

§ 21.6525 Election of benefits by a qualified veteran who receives an IU rating during the program period.

(a) *General.* A qualified veteran required to participate in the test program must participate in a rehabilitation program under ch. 31, if eligible, regardless of eligibility and entitlement to education benefits under other VA programs, or risk adverse consequences under §§ 21.6513(c) and 21.6517 (a) and (b). (38 U.S.C. 363(c))

(b) *Chapter 34 eligibility.* A qualified veteran required to participate, who is also eligible for assistance under ch. 34, may elect, as part of his or her ch. 31 vocational rehabilitation program, to receive subsistence payments at the ch. 34 rate under § 21.264. The counseling psychologist and the veteran will review the assistance and services available under these options so the veteran can make an informed decision. (38 U.S.C. 363(c))

(c) *Other VA programs.* The counseling psychologist shall inform a qualified veteran required to participate in the test program of any adverse consequences which may result under §§ 21.6513(c) and 21.6517 (a) and (b), if he or she instead elects benefits under another VA program. (38 U.S.C. 363(c))

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6715]

National Flood Insurance Administration; Suspension of Community Eligibility

AGENCY: Federal Emergency
Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the

effective suspension date given in this rule, the suspension will be withdrawn by publication in the *Federal Register*.

EFFECTIVE DATES: The third date ("Susp.") listed in the third column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et. seq.). Accordingly, the communities are suspended on the effective date in the third column, as of that date, flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable floodplain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the *Federal Register*.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of

communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, floodpains.

