

reviewed FDA's data placed in the public docket for this rulemaking.

FDA has reviewed certain data accumulated over 5 years from the agency's testing of LAL and the test data from the licensed manufacturers of LAL. These data clearly demonstrate that a reliable estimate of the potency of a lot of LAL can be achieved when testing a minimum of 8 vials of the lot, rather than the currently required minimum of 20 vials, by the test method in § 660.102. FDA believes that a laboratory's failure to reproduce the labeled potency of a lot of licensed LAL may be due to improper mixing of the endotoxin and any significant variability of test results is not caused by testing a minimum of eight vials of each lot of LAL. Therefore, FDA rejects the comment and is publishing the final rule as proposed.

Environmental and Economic Impact

The agency has determined under 21 CFR 25.24(c)(10) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

The agency has examined the economic impact of this rule and has determined that it does not require either a regulatory impact analysis, as specified in Executive Order 12291, or a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). Specifically, the rule will reduce the number of samples that each of the six currently licensed manufacturers are required to test and submit to FDA for agency testing and official release of each lot of LAL, resulting in reduced costs. Therefore, the agency concludes that the rule is not a major rule as defined in Executive Order 12291. Further, the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act.

List of Subjects in 21 CFR Part 660

Biologics, Labeling.

Therefore, under the Public Health Service Act and under authority delegated to the Commissioner of Food and Drugs, Part 660 is amended as follows:

PART 660—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR LABORATORY TESTS

1. The authority citation for 21 CFR Part 660 continues to read as follows:

Authority: Secs. 215, 351, 58 Stat. 690, as amended, 702, as amended (42 U.S.C. 216, 262); 21 CFR 5.10.

2. By revising the fourth sentence in the introductory paragraph of § 660.102 to read as follows:

§ 660.102 Potency test.

* * * A minimum of 8 vials and a maximum of 28 vials from each filling or, if freeze-dried, from each drying chamber run representing all parts of the chamber load, shall be tested in parallel with an equal number of tests from 1 or more vials of the U.S. Reference Lysate.

3. By revising § 660.103(f)(1) to read as follows:

§ 660.103 General requirements.

(f) * * *

(1) Samples from each of eight final containers from each filling or, if freeze-dried, from each filling in each drying chamber run representing all parts of the chamber load, shall be used.

4. By revising § 660.105(a)(1) to read as follows:

§ 660.105 Samples and protocols; official release.

(a) * * *

(1) *Samples.* Not fewer than the number of vials of lysate used for the potency test in § 660.102, two of which shall be complete market packages, packaged for distribution and including all ancillary reagents and materials.

Dated: September 29, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

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Health Care Financing Administration

42 CFR Parts 412 and 413

[BERC-466-N]

Medicare Program; Legislative Changes Affecting Payments to Hospitals

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of legislative changes.

SUMMARY: This notice identified certain Medicare regulations that are affected by enactment of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987. That legislation has an impact on the

applicability of the provisions of those regulations concerning payment for inpatient hospital services. In addition, it nullifies two recently published final rules concerning capital payments under the inpatient hospital prospective payment system and changes to the return on equity capital provisions for outpatient hospital services.

FOR FURTHER INFORMATION CONTACT:

Anthony Coates (return on equity capital), (301) 597-2886; or Linda Magno (all other issues), (301) 594-9343.

SUPPLEMENTARY INFORMATION:

I. Summary of New Legislation

On September 29, 1987, the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Pub. L. 100-119) was enacted. Section 107(a)(1) of Pub. L. 100-119 makes certain changes to the payment policies for inpatient hospital services as follows:

- For discharges occurring on or after October 1, 1987 and before November 21, 1987, the applicable percentage increase used to update the inpatient hospital prospective payment system average standardized amounts for Federal fiscal year (FY) 1988 is zero percent.

- For the period October 1, 1987 through November 20, 1987, the national/regional blend of the Federal portion of a hospital's prospective payment rate remains at 50 percent national and 50 percent regional.

- For the first 51 days of a hospital's cost reporting period beginning during FY 1988, the hospital's prospective payment rate continues to be composed of 75 percent of the Federal rate and 25 percent of the hospital-specific rate.

- The hospital's hospital-specific rate remains at the level it was during the hospital's cost reporting period that began during FY 1987.

- For hospitals excluded from the prospective payment system, the applicable percentage increase used to update the hospital's rate-of-increase limits is zero percent for the first 51 days of its cost reporting period beginning in FY 1988.

- The reduction to capital payments for hospitals subject to the prospective payment system remains at 3.5 percent for payments attributable to portions of cost reporting periods occurring during the period October 1, 1987 through November 20, 1987.

- For the first 51 days of a hospital's cost reporting period beginning during FY 1988, the applicable percentage used in determining the return on equity capital for inpatient hospital services remains at 75 percent.

In addition to these changes, section 107(a)(2) of Pub. L. 100-119 amended section 9321(c) of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-509) to provide that the Secretary is prohibited from issuing after September 1, 1986 and before November 21, 1987 any final regulation that changes the methodology for computing the amount of payment for capital-related costs for inpatient hospital services. Further, any regulation published in violation of this prohibition is declared to be void and of no effect.

Section 107(b)(1) of Pub. L. 100-119 provides that the final regulation published on September 1, 1987 (52 FR 32920) concerning changes to the return on equity capital provisions for outpatient hospital services is void and of no effect.

II. Changes to the Inpatient Hospital Prospective Payment System

On September 1, 1987, we published a final rule in the **Federal Register** (52 FR 33034) to implement the fifth year of the prospective payment system. In that rule, we set forth the methods, amounts, and factors for determining the FY 1988 prospective payment rates. We also established new target rate percentages for determining the rate-of-increase limits for FY 1988 for hospitals excluded from the prospective payment system.

As a result of the enactment of Pub. L. 100-119, payment for inpatient hospital services under the prospective payment system in FY 1988 will be determined as follows:

- For discharges occurring on or after October 1, 1987 and before November 21, 1987, the average standardized amounts for FY 1988 are increased by zero percent rather than 2.7 percent as provided in the September 1, 1987 final rule. The revised standardized amounts are set forth in Tables 1a, 1b, and 1c, below.

