the cargo; or

(2) prior written authorization under § 153.5(b) from the Commandant (G-MTH).

(c) * * *

(1) Except when entering United States waters to be examined as required by § 153.808, a Certificate of Compliance issued and endorsed under this part with the name of the cargo; or

(2) written authorization under § 153.5(b) from the Commandant (G-MTH).

15. By revising § 153.901 to read as follows:

§ 153.901 Certificates or letters required to be on bridge.

No person may operate a U.S. flag tankship unless the endorsed Certificate of Inspection is posted in a conspicuous place in the wheelhouse.

16. By revising § 153.902 to read as follows:

§ 153.902 Expiration of Certificates of Compliance.

A Certificate of compliance expires after a period not to exceed twenty-four months from the date of examination under § 153.808.

17. By adding a new § 153.903 to read as follows:

§ 153.903 Expiration of IMO Certificates.

If a vessel's IMO Certificate expires or otherwise becomes invalid, its Certificate of Compliance becomes invalid for the carriage of cargoes listed in Table I of this part or authorized under § 153.5(b). To maintain the validity of the Certificate of Compliance, the vessel's owner must submit a copy of any revised or reissued IMO Certificate to Commandant (G-MTH).

18. By revising § 153.904 to read as follows:

§ 153.904 Limitations in the endorsement.

No person may operate a tankship unless that person complies with all limitations in the endorsement on the tankship's Certificate of Inspection or Certificate of Compliance.

19. By revising the introductory text of Appendix I to read as follows:

Appendix I—List of Cargoes Not Regulated Under Subchapter D or Under Subchapter O

The following bulk liquid cargoes may be carried in a vessel which does not have a Certificate of Inspection or a Certificate of Compliance endorsed under Subchapter D nor under Subchapter O of this chapter:

PART 154—SAFETY STANDARDS FOR SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

20. By revising the authority citation to read as follows:

Authority: 46 U.S.C. 3703, 49 U.S.C. 1801-11; 49 CFR 1.46(n)(4) and (t).

§ 154.3 [Amended]

21. By removing the definition of "Letter of Compliance" from § 154.3.

§ 154.3 [Amended]

22. By amending § 154.3 by adding in alphabetical sequence the following definitions:

"Certificate of Compliance," means a certificate issued by the Coast Guard that a foreign flag vessel had been examined and found to comply with the regulations in this chapter.

"Officer in Charge, Marine Inspection," is defined in § 1.05(b) of this chapter.

23. By revising the introductory text of paragraph (a) and (a)(9) and paragraphs (b) and (c) in § 154.5 to read as follows:

§ 154.5 Foreign flag vessel: Certificate of Compliance endorsement application.

(a) A person who desires an endorsed Certificate of Compliance ¹ required under § 154.1802(a) for a foreign flag vessel, whose flag administration issues IMO Certificates, must submit to the Commandant (G-MTH), U.S. Coast Guard, Washington, D.C., 20593, an application which includes a copy of the IMO Certificate issued to the vessel with:

(9) Any additional plans, certificates, and information that the Commandant (G-MTH) may request.

(b) A person who desires an endorsed Certificate of Compliance ¹ required

under § 154.1802(b) for a foreign flag vessel, whose flag administration does not issue IMO Certificates, must submit to the Commandant (G-MTH) the plans, calculations, and information under § 154.4(b).

(c) Correspondence to the Coast Guard and vessel information submitted under this part must be in English, except IMO Certificates which may be in French.

24. By deleting the existing footnote 1 and adding a new footnote 1 to read as follows:

¹ Until the Certificate of Compliance form is developed, the Letter of Compliance with a Subchapter C endorsement for the carriage of liquefied gases will serve the purpose of the endorsed Certificate of Compliance.

25. By revising the undesignated center heading preceding § 154.150 to read as follows:

Examination Requirements for Foreign Flag Vessels

26. By revising § 154.150 to read as follows:

§ 154.150 Examination required for a Certificate of Compliance.

Before a vessel receives an initial or reissued Certificate of Compliance endorsed with the name of a cargo from Table 4 of this part, the vessel must call at a United States port for an examination, during which the Officer in Charge, Marine Inspection, determines whether or not the vessel meets the requirements of this chapter.

27. By revising § 154.151 to read as follows:

§ 154.151 Procedures for having the Coast Guard examine a vessel for a Certificate of Compliance.

To have the Coast Guard examine the vessel for a Certificate of Compliance, as required in § 154.150, the owner of a foreign flag vessel must proceed as follows:

(a) After submitting an application under § 154.5, await notification by the Commandant (G-MTH) that review of the vessel's plans or IMO Certificate and supporting documents is complete.

(b) Except when paragraph (c) of this section applies,

(1) after receiving notification from Commandant (G-MTH) that review is complete and the application is acceptable, dispatch the vessel to the United States port;

(2) notify the Officer in Charge, Marine Inspection, for the port where the vessel is to be inspected at least seven days before the vessel arrives and arrange the exact time and other details of the examination. This notification is

in addition to any other pre-arrival notice to the Coast Guard required by other regulations and must include:

- (i) The name of the vessel's first U.S. port of call;
- (ii) the date the vessel is scheduled to arrive;
- (iii) the name and telephone number of the owner's local agent; and
- (iv) the names of all cargoes listed in Table 4 of this part that are on board the vessel;

(3) make sure that the following items are available on board the vessel for the use of the Marine Inspector before beginning the examination required by § 154.150:

- (i) A general arrangement (including the location of firefighting, safety, and lifesaving gear); and
- (ii) the cargo manual required by § 154.1810.

