all interest rates referred to in clause (a)(2)(vii), the calculation period (*e.g.*, semiannual), the starting date of the first interest calculation period beginning after September 30, 1986, and the calculation basis (*e.g.*, 365/365, 365/360) shall be provided.

(3) *Filing.* One copy of the registration, which shall be in the form of a letter or a telex (Telex No. 710–822–9201), shall be sent to Unit 622(a), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220. Telexed registrations should also include the telephone number of the Census Unit (376–0968). A copy of the registration should be retained for the registrant banking institution's records.

(4) *Failure to register.* All members of a syndicate are precluded from asserting any claim against the No. 1 Account arising out of the syndicate, or participation in the syndicate, unless at least one U.S. banking institution that is a member of the syndicate has registered a claim against the No. 1 Account pursuant to this subsection and the claim asserted is consistent with information provided in such registration and with the purpose of Paragraph 2(A) of the Undertakings.

(b) *Bank claims against the escrow account (Dollar Account No. 2) at the Bank of England.*

(1) *Registration requirements.* Any U.S. banking institution that has, and intends to assert, any remaining claim against the account established by the deposit of $1.418 billion in escrow (the "Escrow Account," also known as Dollar Account No. 2") at the Bank of England pursuant to paragraph 2(B) of the Undertakings is required to register with the Office of Foreign Assets Control, in writing, on or before November 17, 1986.

(2) *Contents of registration.* The required registration shall refer to this subsection and contain the following:

(i) Name and address of the registrant banking institution;

(ii) Name, title, and telephone number of person who may be contacted about the registration;

(iii) The basis for each kind of claim together with the dollar amount of that kind of claim;

(iv) The total dollar amount claimed; and

(v) The interest rate(s) at which interest would accrue after September 30, 1986, and, if different rates apply to different portions of the total dollar amount claimed, the dollar amount to which each rate applies.

All dollar amounts are to be stated as of September 30, 1986. Dollar amounts and other information relating to a January Interest claim shall not be included in registrations pursuant to this subsection. If the interest rate(s) referred to in clause (b)(2)(v) may only be stated with reference to an index, that index and the applicable margin shall be provided. For all interest rates referred to in clause (b)(2)(v), the calculation period (*e.g.*, semiannual), the starting date of the first interest calculation period beginning after September 30, 1986, and the calculation basis (*e.g.*, 365/365, 365/360) shall be provided.

(3) *Filing.* One copy of the registration, which shall be in the form of a letter or a telex (Telex No. 710–822–9201), shall be sent to Unit 622(b), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220. Telexed registrations should also include the telephone number (376–0968) of the Census Unit. A copy of the registration should be retained for the registrant banking institution's records.

(4) *Failure to register.* Except for a January Interest claim, U.S. banking institutions are precluded from asserting any claim against the Escrow Account unless the U.S. banking institution has registered a claim against the Escrow Account pursuant to this subsection and has previously registered pursuant to § 535.621 and the claim asserted is consistent with information provided in the registration pursuant to this subsection and with the purpose of Paragraph 2(A) of the Undertakings.

(c) *January Interest registration*—(1) *Registration requirements.* Any U.S. banking institution that is a member of a syndicate of banking institutions and has, or any member of the syndicate has, and intends to assert, a claim for January Interest against the Escrow Account is required to register with the Office of Foreign Assets Control, in writing, on or before November 17, 1986, unless at least one other U.S. banking institution that is a member of the syndicate has properly filed a registration pursuant to this subsection relating to such claim.

(2) *Contents of registration.* The required registration shall refer to this subsection and contain the following:

(i) Name and address of the registrant banking institution;

(ii) Name, title, and telephone number of person who may be contacted about the registration;

(iii) Identification of syndicate(s);

(iv) For each syndicate the name of each syndicate member (including the registrant, if applicable) on whose behalf the registrant is asserting a claim and the dollar amount of the claim for such syndicate member;

(v) If there is more than one syndicate, for each syndicate the total dollar amount claimed for all syndicate members (including the registrant if applicable) on whose behalf the registrant is asserting a claim;

(vi) The aggregate total dollar amount claimed for all syndicate members (including the registrant, if applicable) on whose behalf the registrant is asserting claims; and

(vii) The interest rate(s) at which interest would accrue after September 30, 1986, and, if different rates apply to different portions of the aggregate total dollar amount claimed, the dollar amount to which each rate applies.