- The prospective payment transition period is extended as follows:

- For discharges occurring on or after October 1, 1987 and before November 21, 1987, the Federal portion of a hospital's prospective payment rate will continue to be based on a blend of 50 percent of the national rate and 50 percent of the regional rate rather than 100 percent of the national rate.
- For the first 51 days of a hospital's cost reporting period beginning in FY 1988, the hospital's payment rate will remain a blend of 75 percent of the Federal rate and 25 percent of the hospital-specific rate, rather than becoming 100 percent of the Federal rate. The applicable hospital-specific rate for this period is the hospital's

rate that was in effect for its cost reporting period beginning in FY 1987.

These changes affect the following prospective payment regulations in 42 CFR Part 412:

- Section 412.63 (c)(3) and (f)—Federal rates for fiscal year 1988.
- Section 412.70(b), (c)(4), (c)(5), (d)(3), and (d)(4)—General description of the determination of transition period payment rates.
- Section 412.73(c)(5)—Determination of the hospital-specific rate.
- Section 412.80(a)(1)(ii)(B)—General provisions concerning payment for outlier cases.
- Section 412.82(c)—Payment for extended length-of-stay cases (day outliers).

In addition, section 107(a)(1)(E) of Pub. L. 100-119 specifies that the rate-of-increase limits for hospitals excluded from the prospective payment system are increased by zero percent (rather than 2.7 percent) for the first 51 days of those hospitals' cost reporting periods beginning in FY 1988. This change affects § 413.40(c)(3)(i)(C)—Determination of target rate percentages for FY 1988.

All other provisions of the September 1, 1987 inpatient hospital prospective payment final rule are effective as described in that document. These include the following:

- Recalibration of diagnosis-related group (DRG) weights (and the related changes to the DRG classification system also published on September 1, 1987 (52 FR 33143)).
- Revised wage indexes.
- Incorporation of hospitals located in Puerto Rico into the prospective payment system.
- Changes to the regulations concerning—
 - Review of DRG assignments;
 - Payments to sole community hospitals;
 - Referral center criteria; and
 - Payment for services of nonphysician anesthetists.
- Revised outlier thresholds.
- Elimination of the exclusion for alcohol/drug hospitals and units.

With respect to the inclusion in the prospective payment system of previously excluded alcohol/drug hospitals and units effective for cost reporting periods beginning in FY 1988, we note that the provisions of section 107(a)(1) of Pub. L. 100-119 require the continuation of the 75 percent Federal/25 percent hospital-specific blend for the first 51 days of a hospital's cost reporting period. Therefore, alcohol/drug hospitals and units will be paid on this basis when their exclusion ends.

Alcohol/drug units will be paid based on their respective hospitals' hospital-specific rates. Since alcohol/drug hospitals were included in the prospective payment system when it was first implemented in FY 1984, hospital-specific rates have already been calculated for them. It is these rates, appropriately updated, that will be used in computing the blended payment rates for these hospitals. We will not recompute any alcohol/drug hospital's or unit's hospital-specific rate nor will we establish a new base period for these hospitals or units.

III. Payment of Capital Costs

On September 1, 1987, we also published a final rule in the **Federal Register** (52 FR 33168) that incorporated capital costs, except for payments to proprietary hospitals for a return on equity capital, into the inpatient hospital prospective payment system effective with cost reporting periods beginning on or after October 1, 1987. Section 107(a)(2) of Pub. L. 100-119 amended section 9321(c) of Pub. L. 99-509 to specify that, after September 1, 1986 and before November 21, 1987, the Secretary is prohibited from issuing any final regulations that change the methodology for computing the amount of payment for capital costs for inpatient hospital services and that any regulations published in violation of this prohibition are void and of no effect. Therefore, §§ 412.65 through 412.68 and 412.214, which were added to the regulations by the final rule on capital costs published on September 1, 1987 at 52 FR 33168 (as corrected on September 30, 1987 at 52 FR 36573), are not in effect. Conforming changes made to the following sections are also not in effect: §§ 412.1(a), 412.2 (c)(5) and (d)(1), 412.63(a)(1), 412.82(c), 412.84 (g) and (i), 412.92(d)(1)(iii), 412.96 (d) and (e), 412.113(a), and 412.125(b).

In addition to making the final rule on capital payments invalid, section 107(a)(1)(C) of Pub. L. 100-119 extended the 3.5 percent reduction to capital payments for hospitals subject to the prospective payment system, which was in effect for FY 1987, to portions of cost reporting periods occurring during the period October 1, 1987 through November 20, 1987. That reduction was scheduled to increase to seven percent on October 1, 1987. This change affects the regulations at § 413.64(g)(6)(i).

IV. Return on Equity Capital

On September 1, 1987, we published a final rule (52 FR 32920) that eliminated the allowance for a return on equity capital for outpatient services furnished by proprietary hospitals effective with

cost reporting periods beginning on or after October 1, 1987. In addition, as a part of that final rule, we made conforming changes to the regulations to describe the phase-out of the return on equity capital for inpatient hospital services effective for cost reporting periods beginning on or after October 1, 1986, which is mandated by the provisions of section 1886(g)(2) of the Social Security Act (the "Act").

Section 107(b)(1) of Pub. L. 100-119 specifies that the "final regulation * * * published on September 1, 1987 (52 FR 32920) and relating to changes to the return on equity capital provisions for outpatient hospital services is void and of no effect." Therefore, the amendments made by that final rule to § 413.157(b)(4), which specify that there is no allowance for the return on equity capital for outpatient services for cost reporting periods beginning on or after October 1, 1987, are not in effect.

The rates specified in the September 1, 1987 final regulations (published at 52 FR 32920) for return on equity capital for inpatient hospital services remain in effect, subject to one modification described below. Those rates are required by section 1886(g)(2) of the Act. However, section 107(a)(1)(D) temporarily modifies those rates by stating that the rate of return on equity capital for inpatient hospital services remains at 75 percent of the rate of return paid on obligations issued for purchase by the Federal Hospital Insurance Trust Fund for the first 51 days of a hospital's cost reporting period beginning during FY 1988 rather than becoming 50 percent as specified in section 1886(g)(2)(B)(ii) of the Act.

V. Tables

This section contains the tables referred to in section II of this preamble.