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date certain Federal assistance no longer available in special flood hazard areas
Region I				
Maine: Boothbay, town of, Lincoln County	230212B	Sept. 8, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Feb. 7, 1975, Mar. 7, 1980, and June 3, 1986	June 3, 1986.
Massachusetts:				
Nantucket, town of, Nantucket County	250230C	Jan. 21, 1974, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Sept. 13, 1974, Dec. 3, 1976, Oct. 1, 1983, and June 3, 1986	Do.
Medford, city of, Middlesex County	250205B	May 20, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	July 28, 1974, Sept. 24, 1976, and June 3, 1986	Do.
Everett, city of, Middlesex County	250192B	June 30, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	July 7, 1974, July 30, 1976, and June 3, 1986	Do.
Hingham, town of, Plymouth County	250268B	June 3, 1974, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Sept. 6, 1974, Oct. 15, 1976, and June 3, 1986	Do.
New Hampshire: North Hampton, town of, Rockingham County	330232B	Nov. 17, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Feb. 27, 1979 and June 3, 1986	Do.
Region IV				
New Jersey: Fairfield, township of, Essex County	340168C	June 23, 1972, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	June 15, 1973, July 1, 1974, July 16, 1976, Mar. 1, 1984, and June 3, 1986	Do.
Region III				
Pennsylvania: Washington, township of, Franklin County	421658C	July 1, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Sept. 6, 1974, July 2, 1976, Mar. 11, 1977, and June 3, 1986	Do.
Region V				
Illinois:				
Galatia, village of, Saline County	170597B	Aug. 25, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Mar. 1, 1974, Jan. 30, 1976, June 3, 1986	Do.
Randolph County, unincorporated areas	170575B	Apr. 1, 1974, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Dec. 20, 1974, July 15, 1977, and June 3, 1986	Do.
Ohio: Chillicothe, city of, Ross County	390482D	May 6, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	June 25, 1974, May 28, 1976, Aug. 31, 1979, Mar. 17, 1984, and June 3, 1986	Do.
Region VI				
Texas:				
Corinth, Town of, Denton County	481143B	Mar. 5, 1975, Emerg.; May 15, 1979, Reg.; June 3, 1986, Susp.	July 30, 1976, May 15, 1979, and June 3, 1986	Do.
Westworth Village, village of, Tarrant County	480616B	Jan. 24, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Mar. 8, 1974, June 25, 1976, and June 3, 1986	Do.
Kansas: Sedgwick County, unincorporated areas	200321A	July 17, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Aug. 2, 1974, and June 3, 1986	Do.
Region VIII				
Montana: Red Lodge, city of, Carbon County	300007	June 30, 1975, Emerg.; May 19, 1981, Reg.; June 3, 1986, Susp.	May 19, 1981, and June 3, 1986	Do.
Region IX				
Arizona: Paradise Valley, town of, Maricopa County	040049C	Sept. 15, 1972, Emerg.; May 1, 1980, Reg.; June 3, 1986, Susp.	Dec. 7, 1973, May 21, 1976, May 1, 1980, and June 3, 1986	Do.
California:				
Point Arena, city of, Mendocino County	060185C	June 28, 1976, Emerg.; Aug. 3, 1984, Reg.; June 3, 1986, Susp.	Oct. 18, 1974, Dec. 26, 1975, Aug. 3, 1984, and June 3, 1986	Do.
Mendocino County, unincorporated areas	060183C	Dec. 17, 1974, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Jan. 3, 1974, Apr. 25, 1978, June 1, 1983, and June 3, 1986	Do.
Capitola, city of, Santa Cruz County	060354C	July 2, 1975, Emerg.; Aug. 15, 1984, Reg.; June 3, 1986, Susp.	May 17, 1974, Mar. 19, 1976, Aug. 15, 1984, and June 3, 1986	Do.
Half Moon Bay, city of, San Mateo County	060319A	July 17, 1975, Emerg.; Aug. 8, 1979, Reg.; June 3, 1986, Susp.	June 3, 1986	June 3, 1987.
Region X				
Oregon: Oakridge, city of, Lane County	410126B	Aug. 28, 1974, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Nov. 12, 1976, May 10, 1974, and June 3, 1986	June 3, 1986
Region VIII—Minimal Conversations				
Montana:				
Chester, town of, Liberty County	300041	May 30, 1975, Emerg.; June 1, 1986, Reg.; June 1, 1986, Susp.	May 10, 1974, Dec. 5, 1975, June 1, 1986	June 1, 1986.
Conrad, city of, Pondera County	300057	Feb. 10, 1975, Emerg.; June 1, 1986, Reg.; June 1, 1986, Susp.	June 7, 1974, Dec. 5, 1975, and June 1, 1986	Do.
Vermont:				
Fairfield, town of, Franklin County	500053B	Dec. 29, 1975, Emerg.; Sept. 27, 1985, Reg.; June 3, 1986, Susp.	Jan. 10, 1975, Oct. 1, 1976, and Sept. 27, 1985	June 3, 1986.
Orwell, town of, Addison County	500168B	July 2, 1975, Emerg.; Sept. 18, 1985, Reg.; June 3, 1986, Susp.	Nov. 15, 1974, Sept. 3, 1975, and Sept. 18, 1985	Do.
Woodford, town of, Bennington County	500023A	Nov. 13, 1975, Emerg.; Sept. 18, 1985, Reg.; June 3, 1986, Susp.	Nov. 15, 1974 and Sept. 18, 1985	Do.
Connecticut: Colebrook, town of, Litchfield County	090180B	May 3, 1976, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Mar. 20, 1979 and June 3, 1986	Do.
Vermont: Guilford, town of, Windham County	500130B	Sept. 4, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	July 19, 1974, Dec. 10, 1976, and June 3, 1986	Do.
Region II				
New York:				
Otisco, town of, Onondaga County	360589B	June 1, 1976, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	May 31, 1974, July 23, 1976, and June 3, 1986	Do.