(c) if the vessel was accepted for U.S. service on the basis of Coast Guard plan review under § 154.5(b), the vessel owner must notify Commandant (G-MTH) fourteen days prior to the vessel's arrival at a U.S. port. This notification must include:

- (1) the name of the vessel's first U.S. port of call;
- (2) the date the vessel is scheduled to arrive;
- (3) the name and telephone number of the owner's local agent; and
- (4) the names of all cargoes listed in Table 4 of this part that are on board the vessel;

§ 154.152 [Removed]

28. By removing § 154.152.

§ 154.153 [Removed]

29. By removing § 154.153.

30. By revising § 154.1802(a) (1) and (2) and § 154.1802(b) (1) and (2) to read as follows:

§ 154.1802 Certificates, letters, and endorsements: Foreign flag vessels.

(a) * * *

(1) an IMO Certificate issued by the flag administration that is endorsed with the name of the cargo that it is allowed to carry, and, except when entering United States waters to be examined as required by § 154.150, a Certificate of Compliance¹ issued by the Coast Guard endorsed under this part with the name of the cargo that it is allowed to carry; or

(2) special approval under § 154.12.

(b) * * *

(1) except when entering United States waters to be examined as required by § 154.150, a Certificate of Compliance¹ issued by the Coast Guard endorsed under this part with the name of the cargo it is allowed to carry; or

(2) special approval under § 154.12.

31. By revising § 154.1803 to read as follows:

§ 154.1803 Expiration of Certificates of Compliance.

(a) A Certificate of Compliance expires after a period not to exceed twenty-four months from the date of the examination under § 154.150.

(b) If a vessel's IMO Certificate of Fitness expires or otherwise becomes invalid, its Certificate of Compliance becomes invalid for the carriage of cargoes listed in Table 4 of this part or authorized by special approval under § 154.12. To maintain the validity of the Certificate of Compliance, the vessel's owner must submit a copy of any revised or reissued IMO Certificate to Commandant (G-MTH).

32. By revising § 154.1808 to read as follows:

§ 154.1808 Limitations in the endorsement.

No person may operate a vessel unless that person complies with all limitations in the endorsement on the vessel's Certificate of Inspection or Certificate of Compliance.

Dated: February 27, 1985.

B.G. Burns,

Captain, U.S. Coast Guard, Acting Chief,
Office of Merchant Marine Safety.

[FR Doc. 85-5177 Filed 3-4-85; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[Docket No. 31230-252]

Atlantic Groundfish (Cod, Haddock, and Yellowtail Flounder); Technical Amendment

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; technical amendments.

SUMMARY: NOAA issues this final rule implementing technical amendments to the final regulations for the Interim Fishery Management Plan for Atlantic Groundfish (Interim Plan). Paragraphs of § 651.20 Large mesh area and § 651.21 Closed areas must be revised in relation to the new boundary between the United States and Canada in the Gulf of Maine announced on October 22, 1984, by the International Court of Justice.

The intended effect is to present the new boundaries for the Large mesh area and Closed area II in the fishery conservation zone in the Gulf of Maine.

EFFECTIVE DATE: March 5, 1985.

FOR FURTHER INFORMATION CONTACT:

William B. Jackson, 202-634-7432.

SUPPLEMENTARY INFORMATION: NOAA published a final rule on October 31, 1984, (49 FR 43676) to implement an amendment establishing the new boundary between the United States and Canada in the Gulf of Maine. A full discussion is found at 49 FR 43676 and is not repeated here. The boundary technical amendment was effective October 26, 1984 and was effective for 50 CFR Part 611, §§ 611.9, 611.50, 611.60, and 611.61 only.

NOAA issued final rules to implement the Interim Plan on October 4, 1982 (47 FR 43705). Points delineating by latitude and longitude parts of the Large-mesh area at § 651.20(a) (17) and (18) and parts of Closed area II § 651.21(2)(i)-(vi) now lie within Canadian waters.

NOAA, therefore, issues this final rule to revise those points of reference found at §§ 651.20(a) and 651.21(2), as discussed above, to alleviate any possible confusion that might occur as to the current lines of delineation for the Large mesh area and Closed area II.

List of Subjects in 50 CFR Part 651

Fish, Fisheries, Reporting and recordkeeping requirements.

Dated: February 27, 1985.

William G. Gordon,

Assistant Administrator for Fisheries,
National Marine Fisheries Service.

PART 651—[AMENDED]

For the reason set forth in the summary, 50 CFR Part 651 is amended as follows:

1. The authority citation for Part 651 is as follows:

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

§ 651.20 [Amended]

2. In § 651.20, paragraphs (a) (17) and (18) are revised to read as follows:

§ 651.20 Large-mesh area and gear limitations.

(a) * * *

(17) 42°10' N. latitude, 67°09' W. longitude;

(18) 41°00' N. latitude, 66°10' W. longitude;

§ 651.21 [Amended]

3. In § 651.21, paragraphs (a)(2)(i)-(iv) are revised and paragraphs