TABLE 1a.—NATIONAL ADJUSTED STANDARDIZED AMOUNTS, LABOR/NONLABOR

Urban		Rural	
Labor-related	Nonlabor-related	Labor-related	Nonlabor-related
2275.65	806.35	2067.38	572.51

TABLE 1b.—REGIONAL ADJUSTED STANDARDIZED AMOUNTS, LABOR/NONLABOR

	Urban		Rural	
	Labor-related	Nonlabor-related	Labor-related	Nonlabor-related
1. New England (CT, ME, MA, NH, RI, VT).....	2378.06	837.25	2288.44	678.56
2. Middle Atlantic (PA, NJ, NY).....	2156.25	802.62	2194.54	640.20

TABLE 1b.—REGIONAL ADJUSTED STANDARDIZED AMOUNTS, LABOR/NONLABOR—Continued

	Urban		Rural	
	Labor-related	Nonlabor-related	Labor-related	Nonlabor-related
3. South Atlantic (DE, DC, FL, GA, MD, NC, SC, VA, WV).....	2286.31	734.03	2098.87	557.19
4. East North Central (IL, IN, MI, OH, WI).....	2411.97	868.70	2123.45	618.12
5. East South Central (AL, KY, MS, TN).....	2195.78	666.66	2080.12	519.45
6. West North Central (IA, KS, MN, MO, NB, ND, SD).....	2284.93	790.76	2018.19	554.42
7. West South Central (AR, LA, OK, TX).....	2294.57	733.56	1938.47	510.39
8. Mountain (AZ, CO, ID, MT, NV, NM, UT, WY).....	2189.32	780.40	1969.71	590.55
9. Pacific (AK, CA, HI, OR, WA).....	2141.09	695.49	1906.92	661.41

TABLE 1c.—ADJUSTED STANDARDIZED AMOUNTS FOR PUERTO RICO, LABOR/NONLABOR

	Urban		Rural	
	Labor-related	Nonlabor-related	Labor-related	Nonlabor-related
Puerto Rico	1992.58	358.26	1330.54	253.58
			Labor-related	Nonlabor-related
National			2225.01	749.50

(Sec. 107, Pub. L. 100-119)
(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance Program)

Dated: October 15, 1987.

William L. Roper,
Administrator, Health Care Financing
Administration.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 31, 61, 71, 91, 167, 169, and 189

[CGD 84-024]

Intervals for Drydocking and Tailshaft Examination on Inspected Vessels

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule.

SUMMARY: The Coast Guard is amending the intervals between drydock and

tailshaft examinations by extending them in most cases for certain classes of vessels. These changes will decrease the cost incurred by the marine industry in meeting these examination requirements and harmonize the intervals with those specified by the various classification societies and the intervals currently under consideration internationally.

DATES: Sections 31.10-24, 71.53-1, 91.43-1, 167.15-40, 169.234, and 189.43-1 are effective on April 20, 1988. All other provisions are effective on November 23, 1987. Comments on these interim final rules must be submitted on or before January 21, 1988.

ADDRESSES: Comments on these interim final rules should be mailed to Commandant (G-CMC/21), (CGD 84-024), U.S. Coast Guard Headquarters, Washington, DC 20593-0001. The comments may be delivered to and will be available for inspection or copying between 8 a.m. and 3 p.m., Monday through Friday, except holidays, at the Office of the Marine Safety Council (G-CMC/21), Room 2110, Coast Guard Headquarters Building, 2100 2nd Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: LCDR Geoffrey D. Powers, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection, (202) 267-1045.

SUPPLEMENTARY INFORMATION: On May 30, 1986, the Coast Guard published in the *Federal Register* (51 FR 19720) a notice of proposed rulemaking (NPRM). Two correction documents were published (51 FR 20847; June 9, 1986 and 51 FR 26439; July 23, 1986). On August 14, 1986, the comment period was reopened and extended until September 30, 1986 (51 FR 29116). A total of forty-six responses were received. A discussion of the comments received is presented below.

The Coast Guard has added certain provisions which were not specifically addressed in the NPRM. They are §§ 31.10-24, 71.53-1, 91.43-1, 167.15-40, 169.234, and 189.43-1 relating to the internal examination of integral fuel oil tanks. Therefore, the Coast Guard is soliciting comments on these sections as well as those sections that changed as a result of comments. The deadline for receipt of comments is January 21, 1988. Persons submitting comments should include their name and address, identify this rulemaking docket number [CGD 84-024] and the specific section of the rule or supporting documents to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped,

addressed post card or envelope is enclosed. The rule may be changed in light of the comments received.

All comments received before the expiration of the comment period will be considered before final action is taken on those sections. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the *Federal Register* if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in the drafting of this rule are LCDR Geoffrey D. Powers, Project Manager, and Mr. Stephen H. Barber, Project Attorney, Office of Chief Counsel.

Summary of Changes Made

(a) *Scope of a drydock examination.* The definition of a drydock examination, as proposed in the NPRM, would have significantly expanded the scope of a drydock examination over what is currently called for under existing regulations. Specifically, in addition to an examination of the vessel's underwater body, the NPRM definition of a drydock examination included all cargo and ballast tanks. This created problems, particularly for the owners of tank vessels. As an example, tank barges certificated for the carriage of Grade D and E cargos are currently required to have cargo tanks examined once every six years. The NPRM, by including cargo tanks in the scope of a drydock examination, unnecessarily reduced the cargo tank examination interval to twice every five years (the proposed drydock interval for salt water service). To correct these problems, the Coast Guard has redefined a drydock examination, limiting it to an examination of a vessel's underwater body, and added two new examination requirements (Cargo Tank Internal and Internal Structural examinations), each with its own interval.

Taking the NPRM's all inclusive drydock examination and breaking it up into three separate examinations—drydock, cargo tank internal, and internal structural—enables the Coast Guard to establish examination intervals which recognize the differences in vessel design and service. For the majority of ocean going vessels, the intervals for all three examinations are the same. For example, the drydock, cargo tank internal, and internal structural examination intervals for salt water service ships are all twice within five years. Therefore, the net result of

this change for these vessels is that the examination requirements as proposed in the NPRM are essentially the same as the examination requirements established in this rule. However, establishing three separate examinations enables the Coast Guard to recognize the additional levels of safety inherent in the design of, for example, a double hull tank barge with internally framed cargo tanks in fresh water service. These vessels will have a 10 year drydock interval, a five year cargo tank internal interval, and an internal structural interval of twice within five years.