Wells, town of, Hamilton County	361112A	Mar. 15, 1982, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Nov. 29, 1974 and June 3, 1986	Do.
Region III				
Maryland: Church Hill, town of, Queen Annes County	240057B	Aug. 20, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Aug. 16, 1974, Dec. 19, 1975, and June 3, 1986	Do.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date certain Federal assistance no longer available in special flood hazard areas
Region IV				
Alabama:				
Morris, town of, Jefferson County.....	010264B	Mar. 11, 1980, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Oct. 8, 1976, Dec. 29, 1978, and June 3, 1986.....	Do.
Ragland, town of St. Clair County.....	010190D	June 26, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	May 24, 1974, Jan. 9, 1976, and June 3, 1986.....	Do.
Florida:				
Monticello, city of, Jefferson County.....	120365A	Apr. 9, 1981, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	July 23, 1976, June 3, 1986.....	Do.
Worthington Springs, town of, Union County.....	120594B	May 29, 1980, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Oct. 13, 1986 and June 3, 1986.....	Do.
Georgia:				
Arlington, City of, Calhoun & Early Counties.....	130026A	Nov. 3, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Feb. 21, 1975, and June 3, 1986.....	Do.
Ivey, town of, Wilkinson County.....	130420B	Aug. 6, 1979, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Dec. 16, 1977, and June 3, 1986.....	Do.
Kentucky:				
Jenkins, city of, Letcher County.....	210138B	July 7, 1976, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	June 7, 1974, July 23, 1976, and June 3, 1986.....	Do.
Spencer County, unincorporated areas.....	210211B	Aug. 8, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Oct. 21, 1977, and June 3, 1986.....	Do.
Mississippi:				
Goodman, town of, Holmes County.....	280075B	May 22, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	June 7, 1974, Jan. 16, 1976, and June 3, 1986.....	Do.
North Carolina:				
Lake Waccamaw, town of, Columbus County.....	370069B	July 2, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Dec. 28, 1973, May 14, 1976, and June 3, 1986.....	Do.
Walnut Cove, town of, Stokes County.....	370224B	June 13, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Feb. 8, 1974, May 21, 1976, and June 3, 1986.....	Do.
South Carolina:				
Mullins, city of, Marion County.....	450143B	Aug. 4, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	June 28, 1974, Apr. 2, 1976, and June 3, 1986.....	Do.
Summerton, town of, Clarendon County.....	450054B	Jan. 13, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	May 24, 1974, July 25, 1975, and June 3, 1986.....	Do.
Ulmer, town of, Allendale County.....	450012B	Aug. 19, 1976, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Aug. 16, 1974, June 11, 1976, Apr. 25, 1980, and June 3, 1986.....	Do.
Tennessee:				
Decatur, town of, Meigs County.....	470134E	Mar. 27, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	June 14, 1974, Mar. 11, 1977, Jan. 13, 1978, June 30, 1978, Feb. 22, 1980, and June 3, 1986.....	Do.
Maynardville, city of, Union County.....	470210B	May 29, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	May 17, 1974, Sept. 3, 1976, and June 3, 1986.....	Do.
Philadelphia, city of, Loudon County.....	470276B	February 18, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Mar. 8, 1974, Sept. 17, 1976, and June 3, 1986.....	Do.
Region V				
Michigan: Niles, township of, Berrien County.....	260041B	Sept. 9, 1974, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	June 21, 1974, June 18, 1976, June 3, 1986.....	Do.
Minnesota:				
Clarissa, city of, Todd County.....	270476B	Apr. 30, 1974, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	May 3, 1974, July 30, 1976, and June 3, 1986.....	Do.
Nobles County, unincorporated areas.....	270688B	Sept. 19, 1974, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	May 25, 1979, and June 3, 1986.....	Do.
Ohio:				
Jacksonville, village of, Athens County.....	390019B	Mar. 21, 1977, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	May 17, 1974, Apr. 16, 1976, and June 3, 1986.....	Do.
Sycamore, village of, Wyandot County.....	390591B	Apr. 2, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	May 17, 1974, Apr. 9, 1976, and June 3, 1986.....	Do.
Wisconsin: Chetek, city of, Barron County.....	550012B	Nov. 8, 1974, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Dec. 7, 1973, May 14, 1976, and June 3, 1986.....	Do.
Region VII				
Kansas: Lyndon, city of, Osage County.....	200251B	July 15, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Mar. 1, 1974, Nov. 14, 1975, and June 3, 1986.....	Do.
Nebraska:				
Bristow, village of, Boyd County.....	310012B	Jan. 13, 1976, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Jan. 3, 1975, Nov. 21, 1975, and June 3, 1986.....	Do.
Valparaiso, village of, Saunders County.....	310203B	Sept. 16, 1975, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	Nov. 8, 1974, Mar. 19, 1976, and June 3, 1986.....	Do.
Region X				
Idaho: Butte County, unincorporated areas.....	160033A	May 17, 1984, Emerg.; June 3, 1986, Reg.; June 3, 1986, Susp.	June 3, 1986.....	June 3, 1987.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Julius W. Becton, Jr.,