All dollar amounts are to be stated as of September 30, 1986. If the interest rate(s) referred to in clause (c)(2)(vii) may only be stated with reference to an index, that index and the applicable margin shall be provided. For all interest rates referred to in clause (c)(2)(vii), the calculation period (*e.g.*, semiannual), the starting date of the first interest calculation period beginning after September 30, 1986, and the calculation basis (*e.g.*, 365/365, 365/360) shall be provided.

(3) *Filing.* One copy of the registration, which shall be in the form of a letter or a telex (Telex No. 710–822–9201), shall be sent to Unit 622(c), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220. Telexed registrations should also include the telephone number of the Census Unit (376–0968). A copy of the registration should be retained for the registrant banking institution's records.

(4) *Failure to register.* All members of a syndicate are precluded from asserting any January Interest claim against the Escrow Account arising out of the syndicate, or participation in the syndicate, unless at least one U.S. banking institution that is a member of the syndicate has registered a claim against the Escrow Account pursuant to this subsection and the claim asserted is consistent with information provided in such registration and with the purpose of Paragraph 2(B) of the Undertakings.

Dated: October 17, 1986.

Dennis M. O'Connell,

Director, Office of Foreign Assets Control.

Approved: October 17, 1986.

Michael H. Lane,

Acting Assistant Secretary (Enforcement).

[FR Doc. 86–2406 Filed 10–22–86; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 358

[DOD Directive 5105.41]

Defense Advanced Research Projects Agency

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule.

SUMMARY: This part has been updated to add responsibility for the conduct of prototype projects, delegate contracting authority, and reflect current reporting relationships. In addition, changes have been made to update references and to conform to current editorial format. This part was last published on July 28, 1978.

EFFECTIVE DATE: September 30, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Howard Becker, Organization and Management Planning Directorate, Office of the Deputy Assistant Secretary of Defense (Administration), Room 3A326, the Pentagon, Washington, DC 20301, telephone (202) 697-0709.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 358

Organizations and functions.

Accordingly, 32 CFR Part 358 is revised to read as follows:

PART 358—DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

Sec.

Authority: 10 U.S.C. Chapter 4.

§ 358.1 Reissuance and purpose.

Pursuant to the authority vested in the Secretary of Defense under Title 10, United States Code, this part reissues 32 CFR Part 385 to update the responsibilities, functions, relationships, and authorities of the Defense Advanced Research Projects Agency (DARPA).

§ 358.2 Mission.

DARPA shall:

(a) Manage and direct the conduct of selected advanced basic and applied research and development projects for the Department of Defense.

(b) Stimulate a greater emphasis on prototyping in defense systems by conducting prototype projects that embody technology that might be incorporated in joint programs, programs in support of deployed U.S. Forces (including the Unified and Specified Commands), or selected Military Department programs, and, on request, assist the Military Departments in their own prototyping programs.

§ 358.3 Organization and management.

DARPA is established as a separate agency of the Department of Defense under the direction, authority, and control of the Under Secretary of Defense for Acquisition (USD(A)). It shall consist of a Director and such subordinate elements as are established by the Director within resources authorized by the Secretary of Defense.

§ 358.4 Responsibilities and functions.

The Director, DARPA, shall:

(a) Organize, direct, and manage the DARPA and all assigned resources.

(b) Provide guidance and assistance, as appropriate, to all DOD Components and other U.S. Government activities on matters pertaining to the projects assigned to DARPA.

(c) Recommend to the Secretary of Defense, through the USD(A), the assignment of research projects to DARPA.

(d) Arrange for the performance of, and supervise the work connected with, DARPA projects assigned to the Military Departments, other U.S. Government activities, individuals, private business entities, educational institutions, or research institutions, giving consideration to the primary functions of the Military Departments.

(e) Engage in assigned advanced research projects.

(f) Keep the USD(A), the Military Departments, the Joint Chiefs of Staff, and other DOD Agencies informed, as appropriate, on significant new developments, breakthroughs, and technological advances within assigned projects and on the status of such projects in order to facilitate early operational assignment.

(g) Prepare and submit to the Assistant Secretary of Defense (Comptroller), in accordance with established procedures, the DARPA annual program-budget estimates, to include the assignment of appropriation program priorities.

(h) Perform such other functions as may be assigned by the USD(A).

§ 358.5 Authority.