(b) *Alternate internal examinations in lieu of drydocking.* The existing regulations and the NPRM both permitted alternate internal examinations in lieu of drydocking for some double hull barges in fresh water service. This rule eliminates alternate internal examinations in lieu of drydocking in favor of extended drydock examination intervals with intermediate internal structural examinations. Under existing regulations, a fresh water service double hull tank barge has a three year drydock interval. If an alternate internal examination is conducted at year three, the drydocking can be extended to year six. In this rule, the baseline fresh water service drydock interval is five years. As stated above, rather than permitting alternate internal examinations, this rule employs a scheme of lengthened drydock intervals with intermediate internal structural examinations. Therefore, the same fresh water service double hull tank barges will, under this rule, have a 10 year drydock interval and an internal structural examination interval of twice within five years.

(c) *Underwater surveys instead of alternate drydocking.* Although the NPRM permitted underwater surveys on passenger vessels, nautical school ships, or sailing school vessels, this interim final rule does not. No comments addressing underwater surveys on these vessels were received in response to the ANPRM or NPRM. However, the Coast Guard has determined the service of these vessels (carrying large numbers of people in passenger or passenger-like situations and frequently operating in confined, congested waters) are such that it is inappropriate to permit underwater surveys.

The NPRM also proposed alternate underwater surveys instead of alternate drydocking for tank vessels, cargo and miscellaneous vessels, and oceanographic research vessels, and limited this alternative to vessels of 15 years of age or less. This rule retains alternate underwater surveys for these

vessels, but will permit continued participation in the underwater survey program for vessels older than 15 years. Approval for continued participation will be dependent upon a complete set of hull gaugings (indicating no appreciable hull deterioration), the results of the last drydock examination, and the recommendation of the Officer in Charge, Marine Inspection.

(d) *Examination of integral fuel tanks.* In examining the scope of a drydock examination in both the existing regulations and the NPRM, the Coast Guard determined that the important structural members on the inside of fuel tanks were not covered in the examination requirements. Therefore, in order to promote safety and to comply with the recommendations of the National Transportation Safety Board resulting from the sinking of the GLOMAR JAVA SEA (Recommendation M-84-58; Report number NTSB/MAR-84-08), the Coast Guard has included in this rule a requirement for the internal examination of integral fuel tanks.

The basic fuel tank interval will be five years with the examination to be accomplished concurrently with an internal structural examination. However, the fuel tanks need not be cleaned and internally examined if the Coast Guard marine inspector is able to determine by external examination that their general condition is satisfactory. There will be mandatory requirements for the internal examination of a representative sample of double-bottom fuel oil tanks, as follows: for vessels between 10 and 15 years of age, one double-bottom fuel oil tank; for vessels between 15 and 25 years of age, three double-bottom fuel oil tanks; and for vessels 25 years of age and older, one double-bottom fuel oil tank in way of each cargo hold/tank.

Under existing regulations (§§ 31.10-17(d), 71.30-10, 91.27-15, 167.15-25, 169.259, and 189.27-15) Coast Guard marine inspectors are not prohibited from making such tests and examinations as deemed necessary to be assured of the seaworthiness of the vessel. This permits marine inspectors to examine a vessel's fuel tanks. Additionally, the Load Line regulations (§ 42.09-30) and American Bureau of Shipping rules require the internal examination of fuel tanks. This fuel tank examination requirement has been structured to align with classification society rules and the requirement in 46 CFR 42.09-30. As a result, it should only have the impact of a new requirement on those vessels without a Load Line and not classed by the American Bureau of Shipping.

(e) *Separate examination intervals for aggregate fresh water/salt water service.* The NPRM proposed a separate set of examination intervals for those vessels which operated in fresh water at least six months in every 12 month period since the last drydock examination. This set of intervals for aggregate fresh water/salt water service vessels was in addition to a set of examination intervals for vessels operating in exclusive fresh water service and a set of examination intervals for those vessels operating in salt water more than six months in every 12 month period. This rule has eliminated the set of intervals for aggregate fresh water/salt water service. The fresh water service examination intervals established in this rule will be applicable to those vessels operating in fresh water at least nine months in any 12 month period. The salt

water service examination intervals will be applicable to those vessels operating in fresh water less than nine months in any 12 month period.

(f) *Twice within a five year interval.* To ensure these rules are consistent with the drydock examination intervals currently under consideration internationally, an editorial change has been made to the regulations to reflect an examination interval of twice within any five year period in lieu of twice within a five year cycle.

All the examination intervals in this rule (drydock, internal structural, cargo tank internal, tailshaft, and fuel tank) are a multiple of five years which will maximize the incidence of different requirements coming due at the same time. This should reduce the out of service time of, and the economic impact on, inspected vessels. Additionally, several times during the

life of a vessel, all five intervals will coincide and Coast Guard marine inspectors will be afforded the opportunity to conduct a complete assessment of the vessel's hull structure. The four year drydock interval for aggregate fresh water/salt water service vessels proposed in the NPRM does not lend itself to a similar coincidence of separate examinations for aggregate service vessels without imposing more frequent examinations than are permitted similar vessels in exclusive salt water service.

Tables 1 and 2 are provided for quick reference to the new examination intervals, as well as for comparison with the existing examination intervals. They list the existing and new examination intervals for each of the following examinations—drydock, internal structural, and cargo tank—for most categories of vessels.

TABLE 1.—COMPARISON OF EXISTING AND NEW SALT WATER SERVICE EXAMINATION INTERVALS IN YEARS ¹

	Tank Vessels—Subchapters D and I								Non-tank vessels Subchapters I, R and U		Passenger vessels Subchapter H		All wood hull vessels
	Single hull ships and barges	Double hull barges internal framed cargo tanks	Double hull barges external framed cargo tanks	Single hull barges independ- ent cargo tanks	Single hull barges grade D & E cargoes	Double hull barges grade D & E cargoes	Single hull asphalt barges	Double hull asphalt barges	Ships and barges	Un- manned deck cargo barges	Internat- ional voyage passen- ger vessels	Domestic voyage passen- ger vessels	Wood hull
Drydock:													
Existing	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	1.0	1.5	(²)
New	2.5	5.0	5.0	5.0	2.5	5.0	2.5	5.0	2.5	5.0	1.0	2.5	2.5
Internal structural:													
Existing	2.0	2.0	2.0	2.0	6.0	2.0	12.0	2.0	2.0	2.0	1.0	2.0	(³)
New	2.5	2.5	2.5	2.5	5.0	2.5	10.0	2.5	2.5	2.5	1.0	2.5	2.5
Cargo tank: ⁴													
Existing	2.0	2.0	4.0	(⁴)	6.0	6.0	12.0	12.0					4.0
New	2.5	5.0	10.0	(⁴)	5.0	10.0	10.0	15.0					2.5

¹ A 2.5 year examination interval means a vessel must undergo two examinations within any five year period. No more than three years may elapse between any two examinations.