Director.

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DEPARTMENT OF TRANSPORTATION
Coast Guard

46 CFR Parts 2 and 4

[CGD 85-015]

Vessel Reporting Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the shipping regulations by adding requirements to give the Coast Guard prior notification of vessel inspections and to give immediate notification to the Coast Guard if there is reason to believe a vessel is in distress. These regulations apply to individuals in charge of a vessel including vessel owners, charterers, operators, agents and

masters. These regulations implement the reporting requirements of the Maritime Safety Act of 1984. Their purpose is to enhance maritime safety by insuring vessels will be reinspected for certification and also by increasing the likelihood that timely assistance will be provided to vessels in distress.

EFFECTIVE DATE: These rules become effective on May 29, 1986.

ADDRESSES: The Final Evaluation and materials referenced in these final rules are available for examination and copying between 8 a.m. and 4 p.m., Monday through Friday, except holidays, at the Marine Safety Council, Commandant (G-CMC), Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593 (202-426-1477).

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Jeffrey G. Lantz, Project Officer, (202) 426-4431.

SUPPLEMENTARY INFORMATION: On October 19, 1984, Congress enacted the Maritime Safety Act of 1984 (Pub. L. 98-498, Title II, Subtitle A). The purpose of the Act is to promote maritime safety through various means, one of which is by establishing certain vessel reporting requirements. These requirements are embodied in sections 211(a) and 212 of the Act and entered into force on April 17, 1985. Section 211(a) requires prior notification of vessel inspections to be given to the Coast Guard and section 212 requires notification to be given to the Coast Guard if there is reason to believe a vessel is in distress. These two sections do not specify the official or office within the Coast Guard to receive the notification. These regulations specify how and where to provide notification.

Notice of Proposed Rulemaking

Since these regulations merely clarify new statutory reporting requirements by delineating the proper recipient of the required notifications, notice and opportunity for comment has been determined to be impracticable and unnecessary. Therefore, under the provisions of 5 U.S.C. 553 these amendments are being issued as a final rule without publication of a notice of proposed rulemaking. Since the statute was effective April 17, 1985, good cause exists for making these rules effective upon publication.

Drafting Information

The principal drafters of this document are LCDR Jeffrey G. Lantz, Office of Merchant Marine Safety and LCDR Ronald C. Zabel, Office of Chief Counsel.

Discussion of Changes

1. Section 211(a) of the Maritime Safety Act of 1984 amends 46 U.S.C. 3309 by adding a new paragraph, 3309(c). Under this paragraph, the owner, charterer, managing operator, agent, master, or individual in charge of a vessel, certificated by the Coast Guard, is required to submit a notice to the Coast Guard, stating if the vessel will be required to be reinspected for certification or if the vessel will be operated so as not to require a Certificate of Inspection (COI). This notice need not contain the specifics necessary to schedule the inspection. However, it must be in writing and submitted at least 30 days but not more than 60 days prior to the expiration of the vessel's current COI. The purpose for this requirement is to insure that the ship owner and the Coast Guard are both aware that a vessel is due for inspection and also increase communication between the vessel owner and the Coast Guard to aid both parties in working out the logistics for the inspection. Advance communication with the Coast Guard is especially useful for vessels which primarily operate overseas and as such, have to make arrangements to have their inspections done in a foreign port. This requirement will reduce the occurrences of COI's lapsing because arrangements were not made for the inspection to be done in time.

The purpose of this requirement is best served if the notice is sent to the Coast Guard Marine Safety or Marine Inspection Office that will be doing the inspection. This, however, may not always be possible. Certain types of vessels are operated such that a determination cannot be made where it will be inspected 30 to 60 days prior to the expiration of the COI. In these instances, the best office to receive the notice is the Marine Safety or Marine Inspection Office that last certificated the vessel. This office will have the records of the last inspection for certification and can communicate any information concerning the vessel's upcoming inspection through the Marine Safety Information System. The regulations offer this choice to Coast Guard inspection offices to the submitter of the report.

Regulations presently require an Application for Inspection to be submitted to the Coast Guard prior to a vessel being reinspected for certification. Under section 211(a) of the Act, the Application for Inspection meets the notification requirement for a vessel requiring reinspection for certification. Therefore, an owner who

knows where the vessel will be inspected 30 days prior to the inspection will be able to utilize the Application for Inspection as this required notice.

Section 211(a), and consequently 46 U.S.C. 3309(c), is general and applies to all vessels certificated by the Coast Guard under the authority of 46 U.S.C. 3309. Accordingly, 46 CFR Part 2 is being amended to incorporate this reporting requirement rather than including it separately in the vessel specific subchapters of 46 CFR Chapter I.