The Director, DARPA, is specifically delegated authority to:

(a) Place funded work orders with the Military Departments and other DOD Components or directly with subordinate echelons of the Military Departments, after clearance with the Secretary of the Military Department concerned.

(b) Authorize the allocation, as appropriate, of funds made available to DARPA for assigned advanced projects.

(c) Establish for DARPA, the Military Departments, and other research and development activities, procedures required in connection with work being performed for DARPA, consistent with policies and instructions governing the Department of Defense.

(d) Serve as head of an Agency and Contracting Activity within the meaning of, and subject to, the limitations of Federal Acquisition Regulation 2.1, April 1, 1984, as supplemented by DOD Federal Acquisition Regulation Supplement 2.1.

(e) Acquire or construct, directly or through a Military Department or other U.S. Government agency, such research, development, and test facilities and equipment required to carry out assignments that may be approved by the Secretary of Defense in accordance with applicable statutes and DOD Directives.

(f) Obtain reports and information, consistent with the policies and criteria of DOD Directive 5000.19[1] and advice and assistance from other DOD Components as necessary to carry out DARPA functions and responsibilities.

(g) Exercise the administrative authorities contained in § 358.8.

§ 358.6 Relationships.

(a) In the performance of assigned functions, the Director, DARPA, shall:

(1) Maintain appropriate liaison for the exchange of information and advice in the field of assigned responsibility with other DOD Components, agencies of the Executive Branch, and non-DOD research and development institutions (including private business entities) and educational institutions.

(2) Ensure that appropriate staff elements of the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the Military Departments, and other DOD Components are kept fully informed concerning DARPA activities with which they have substantive concern.

(3) Make appropriate use of established facilities and services in the Department of Defense or other governmental agencies, wherever practicable, to achieve maximum efficiency and economy.

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[1] Copies may be obtained if needed, from the U.S. Naval Publications and Forms Center, Attn: Code 301, 5801 Tabor Avenue, Philadelphia, PA 19120.

(b) The Secretaries of the Military Departments and Heads of other DOD Components shall:

(1) Provide assistance and support, in their respective fields of responsibility and within available resources, to the Director, DARPA, as may be necessary to carry out the responsibilities and functions assigned to DARPA.

(2) Coordinate with the Director, DARPA, on all matters related to responsibilities and functions assigned to DARPA.

§ 358.7 Administration.

(a) The Director, DARPA, shall be a civilian selected by the Secretary of Defense.

(b) DARPA shall be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense deems necessary.

(c) The Military Departments shall assign personnel to DARPA in accordance with approved authorizations and procedures for assignment to joint duty.

(d) Administrative support required for DARPA shall be provided by the Director, Washington Headquarters Services, and other DOD Components, as appropriate.

§ 358.8 Delegation of authority.

Pursuant to the authority vested in the Secretary of Defense, and subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DOD policies, Directives, and Instructions, the Director, DARPA, or in the absence of the Director, the person acting for the Director, is hereby delegated authority as required in the administration and operation of DARPA to:

(a) Designate any position in DARPA as a "sensitive" position, in accordance with the provisions of 5 U.S.C. 7532; Executive Orders 10450, 12333, and 12356; and 32 CFR Part 156, "DOD Personnel Security Program," December 20, 1979; as appropriate.

(b) Authorize and approve overtime work for DARPA civilian officers and employees in accordance with the provisions of 5 U.S.C. Chapter 55, Subchapter V, and applicable OPM regulations.

(c) Authorize and approve:

(1) Travel for DARPA civilian officers and employees in accordance with Joint Travel Regulations, Volume 2, "DOD Civilian Personnel."

(2) Temporary duty travel for military personnel assigned or detailed to DARPA in accordance with Joint Travel Regulations, Volume I, "Members of Uniformed Services."

(3) Invitational travel to persons serving without compensation whose consultive, advisory, or other highly specialized technical services are required in a capacity that is directly related to, or in connection with, DARPA activities, pursuant to the provisions of 5 U.S.C. 5703.

(d) Approve the expenditure of funds available for travel by military personnel assigned or detailed to DARPA for expenses incident to attendance at meetings of technical, scientific, professional or other similar organizations in such instances where the approval of the Secretary of Defense, or designee, is required by law (37 U.S.C. 412 and 5 U.S.C. 4110 and 4111). This authority cannot be redelegated.

(e) Develop, establish, and maintain an active and continuing Records Management Program, pursuant to the provisions of section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 3102).