² Existing dry dock interval for wood hull tank vessels is 4 years; existing drydock interval for wood hull passenger vessels is 18 months; and existing drydock interval for wood hull non-tank vessels is 2 years.

³ Existing internal structural interval for wood hull tank vessels is 8 years; existing internal structural interval for wood hull passenger vessels is 18 months; and existing internal structural interval for wood hull non-tank vessels is 2 years.

⁴ If carrying cargoes regulated under 46 CFR Part 38 or 46 CFR Subchapter O cargo tank internal examinations must be accomplished as specified in 46 CFR Parts 38 and 151 respectively.

TABLE 2.—COMPARISON OF EXISTING AND NEW FRESH WATER SERVICE EXAMINATION INTERVALS IN YEARS ¹

	Tank vessels—Subchapters D and I								Non-tank vessels Subchapters I, R and U		Passenger vessels Subchapter H		All wood hull vessels
	Single hull ships and barges	Double hull barges internal framed cargo tanks	Double hull barges external framed cargo tanks	Single hull barges independ- ent cargo tanks	Single hull barges grade D & E cargoes	Double hull barges grade D & E cargoes	Single hull asphalt barges	Double hull asphalt barges	Ships and barges	Un- manned deck cargo barges	Internat- ional voyage passen- ger vessels	Domestic voyage passen- ger vessels	Wood hull
Drydock:													
Existing	3.0	6.0	6.0	3.0	3.0	6.0	3.0	6.0	5.0	5.0	1.0	5.0	²
New	5.0	10.0	10.0	10.0	5.0	10.0	5.0	10.0	5.0	10.0	1.0	5.0	2.5
Internal structural													
Existing	2.0	2.0	2.0	2.0	6.0	2.0	12.0	2.0	2.0	2.0	1.0	2.0	³
New	5.0	2.5	2.5	2.5	5.0	2.5	10.0	2.5	5.0	2.5	1.0	5.0	2.5

TABLE 2.—COMPARISON OF EXISTING AND NEW FRESH WATER SERVICE EXAMINATION INTERVALS IN YEARS¹—Continued

	Tank vessels—Subchapters D and I								Non-tank vessels Subchapters I, R and U		Passenger vessels Subchapter H		All wood hull vessels
	Single hull ships and barges	Double hull barges internal framed cargo tanks	Double hull barges external framed cargo tanks	Single hull barges independ- ent cargo tanks	Single hull barges grade D & E cargoes	Double hull barges grade D & E cargoes	Single hull asphalt barges	Double hull asphalt barges	Ships and barges	Un- manned deck cargo barges	International voyage passen- ger vessels	Domestic voyage passen- ger vessels	Wood hull
Cargo tank: ⁴													
Existing	2.0	3.0	6.0	4	6.0	6.0	12.0	12.0					4.0
New	5.0	5.0	10.0	4	5.0	10.0	10.0	15.0					2.5

¹ A 2.5 year examination interval means a vessel must undergo two examinations within any five year period. No more than three years may elapse between any two examinations.

² Existing drydock interval for wood hull tank vessels is 4 years; existing drydock interval for wood hull passenger vessels is 5 years; and existing drydock interval for wood hull non-tank vessels is 5 years.

³ Existing internal structural interval for wood hull tank vessels is 8 years; existing internal structural interval for wood hull passenger vessels is 2 years; and existing internal structural interval for wood hull non-tank vessels is 2 years.

⁴ If carrying cargos regulated under 46 CFR Part 38 or 46 CFR Subchapter O cargo tank internal examinations must be accomplished as specified in 46 CFR Part 38 and 151 respectively.

(g) *Effective dates.* In view of the changes discussed above, the Coast Guard considered whether to publish a final rule, an interim final rule, or a supplemental notice of proposed rulemaking. For the following reasons, publication of an interim final rule was considered most appropriate.

A prime concern of industry during this rulemaking was that the Coast Guard implement a program of extended inspection intervals as quickly as possible. It is estimated that the inspection intervals contained in these rules will save the maritime industry \$26 million annually. Delaying the effective date by six months or more, to receive comments on a supplemental proposal containing the changes and publish a final rule, would cost industry \$13 million or more.

Although the format of the inspection intervals has been changed, to provide more flexibility in handling inspections on differing types of vessels, the basic purpose of extending inspection intervals and providing for required inspections to coincide, has not changed. The adjustments made to proposed intervals are well within the scope of the proposal. The only feature that could be considered outside the scope of the proposal is the requirement for internal inspection of fuel tanks.

Consideration was given to separately publishing proposed inspection requirements for fuel tanks, however the basic feature of this rulemaking is to harmonize all structural inspections of a vessel. Since the fuel tanks are integral parts of the vessel structure, the required inspections for these tanks can best be considered as part of integrated inspection rules. The fact that the fuel tank inspection requirements in these rules are aligned with the existing

requirements in the Load Line regulations and American Bureau of Shipping requirements for classification, should mean that including these requirements in this rulemaking will have little or no impact for many vessels. However, to provide notice to vessel owners, and an opportunity to respond to comments and make changes, if necessary, the provisions concerning internal inspection of fuel tanks will not become effective until 180 days after publication of this rule. We have requested that comments on these provisions be submitted within 90 days. In the unlikely event that serious concerns are raised, the effective date for these provisions can be suspended pending resolution of any problems brought to our attention.

Discussion of Comments

Nineteen comments generally supported the proposed regulations. Two comments suggested that the original period for submitting comments be extended from 30 to 60 days. The 30 day deadline was a printing error which was later corrected by an extension document published in the *Federal Register* (51 FR 20847; June 9, 1986).

One comment suggested that because the proposed examination requirements substantially treated all other vessels as equals, mobile offshore drilling units (MODUs) under Subchapter I-A of 46 CFR Chapter I and small passenger vessels under Subchapter T of 46 CFR Chapter I should be included in this rulemaking. The Coast Guard, however, intends to regulate these classes of vessels separately. Examination intervals for MODUs and small passenger vessels will be addressed in separate rulemakings under Coast

Guard docket numbers 83-071 and 85-080 respectively.