2. Section 212 of the Maritime Safety Act of 1984 adds three complementary vessel reporting requirements to the law and places them in a new section, 46 U.S.C. 2306. First, under 2306(b), a master of a vessel, that is required to report to the United States Flag Merchant Vessel Location Filing System (USMER) under authority of 46 App. U.S.C. 1122a, is required to report to the vessel's owner, charterer, managing operator or agent at least once every 48 hours. Second, under 46 U.S.C. 2306(a)(2) the owner, charterer, managing operator or agent of a vessel required to report to USMER, is required to immediately notify the Coast Guard if 48 hours has passed since last receiving communication from the vessel. Third, under 2306(a)(1) the same notification requirements apply to the owner, charterer, managing operator, or agent of a vessel of the United States who has reason to believe the vessel may be lost or imperiled. Such reasons include, but are not limited to, lack of communication with or nonappearance of the vessel. 46 U.S.C. 2306(a)(3) further requires that the notification required by 46 U.S.C. 2306(a)(1) and (a)(2) must include the name and identification number of the vessel, names of the individuals on board and other information the Coast Guard may request. Examples of information that may be requested by the Coast Guard include such items as the last known location of the vessel, intended operations or destination of the vessel, information on the vessel's communication capability and any other information that may be helpful should a search have to be mounted. In addition, the statute requires written confirmation of the notification to be submitted to the Coast Guard within 24 hours.

These reporting requirements are intended to increase the likelihood of timely assistance being available to vessels in distress, especially those that cannot communicate their distress to the vessel's owner or others in a position to help. For vessels under 46 U.S.C. 2306(a)(2) this is best accomplished if the notification is received by the Coast

Guard rescue coordination center (RCC) having jurisdiction over the area the vessel is operating in. Because these vessels are engaged in foreign commerce, an RCC is best equipped to determine if the vessel is in need of assistance and, if so, to make arrangements for assistance to be provided. Additionally, these vessels are generally operated by large companies that have the wherewithal to know which district RCC is appropriate to send the report to.

The notification required by 46 U.S.C. 2306(a)(1) applies more broadly and encompasses all vessels that are documented or numbered under the laws of the United States. This includes all commercial vessels, small and large, as well as practically all pleasure vessels. To require that this notification be sent to an RCC may be burdensome to the owner and operators of small vessels because they may not know where the location of the RCC with jurisdiction. An example is where the vessel involved is a type that operates in one locale, such as a small passenger vessel. In this case it would be more appropriate to contact the local Coast Guard search and rescue authority instead of the RCC, which could be located hundreds of miles away. Therefore, for those vessels reporting under 46 U.S.C. 2306(a)(1), an option is provided. The notification may be given to either the cognizant Coast Guard RCC or the nearest Coast Guard search and rescue authority.

The reporting arrangement in 46 U.S.C. 2306 apply very broadly. The vessels required to report under 46 U.S.C. 2306(a)(2) would almost certainly be commercial vessels regulated under Title 46 Code of Federal Regulations. 46 U.S.C. 2306(a)(1), however, applies to all vessels regulated under Title 46 CFR and 33 CFR Subchapter S. The purpose of these regulations is to clarify the point within the Coast Guard where the notification required by 46 U.S.C. 2306 is to be submitted. Since these regulations apply to individuals not on board the vessel reported on, the Coast Guard has decided that they have much greater applicability to commercial operations than vessels being operated for pleasure where the owner is typically on board. Therefore, the Coast Guard has decided to place the clarifying regulations in 46 CFR Part 4. The heading of part 4 and the section describing the scope of the part is being modified to more accurately reflect the contents of the part.

Final Evaluation

These final rules are considered to be non-major under Executive Order 12291

and nonsignificant under DOT regulatory policies and procedures. A final regulatory evaluation has been prepared and placed in the rulemaking docket.

The evaluation includes an estimate of \$152,250/year as the annual cost to the public of these regulations. Of this amount, the requirement to give the prior notification to the Coast Guard of the expiration of a vessel's Certificate of Inspection is estimated to cost \$32,500/year. However, this burden can be decreased if more vessels are able to combine this report with the submission of the Application for Inspection. The remainder of the economic burden is attributable to the requirement to give the Coast Guard notification of vessel distress. This requirement is very specific in the law with no means available to mitigate its impact by combining it with a currently required report. The Coast Guard feels that reports of vessel distress have always been and will continue to be made, and while it has not been a regulatory requirement until now, it will not place an undue burden on the public.