(f) Enter into and administer contracts, directly or through a Military Department, a DOD contract administration services component, or other Government department or agency, as appropriate, for supplies, equipment, and services required to accomplish the mission of DARPA. To the extent that any law or Executive order specifically limits the exercise of such authority to persons at the Secretarial level of a Military Department, such authority shall be exercised by the appropriate Under Secretary or Assistant Secretary of Defense.

(g) Establish and use imprest funds for making small purchases of material and services, other than personal, for DARPA, when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DOD Instruction 5100.71[1] "Delegation of Authority and Regulations Relating to Cash Held at Personal Risk Including Imprest Funds," March 5, 1973.

(h) Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of DARPA consistent with 44 U.S.C. 3702.

(i) Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Director, DARPA, pursuant to DOD Directive 5200.8,[1] "Security of Military installations and Resources," July 29, 1980.

(j) Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of common supply and service regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DOD Directive 5025.1,[1] "Department of Defense Directives System," October 16, 1980.

(k) In coordination with the Deputy Assistant Secretary of Defense (Administration), enter into support and service agreements with the Military Departments, other DOD Components, or other Government agencies, as required for the effective performance of DARPA functions and responsibilities.

(l) Establish and maintain appropriate property accounts for DARPA and appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for DARPA property contained in the authorized property accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

The Director, DARPA, may redelegate these authorities as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation. These delegations of authority are effective immediately.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

October 21, 1986.

[FR Doc. 86-24005 Filed 10-22-86; 8:45 am]

BILLING CODE 3810-01-M

[1] See footnote 1 to § 358.5(f).

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 181 and 183

[CGD 85-002]

Boating Safety; Certification and Safe Powering Standards

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule amends the Certification regulations in Subpart B of Part 181 and the Safe Powering Standard in Subpart D of Part 183 of Title 33, Code of Federal Regulations. The purpose of these amendments is to give those boats, which can clearly operate safely with more horsepower than they currently rate under the Coast

Guard Safe Powering Standard, more reasonable maximum horsepower capacities. In order to allow greater flexibility in the manner in which the maximum horsepower capacity of these boats is determined, these amendments establish an optional performance test method as an alternative to the existing calculation method. An additional editorial change to Subpart A of Part 181 reflects changes in the applicability of the part.

EFFECTIVE DATE: August 1, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Alston Colihan, Office of Boating, Public, and Consumer Affairs (G-BBS/43), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, (202) 267-0981, between 8 a.m. and 4 p.m. Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: The Coast Guard published a Notice of Proposed Rulemaking in the Federal Register on May 29, 1986 [51 FR 19364]. Interested persons were invited to participate in this rulemaking by submitting relevant comments. The Coast Guard extended the comment period for the notice of proposed rulemaking until August 29, 1986. Any comments received were carefully considered. The National Boating Safety Advisory Council was consulted and its opinions and advice have been considered in the formulation of these amendments. The transcripts of the proceedings of the National Boating Safety Advisory Council at which this rule was discussed are available for examination in Room 4304, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC. The minutes of the meetings are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G-BBS), U.S. Coast Guard, Washington, DC 20593-0001.

Drafting Information

The principal persons involved in drafting these amendments are Mr. Alston Colihan, Project Manager, Office of Boating, Public, and Consumer Affairs, and Lt. Sandra Sylvester, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

One comment was received. A State Boating Law Administrator, who did not object to the substance of the proposed amendments, urged the Coast Guard to consider the publication of regulations that would make the use of a larger motor than the maximum horsepower capacity displayed on the boat a violation of Federal law. According to the comment, many States use the values displayed on the U.S. Coast Guard Maximum Capacities label in determining whether an operator has violated State laws concerning overloading and overpowering. The comment further stated that the operators of these overloaded and overpowered boats cite statements made by dealers and the Coast Guard that the use of a larger motor or the carriage of more persons than the values displayed on the U.S. Coast Guard Maximum Capacities label is not a violation of Federal law. The comment concluded by stating that the regulations should clearly and strongly state that the maximum horsepower capacity displayed on a boat is the maximum horsepower an operator may use on the boat. The comment does not pertain to these amendments. Parts 181 and 183 of Title 33 to which these amendments apply, contain only manufacturer requirements. The comment affects the boat and would involve amendments to different Parts in Title 33. The comment also addresses safe loading capacities, but the scope of these amendments is limited to offering an optional means for calculating the maximum horsepower capacity of some outboard powered boats. The Coast Guard will present these comments at the next meeting of the National Boating Safety Advisory Council for their consideration. Since there were no unfavorable comments, the Coast Guard is amending the Certification regulations in Subpart B of Part 181 and the Safe Powering Standard in Subpart D of Part 183. These amendments provide an alternate means for determining the maximum horsepower capacity of outboard powered recreational boats 13 feet or less in length with remote wheel steering, a minimum 19 inch transom height or equivalent and rated for a maximum persons capacity not to exceed two persons.