One comment suggested that the discussion of comments in the NPRM was deficient in that only those comments which answered the specific questions contained in the ANPRM were discussed in the NPRM, other comments were not discussed. Though they may not have been discussed, all comments received were considered in developing the NPRM.

One comment noted that several public hearings would be held. As mentioned earlier in this preamble, no request for a public hearing was received and none were held.

One comment recommended that the NPRM be withdrawn for further study so that the differences between classification society and Coast Guard requirements could be resolved. The Coast Guard recognizes that these rules should be aligned, where appropriate, with those of the classification societies and has made efforts to do so. The Coast Guard has initiated a dialog with the American Bureau of Shipping to explore further efforts to align inspection intervals.

Nine comments recommended that the internal examination of cargo tanks under Subchapter D of 46 CFR Chapter I should not be included in the scope of either a drydock examination, underwater survey, or alternate internal inspection. Two comments recommended that the Coast Guard's current policy for Grade D and E cargoes, which permit a six year cargo tank internal examination interval, be retained. One comment suggested that a five year cargo tank internal examination interval be required to make it consistent with the drydock

interval. Four comments suggested that expanding the scope of drydocking, underwater surveys, and alternate internal inspections to include a cargo tank internal examination is inconsistent with the Coast Guard's intent to reduce the costs to the owners/operators, as stated in the preamble to the NPRM. They state that the alignment of cargo tank internal examination intervals with those for drydocking would increase the cargo tank examination interval. In turn, they state that this would result in an increase in gas freeing costs and reduce the amount of savings anticipated by the operators. One comment recommended the purpose for drydocking or underwater examinations instead of drydocking should be to confirm the conditions of the underwater portion of the hull and through hull fittings. They feel that internal examination of the cargo tanks does not require drydocking and that the intervals and scope of the cargo tank examinations should be addressed separately. Three comments state that the proposed rules presume that all vessels, excluding wooden vessels and those certificated under Subchapters I-A and T, are subject to the same risk of hull girder or tailshaft failure and, therefore, should have identical intervals. The Coast Guard agrees that the examination intervals in the NPRM do not adequately reflect the differences in vessel design and employment and that including examination of all cargo tanks in the scope of a drydock examination would create problems, particularly for tank barges. The examination intervals in the NPRM would have unnecessarily increased the frequency of cargo tank internal examination for many vessels, for example, from once every six years to twice every five years for vessels carrying Grade D and E products. To correct these problems, the Coast Guard has established three separate examinations to replace the all inclusive drydock examination: drydock, internal structural, and cargo tank internal, each with its own interval. Internal structural examinations will eliminate the need for alternate internal inspections in lieu of drydocking, as proposed in the NPRM for double-hull tank barges in inland service.

Under this rule, a drydock examination consists of hauling out a vessel or placing a vessel in a drydock or slipway for an examination of all accessible parts of the vessel's underwater body and all through-hull fittings, including sea chests, sea valves, sea strainers, and bilge injection valves. The basic drydock examination

intervals are twice every five years for vessels in salt water service and once every five years for vessels in fresh water service. Exceptions to these basic drydock examination intervals are as follows:

(a) Passenger vessels on an international voyage have a drydock interval of one year, in order to comply with the provision of the Safety of Life and Sea Convention of 1974 (SOLAS).

(b) Double hull tank barges have drydock intervals of once every five years for salt water service and once every 10 years for fresh water service. A double hull provides an additional level of safety above that of a single hull. Additionally, a double hull permits a complete examination of the inside of the hull and the outside of the cargo tanks to be done during an internal structural examination. Extended drydock intervals, with periodic internal structural examinations, effectively replace the existing practice of alternate internal inspections in lieu of drydocking. Current regulations limit alternate internal inspections in lieu of drydocking to fresh water service barges. This rule extends this concept to salt water service vessels.

(c) Single hull tank barges with independent tanks have the same drydock intervals as double hull tank barges. Independent tanks provide the same level of safety and opportunity for internal examination of the hull as do double hulls.

(d) Wood hull vessels in fresh water service have a drydock interval of twice in five years, because fresh water accelerates rotting of wood hulls.

(e) Unmanned deck cargo barges have drydock intervals of once every five years in salt water service and once every 10 years in fresh water service. As with a double hull barge, access is available because no cargo is carried in the hull. Periodic internal structural examinations provide for an assessment of all structural members and of the inside of the outer hull.

Under this rule, an internal structural examination consists of an examination of the vessel while afloat or in a drydock and includes an examination of the vessel's main strength members, including the major internal framing, hull plating, voids, and ballast tanks but not the cargo and fuel oil tanks. The basic internal structural examination intervals are twice every five years for vessels in salt water service and once every five years for vessels in fresh water service. Exceptions to these basic intervals are as follows:

(a) Wood hull tank vessels have an internal structural examination interval

of once every five years. While this interval is longer than the basic interval (twice every five years), an equivalent level of safety is achieved because of the double barrier (wood hull and metal tanks) between the water and cargo. Additionally, the unique construction of these vessel requires that the deck and tanks be removed in order to enable an internal structural examination. The cost associated with this type of examination is considerable.

(b) Passenger vessels on an international voyage have an internal structural examination interval of once every year in order to comply with the requirements of SOLAS.

(c) Single hull tank vessels in fresh and salt water service certificated for the carriage of Grade D and E products only or for the carriage of asphalt will have internal structural examination intervals of once every five years for Grade D and E products and once every 10 years for asphalt. Grade D and E products and asphalt provide a protective coating which inhibits corrosion. On single hull vessels, the major structural members are located in the cargo tanks and, as a result of this protective coating, are subject to less corrosive damage.

Under this rule, a cargo tank internal examination consists of an examination of the vessel while afloat or in a drydock and includes an examination of the internals of all cargo tanks.