The Final Evaluation may be inspected or copied at the location referred to in ADDRESSES. Copies may also be obtained by contacting LCDR Jeffrey G. Lantz at (202) 426-4431.

Environmental Assessment

An environmental assessment has not been prepared since these regulations are considered administrative and procedural. As specified by DOT Order 5610.1C and Commandant Instruction M16714.1A, regulations of this type are excluded from the requirement to prepare an environmental assessment.

Regulatory Flexibility Act Certification

The Coast Guard certifies that this final rule will not have a significant economic impact on a substantial number of small entities. For the reports required under section 211(a) virtually all small entities will be able to utilize an existing required report for compliance. The reports required under section 212 are in effect requests for search and rescue service that would be made voluntarily anyway. For these reasons the impact is expected to be minimal.

Paperwork Reduction Act

This final rule contains information collection requirements as defined in the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et. seq.). The requirement for prior notification of vessel inspections in § 2.01-3 is a modification to the information collection requirements incident to inspections approved by the

Office of Management and Budget (OMB) under control number 2115-0007 and is included under that approval. The requirements for reporting lack of communication with a vessel or possible distress cases in §§ 4.04-1 to 4.04-5, required by section 212 of the Maritime Safety Act of 1984, have been submitted to OMB for review and have been assigned control number 2115-0551.

List of Subjects

46 CFR Part 2

Coast Guard, Law enforcement, Penalties, Fire protection, Marine safety.

46 CFR Part 4

Administrative practice and procedure, Coast Guard, Investigations, accidents, Marine safety, National Transportation Safety Board, Reporting requirements.

In consideration of the foregoing, 46 CFR Parts 2 and 4 are amended as follows:

PART 2—[AMENDED]

1. The authority citation for Part 2 is revised to read as follows and all other authority citations within the part are removed.

Authority: 14 U.S.C. 623; 33 U.S.C. 1903; 43 U.S.C. 1333(e); 46 U.S.C. 3306, 3703, 4104, 8105; 46 App. U.S.C. 86, 88a, 1295f and g; 50 U.S.C. E.O. 12234; 45 FR 58801, September 5, 1980; 49 CFR 1.46(b), (n), (z), (hh).

2. By adding a new § 2.01-3 to read as follows:

§ 2.01-3 Notification of inspection.

(a) At least 30 days, but less than 60 days, prior to the expiration of the Certificate of Inspection, a vessel's owner, charterer, managing operator, agent, master or individual in charge shall notify the Coast Guard if the vessel will be required to be reinspected for certification or will be operated in such a manner as to not require a Certificate of Inspection.

(b) the notification required by paragraph (a) shall be in writing and shall be submitted to the Officer in Charge, Marine Inspection for the Marine Inspection or Marine Safety Office of the port that:

(1) Will be reinspecting and Certifying the Vessel;

(2) Issued the vessel's current Certificate of Inspection if the vessel's schedule is such that it is not known where the next reinspection will take place; or

(3) Issued the vessel's current Certificate of Inspection if the vessel will not be requiring reinspection for the issuance of a Certificate of Inspection.

PART 4—[AMENDED]

3. The heading of Part 4 is revised to read as follows:

PART 4—MARINE CASUALTIES AND INVESTIGATIONS

4. The authority citation for Part 4 is revised to read as follows and all other authority citations in the part are removed.

Authority: 43 U.S.C. 1333, 46 U.S.C. 2306, 6101, 6301, 6305; 50 U.S.C. 198; 49 CFR 1.46(b) and (z), except subpart 4.40 for which the authority is: 49 U.S.C. 1903 (a)(1)(E); 49 CFR 1.46(n)(10)(i).

5. By revising § 4.01-1 to read as follows:

§ 4.01-1 Scope of regulation.

The regulations in this part govern the reporting of marine casualties, the investigation of marine casualties and the submittal of reports designed to increase the likelihood of timely assistance to vessels in distress.

6. By adding a new subpart 4.04 to read as follows:

Subpart 4.04—Notice of Potential Vessel Casualty**§ 4.04-1. Reports of potential vessel casualty.**

A vessel owner, charterer, managing operator or agent shall immediately notify either of the following Coast Guard officers if there is reason to believe a vessel is lost or imperiled.