Regulatory Evaluation

These regulations are considered to be non-major under Executive Order No. 12291 and non-significant under the DOT Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979). The economic impact of this proposal has been found to be minimal. The proposal to offer an optional method for determining the maximum horsepower capacity for the boats subject to these amendments is a relief from the application of the current standard. There is no increased cost per boat. Since the impact of this final rule is expected to be minimal, the agency certifies that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects for 33 CFR Parts 181 and 183

Marine safety.

For the reasons set out in the preamble, Title 33, Chapter I, Parts 181 and 183 of the Code of Federal Regulations are amended as follows:

PART 181—MANUFACTURER REQUIREMENTS

1. The authority citation for Part 181 is revised to read as follows and all other authority citations in Part 181 are removed:

Authority: 46 U.S.C. 4302; 49 CFR 1.46.

2. Section 181.1 is revised to read as follows:

§ 181.1 Purpose and applicability.

This part prescribes requirements for the certification of boats and associated equipment and identification of boats to which 46 U.S.C. Chapter 43 applies.

3. Section 181.5 is revised to read as follows:

§ 181.5 Purpose and applicability.

This subpart prescribes requirements for the certification of boats and associated equipment to which 46 U.S.C. Chapter 43 applies and to which a safety standard prescribed in Part 183 of this chapter applies.

4. Section 181.15 is amended by adding a new paragraph (f) to read as follows:

§ 181.15 Contents of labels.

* * * * *

(f) Each boat which displays a maximum horsepower capacity determined in accordance with § 183.53(b) must, in addition to the information required by paragraphs (a), (b) and (d) of this section, display on the certification label, the following statement in letters no less than one-quarter of an inch in height: "THIS BOAT IS INTENDED FOR RACING AND OTHER HIGH PERFORMANCE ACTIVITIES. THE SKILL REQUIRED MAY EXCEED THE ABILITIES OF SOME OPERATORS."

PART 183—BOATS AND ASSOCIATED EQUIPMENT

5. The authority citation for Part 183 is revised to read as follows and all other authority citations in Part 183 are removed:

Authority: 46 U.S.C. 4302; 49 CFR 1.46(n)(1).

6. Section 183.1 is revised to read as follows:

§ 183.1 Purpose and applicability.

This subpart prescribes requirements for the certification of boats and associated equipment to which 46 U.S.C. Chapter 43 applies and to which certification requirements in Part 181 of this subchapter apply.

7. Section 183.3 is amended by adding three new paragraphs (l), (m) and (n) to read as follows:

§ 183.3 Definitions.

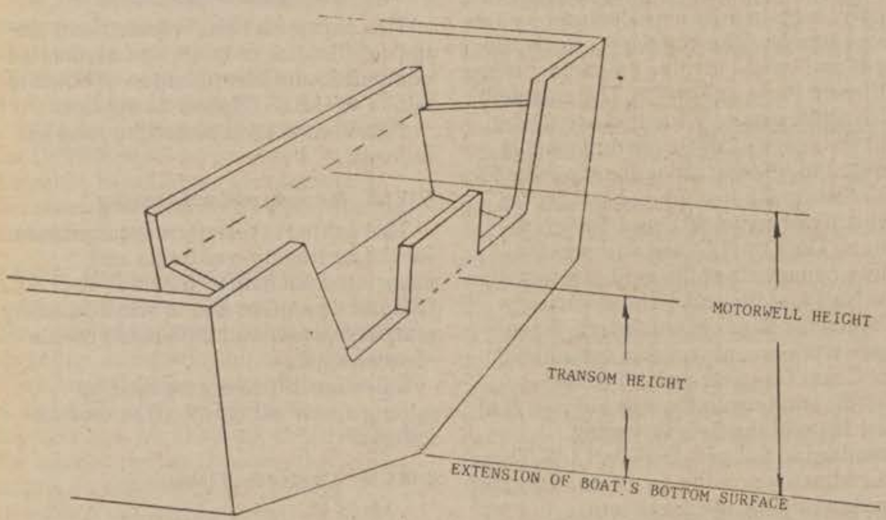
* * * * *

(l) "Transom height" means the vertical distance from the lowest point of water ingress along the top of the transom to a line representing a longitudinal extension of the centerline of the boat's bottom surface, excluding keels. This distance is measured as a projection on the centerline plane of the boat. See Figure 183.3.