However, if the vessel is certificated to carry cargoes regulated under 46 CFR Part 38 or Subchapter O of 46 CFR Chapter I, cargo tank internal examinations must occur as specified in Part 38 or Subchapter O, respectively. The basic cargo tank internal examination interval for salt water service vessels is twice every five years and, for fresh water service vessels, once every five years. The exceptions to these basic intervals are as follows:

(a) For single hull tank vessels in fresh and salt water service which are certificated for the carriage of Grade D and E products only or the carriage of asphalt, the cargo tanks internal examination interval is five years for Grade D and E products and 10 years for asphalt. For single hull tank vessels, cargo tank internal examinations and internal structural examinations are one in the same. Therefore, cargo tank internal intervals are the same as the internal structural examination intervals.

(b) For double hull tank barges with internally framed cargo tanks, the cargo tank internal examination interval is five years for both fresh and salt water service. The fresh water service interval

is five years to coincide with the drydock interval. As these tanks are not in contact with the water, water salinity should have no effect on the examination interval. Therefore, the interval for both salt and fresh water service will be five years.

(c) For double hull tank barges with externally framed cargo tanks, the cargo tank internal examination interval is 10 years for fresh and salt water service. As these tanks are not in contact with the water, water salinity should have no effect on the examination interval. Additionally, the external framing permits these important structural members to be examined during the periodic internal structural examinations.

(d) For double hull tank barges certificated for the carriage of Grade D and E products or for asphalt, the cargo tank internal interval will be 10 years for Grade D and E products and 15 years for asphalt. A combination of the protective coating provided by the cargo and the access to the outside of the cargo tanks afforded by the double hull allow these intervals while maintaining an equivalent level of safety.

These cargo tank internal examination intervals represent an increase for all Subchapter D cargos except (1) single hull barges carrying Grade D and E products only (for these vessels the interval has been reduced from six to five years); (2) single hull barges carrying asphalt (for these vessels the interval has been reduced from 12 to 10 years); and (3) wood hull tank barges (for these vessels the interval has been reduced from once every four years to twice every five years). In each case, the interval has been reduced to stay in step with the drydock interval while maintaining an equivalent level of safety.

The only existing requirements for the internal examination of a vessel's fuel tanks are contained in 46 CFR 42.09-30. As a result of the capsizing and sinking of the GLOMAR JAVA SEA and to promote safety, the Coast Guard has included in this rule a requirement for the internal examination of integral fuel tanks. The basic fuel tank examination interval will be once every five years. However, the fuel tanks need not be cleaned and internally examined if the Coast Guard marine inspector is able to determine by external examination that their general condition is satisfactory. There will be mandatory requirements for the internal examination of a representative sample of double-bottom fuel oil tanks, as follows: For vessels between 10 and 15 years of age, one double-bottom fuel oil tank; for vessels between 15 and 25 years of age, three

double-bottom fuel oil tanks; and for vessels 25 years of age and older, one double bottom fuel oil tank in way of each cargo hold/tank.

A total of nine comments recommended a five year drydock interval for vessels in salt water service. Two recommended five years for barges to align the regulations with International Maritime Organization (IMO) and Load Line drydocking requirements. One recommended a five year interval for barges due to their lack of underwater fittings and tailshafts. This comment further argued that drydockings should become a subsequent action to internal examinations, because keel blocks mask up to 10% of the bottom. Four comments recommended a five year drydocking interval for Subchapter I barges in salt water service. Two recommended five years for barges, because all of the interior spaces are available for examination. One recommended a five year interval for barges due to the benefits resulting from the use of cathodic protection, coatings, and multiple compartmentation. The Coast Guard agrees that unmanned deck cargo barges certificated under Subchapter I warrant separate consideration and has established (in § 91.40-3) a drydock interval of five years for barges in salt water service and 10 years for barges in fresh water service. Four comments recommended five years for self-propelled vessels less than 1,600 gross tons, suggesting that the increased interval would not eliminate or deter drydockings for repairs on an unscheduled basis as the need occurs. The Coast Guard feels that size is not a factor in determining examination intervals and that a drydock interval of twice within five years is necessary to ensure an adequate level of safety for these manned, single hulled vessels operating in salt water.

Three comments recommended a seven year drydock interval for vessels on the Great Lakes. Another recommended a six year interval with the option of extending the interval to seven years based upon the amount of time the vessel was actually in operation, the status of the maintenance during the layup, the water quality at the wet lay up berth, and the availability of a drydock facility. Three of the comments recognized that any increase in the drydock interval would be a step sideways without a corresponding increase in the Load Line drydock interval. Two suggested that the majority of damage to a vessel's hull can be detected every bit as effectively, and at a huge cost saving, by internal examination of double bottoms and

tanks. An internal examination will indicate whether or not further underwater examination or examination on drydock is warranted. The Coast Guard does not consider these comments to be persuasive as to why Great Lakes vessels warrant a longer drydock interval than other fresh water service vessels. Nor does the Coast Guard feel that examination intervals should be eased based upon a vessel's actual number of underway days. However, the Coast Guard solicits further comment on this issue and documented evidence regarding damage discovered and repairs performed on Great Lakes vessels both during and between required inspections and drydockings.

One comment recommended a revision to the Load Line drydock requirements to allow alternate internal examinations in lieu of drydocking for double hull tank barges with limited Great Lakes Load Lines. Such a revision would align the load line drydocking requirements with those in 46 CFR Part 31. Changes to the Load Line regulations are outside the scope of this rulemaking. However, the Coast Guard has initiated a rulemaking project (CGD 86-013) to amend the Load Line regulations. Interested parties are invited to comment. Comment should be addressed to: Commandant (G-CMC/21), [CGD 86-013], U.S. Coast Guard Headquarters, Washington, DC 20593-0001.

One comment recommended a 10 year drydock interval for fresh water service passenger vessels which operate six months or less out of the year. The Coast Guard does not agree that drydock intervals should be based upon a vessel's underway time and has retained the five year drydock examination interval for this class of vessel.

One comment objected to a one year drydock interval for passenger vessels on international voyages. It incorrectly stated that a passenger vessel on a route between Puget Sound and Canada is required to be drydocked yearly (international voyage drydock interval), while an identical vessel on a route between Puget Sound and Alaska would be required to be drydocked only twice every five years (domestic voyage drydock interval). However, existing regulation (in § 70.05-10) defines voyages between the contiguous states of the United States and Hawaii or Alaska or between Hawaii and Alaska as international voyages. The one year drydock interval for passenger vessels on international voyages remains unchanged in order to comply with the

provision of the International Safety of Life at Sea Convention, 1974 (SOLAS), to which the United States is a signatory.