(a) The Coast Guard district rescue coordination center (RCC) cognizant over the area the vessel was last operating in; or

(b) The Coast Guard search and rescue authority nearest to where the vessel was last operating. Reasons for belief that a vessel is in distress include, but are not limited to, lack of communication with or nonappearance of the vessel.

§ 4.04-3 Reports of lack of vessel communication.

The owner, charterer, managing operator or agent of a vessel that is required to report to the United States Flag Merchant Vessel Location Filing System under the authority of section 212(A) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1122a), shall immediately notify the Coast Guard if more than 48 hours have passed since receiving communication from the vessel. This notification shall be given to the Coast Guard district RCC cognizant over the area the vessel was last operating in.

(Information collection requirements approved by the Office of Management and Budget under control number 2115-0551)

§ 4.04-5 Substance of reports.

The owner, charterer, managing operator or agent, notifying the Coast Guard under § 4.04-1 or § 4.04-3, shall:

(a) Provided the name and identification number of the vessel, the names of the individuals on board, and other information that may be requested by the Coast Guard (when providing the names of the individuals on board for a passenger vessel, the list of passengers need only meet the requirements of 46 U.S.C. 3502); and

(b) Submit written confirmation of that notice to the Coast Guard facility that the notice was given to within 24 hours.

(Information collection requirements approved by the Office of Management and Budget under Control number 2115-0551)

Dated: May 23, 1986.

J. W. Kime,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 86-12057 Filed 5-28-86; 8:45 am]

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46 CFR Part 5

[CGD 85-001]

Individual Participation in Marine Safety Reporting Program (MSRP); Enforcement Policy on Suspension and Revocation Proceedings

AGENCY: Coast Guard, DOT.

ACTION: Termination of program and final rule.

SUMMARY: On June 1, 1985, the Office of the Secretary, Department of Transportation initiated a one-year, voluntary Marine Safety Reporting Program (MSRP). As part of this program, the Coast Guard agreed not to impose an order under suspension and revocation proceedings which adversely affects a merchant mariner's license, certificate or document for certain offenses if a report was filed with MSRP. Title 46, Code of Federal Regulations, Part 5, § 5.64 sets forth Coast Guard enforcement policy for participation in MSRP with regard to the suspension and revocation of licenses, certificates and documents. This notice announces the termination of the one-year test and removes references to the Marine Safety Reporting Program from 46 CFR, Part 5.

EFFECTIVE DATE: June 15, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Larry D. Glass, Office of Merchant Marine Safety, (202) 426-6251, 7:30 AM to 4:00 PM Monday through Friday.

SUPPLEMENTARY INFORMATION: The Department of Transportation initiated the one-year test which began on June 1, 1985. The Marine Safety Reporting Program was meant to supplement existing mandatory reporting requirements by providing the commercial marine industry with a means to report anonymously safety-related incidents and near mishaps involving difficulties encountered with the navigation and control of a commercial vessel. The Marine Safety Reporting Program expires on May 31, 1986. The effective date of this amendment is June 15, 1986 to allow a period of grace for processing of forms submitted late in the program. The Coast Guard will not honor the MSRP enforcement policy for forms received by the Transportation Systems Center subsequent to June 15, 1986. An evaluation of the program will be conducted and is expected to be available in a few months.

This amendment is published as a final rule because the provisions thereof concern matters relating to agency procedures and practices which are excepted under 5 U.S.C. 553 from the requirements for notice and comment. This amendment is being made effective on June 15, 1986. The document originally promulgating these sections stated that the test program would terminate on June 1, 1986. Since the test is concluded and the purpose of this final rule is only to remove those sections pertaining to the test, it has been determined that good cause exists for making this rule effective in less than 30 days.

List of Subjects in 46 CFR Part 5

Administrative practices and procedures, Investigations, Administrative law judge, Investigating officer, Seaman, License, Certificate, Document, Administrative hearings, Suspension, Revocation.

PART 5—[AMENDED]

In consideration of the foregoing, Part 5 of Title 46 Code of Federal Regulations is amended as follows:

1. The authority citation for Part 5 continues to read as follows:

Authority: 46 U.S.C. 7101, 7301, 7701; 50 U.S.C. 198; 49 CFR 1.46(b).

§ 5.64 [Removed]

2. Part 5 is amended by removing § 5.64.