(m) "Motorwell" means any arrangement of bulkheads or structures that prevents water from entering the passenger carrying area of the boat through any cutout area in the transom for mounting an outboard motor.

(n) "Motorwell height" means the vertical distance from the lowest point of water ingress along the top of the motorwell to a line representing a longitudinal extension of the centerline of the boat's bottom surface, excluding keels. This distance is measured as a projection on the centerline plane of the boat. See Figure 183.3.

Figure 183.3.—Transom and Motorwell Height



8. Section 183.53 is revised to read as follows:

§ 183.53 Horsepower capacity.

The maximum horsepower capacity marked on a boat must not exceed the horsepower capacity determined by the computation method discussed in paragraph (a) of this section, or for certain qualifying boats, the performance test method discussed in paragraph (b) of this section.

(a) The maximum horsepower capacity must be computed as follows:

(1) Compute a factor by multiplying the boat length in feet by the maximum transom width in feet excluding handles and other similar fittings, attachments, and extensions. If the boat does not have a full transom, the transom width is the broadest beam in the aftermost quarter length of the boat.

(2) Locate horsepower capacity corresponding to the factor in Table 183.53.

(3) For a boat with a factor over 52.5, if the horsepower capacity calculated in Table 183.53 is not an exact multiple of 5, it may be raised to the next exact multiple of 5.

(4) For flat bottom hard chine boats with a factor of 52 or less, the horsepower capacity must be reduced by one horsepower capacity increment in Table 183.53.

TABLE 183.53—OUTBOARD BOAT HORSEPOWER CAPACITY

[Compute: Factor = Boat Length X Transom Width]

If factor (nearest integer) is	0–35	36–39	40–42	43–45	46–52
Horsepower Capacity is	3	5	7.5	10	15

[Note: For flat bottom hard chine boats, with factor of 52 or less, reduce one capacity limit (e.g. 5 to 3)]

If factor is over 52.5 and the boat has	Remote steering and at least 20" transom height	No remote steering, or less than 20" transom height	
		For flat bottom hard chine boats	For other boats
Horsepower capacity is (raise to nearest multiple of 5)	(2 X Factor) − 90	(0.5 X Factor) − 15	(0.8 X Factor) − 25

(b) For boats qualifying under this paragraph, the performance test method described in this paragraph may be used to determine the horsepower capacity.

(1) *Qualifying criteria.*

(i) Thirteen feet or less in length;

(ii) Remote wheel steering;

(iii) Transom Height

(A) Minimum 19 inch transom height; or,

(B) For boats with at least a 19 inch motorwell height, a minimum 15 inch transom height;

(iv) Maximum Persons Capacity not over two persons;

(2) *Boat preparation.*

(i) The boat must be rigged with equipment recommended or provided by the boat and motor manufacturer and tested with the highest horsepower production powerplant for which the boat is to be rated, not to exceed 40 horsepower.

(ii) Standard equipment must be installed in accordance with manufacturers' instructions.

(iii) The lowest ratio (quickest) steering system offered on the boat model being tested must be installed.

(iv) The outboard motor must be fitted with the manufacturer's recommended propeller providing maximum speed.

(v) Standard permanently installed fuel tanks must be no more than one-half full. Boats without permanent tanks must be tested with one full portable tank.

(vi) Portable tanks must be in their designated location or placed as far aft as possible.

(vii) The outboard motor must be placed in the lowest vertical position on the transom or, if mounting instructions are provided with the boat, at the height recommended.

(viii) Boat bottom, motor and propeller must be in new or almost new condition.

Note.—The use of the following special equipment should be considered because of the potential for exceeding the capabilities of the boat while performing the test:

Racing Type Personal Flotation Device
Helmet.

(3) *Test conditions.* Testing must be conducted on smooth, calm water with the wind speed below 10 knots. The test must be conducted with no load other than a driver who must weigh no more than 200 pounds. The motor trim angle must be adjusted to provide maximum full throttle speed short of excessive porpoising or propeller ventilation or "cavitation", so that there is no loss of directional control.

(4) *Quick turn test procedure.* Set throttle at a low maneuvering speed and steer the boat straight ahead. Turn the steering wheel 180° in the direction of least resistance in ½ second or less and hold it at that position without changing the throttle or trim settings during or after the wheel change. The boat completes the maneuver successfully if it is capable of completing a 90° turn without the driver losing control of the boat or reducing the throttle setting. Gradually increase the boat's turn entry speed incrementally until the boat does not complete the Quick Turn Test successfully or successfully completes it at maximum throttle.

Note.—It is recognized that operator skill and familiarity with a particular boat and motor combination will affect the test results. It is permissible to make a number of practice runs through the quick turn test at any throttle setting.

(5) *Test course method.* Set throttle for 30 miles per hour boat speed and run the test course set up in accordance with Figure 183.53, passing outside the designated avoidance marker for 35 to 37.5 miles per hour without contacting any of the course markers. If the boat successfully completes this run of the test course, increase the throttle setting to 35 to 37.5 miles per hour boat speed and run the course passing outside the designated avoidance marker for that speed without contacting any of the course markers. If the boat successfully completes this run of the test course and the motor was not at full throttle, increase the throttle setting to 37.5 to 42.5 miles per hour boat speed and run the course passing outside the designated avoidance marker for that speed without contacting any of the course markers. If the boat successfully completes this run of the test course and the motor was not at full throttle, increase the throttle setting to 42.5 miles per hour or more and run the course passing outside the designated avoidance marker for that speed without contacting any of the course markers. If the boat successfully completes this run of the test course and the motor was not at full throttle, continue to increase the throttle setting and run the test course passing outside the designated avoidance marker for 42.5 miles per hour or more until the boat fails to complete the test successfully or the boat completes the test course maneuvers successfully at full throttle. The boat successfully completes the test course if the driver is able to maneuver it between the designated avoidance markers without striking the markers and without losing control of the boat or reducing the throttle setting. There must be no change in position of any equipment on board and there must be no change of position of personnel in order to influence the test results. There must be no instability evidenced by oscillating motion in the roll or yaw axes exhibited while negotiating the course.

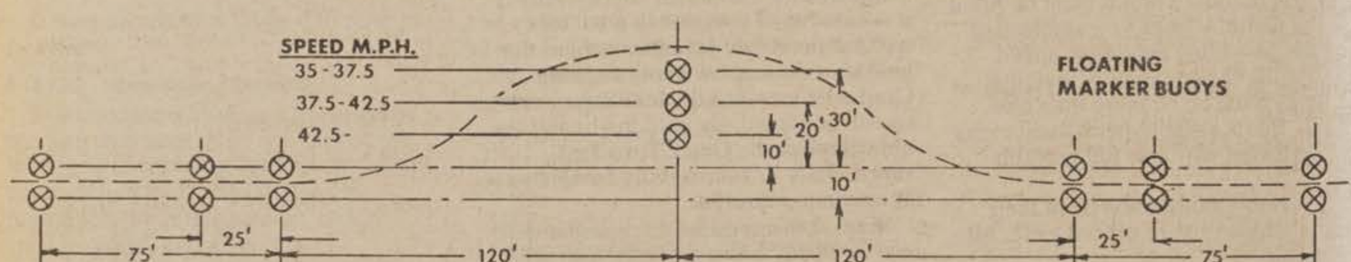
Note.—It is recognized that operator skill and familiarity with a particular boat and motor combination will affect the test results. It is therefore considered permissible to make a number of practice runs through the test course at any throttle setting.

(6) *Maximum horsepower capacity.* (i) For boats capable of less than 35 miles per hour, the maximum horsepower capacity must be the maximum horsepower with which the boat was able to successfully complete the Quick Turn Test Procedure in § 183.53(b)(4) at full throttle or the maximum horsepower determined under the calculations in § 183.53(a) of this section.

(ii) For boats capable of 35 miles per hour or more, the maximum horsepower capacity must be the maximum horsepower with which the boat was able to successfully complete both the Quick Turn Test Procedure in § 183.53(b)(4) and the Test Course Method in § 183.53(b)(5) at full throttle or the calculations in § 183.53(a) of this section.

(iii) The maximum horsepower capacity determined in accordance with § 183.53(b) must not exceed 40 horsepower.

Figure 183.53.—Boat Horsepower Capacity Test Course—35 mph or more



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