Two comments recommended a four year drydock interval regardless of vessel design or exposure to salt or fresh water. The primary concern of these comments is the difficulty associated with maintaining accurate records of the amount of salt water service, which would be necessary to determine the applicable drydocking interval. Hull deterioration on metal-hulled vessels is reduced when operating in fresh water and thus there is less need for them to be drydocked as often as vessels operating in salt water. Any burden resulting from the recordkeeping requirements necessary to document fresh water service does not justify an increase in the drydocking frequency for fresh water service vessels.

One comment recommended that drydock intervals for vessels with both fresh and salt water service should be determined by pro-rating the actual amount of salt water service. One comment recommended a five year interval for vessels with an aggregate of fresh and salt water service. The Coast Guard has addressed this issue by redefining fresh water service in §§ 31.10-21, 71.50-3, 91.40-3, 167.15-30, 169.229 and 189.40-3. Fresh water service examination intervals will be applicable to those vessels operating in fresh water at least nine months in any 12 month period. The salt water service examination intervals will be applicable to those vessels operating in fresh water less than nine months in any 12 month period. Aggregate fresh water/salt water service examination intervals have been removed. The NPRM proposed a four year drydock interval for vessels that operated in fresh water at least six months in every 12 month period since the last drydock examination. All the examination intervals in this rulemaking are a multiple of five, which allows for a maximum coincidence of drydock, internal structural, cargo tank internal, tailshaft, and fuel tank examinations. A four year examination interval does not lend itself to a similar coincidence of separate examinations for aggregate service vessels without imposing more frequent examinations than are permitted similar vessels in exclusive salt water service.

Five comments recommended that the gravity cargo tank internal examination intervals contained in 46 CFR Part 151 be amended to align them with the proposed drydock intervals. One comment recommended that the Subchapter O gravity cargo tank

internal examination intervals be amended so that they coincide with the drydock intervals for double hull barges. This comment recommended that the drydock/cargo tank internal examination intervals should be three years for inland salt water service, four years for inland aggregate fresh water/salt water service, and five years for inland fresh water service. The Coast Guard agrees that to the maximum extent feasible cargo tank examination intervals should coincide with drydock intervals. There is a separate rulemaking project (CGD81-087) which will address Part 151 gravity cargo tank internal examination intervals. One comment recommended that the Subchapter D cargo tank internal examination intervals be amended to align them with the drydock intervals. The Coast Guard agrees and has established (in § 31.20-23) cargo tank internal examination intervals which will maximize the coincidence of these examinations with drydock examinations for vessels carrying Subchapter D cargoes.

Two comments recommended that double hull barges in salt water service, not just those in inland service, should be allowed to undergo alternate internal inspections in lieu of drydockings. Inasmuch as the water in which the vessel is operating does not come in contact with the tank boundaries, the Coast Guard agrees that water salinity should not have an impact on which vessels should undergo alternate internal inspections in lieu of drydockings. One comment recommended that the definition of a double hull tank barge should include single hull barges with independent tanks with regard to alternate internal examinations in lieu of drydocking. The Coast Guard agrees that the additional level of safety afforded by independent tanks is similar to that of a double hull and, therefore, that these vessels should have similar drydock intervals. However, the concept of alternate internal inspection in lieu of drydocking has been retained in this rulemaking in the form of lengthened drydock intervals with intermediate internal structural examinations. Sections 31.20-23 and 91.40-3 establish drydock intervals for double hull barges and single hull barges with independent tanks of once every five years for salt water service and once every 10 years for fresh water service, and internal structural examinations of twice within five years for both fresh and salt water service.

A total of nine comments recommended that the classification societies be authorized to conduct one or more of the annual, drydock, or

tailshaft examinations now conducted by Coast Guard marine inspectors. Two of these comments pointed out problems concerning the overseas inspection of liferafts and vessels by the Coast Guard. Seven of these comments recommended that inspection authority be delegated to the classification societies in order to avoid a duplication of effort that now exists between the Coast Guard and the classification societies and to make use of the classification societies' existing world-wide network. These suggestions are outside the scope of this rulemaking; however, the Coast Guard is aware of the problems stemming from overseas inspection and is developing solutions to these problems.

One comment recommended that the Coast Guard turn over all unmanned deck cargo barges inspection responsibilities (Certificate of Inspection and Drydock) to the classification societies. They suggested that there are no recorded items looked at during an annual inspection by the Coast Guard which are not also surveyed by the classification societies. If their recommended five year drydock interval for deck cargo barges is implemented, they suggested that a Coast Guard drydock examination would be only a duplication of the classification societies' drydock survey. However, this recommendation is outside the scope of this rulemaking.

One comment recommended that the Coast Guard allow the annual inspection of Subchapter I barges to be conducted by the vessel owner's personnel or by a third party employed by the owner. They argued that the principle of self inspection or self certification, as being considered for Outer Continental Shelf (OCS) fixed facilities (CGD 84-098a), has considerable merit for Subchapter I barges. The Coast Guard finds that Subchapter I barges encompass too broad a category of vessels for such a liberal inspection policy. Barges in this category are employed in services ranging from icebreaking to accommodating 100 or more personnel.

Five comments recommended that Subchapter I barges be authorized to undergo underwater surveys for all drydockings, rather than just alternate drydockings. One comment recommended that deck cargo barges not be required to undergo regularly scheduled drydock examinations. They recommended that cathodic protection, coatings, and a reasonable maintenance program have proven effective at protecting hulls and that the condition of the entire hull, except submerged hull plate, can be determined during an

internal examination. The Coast Guard position is that Subchapter I barges need to undergo drydock examinations. Unmanned deck cargo barges, although single hulled, warrant special consideration, because no cargo is carried in the hull. Also, all internal structural members and the inside of the outer hull are always available for inspection. Therefore, the Coast Guard has established (in § 91.40-3) drydock examination intervals for unmanned/non-permissively manned deck cargo barges of once every five years for salt water service and once every 10 years for fresh water service and internal structural examinations of twice within five years for both fresh and salt water service.

Twenty-seven comments addressed the issue of extensions of examination intervals. Four comments from the Great Lakes recommended delegation of drydock extension authority to Commander, Ninth Coast Guard District. Seven other comments recommended that extension authority be delegated to the Officer in Charge, Marine Inspection (OCMI). Thirteen comments recommended that the current extension authority be retained. One comment recommended District Commanders be given the authority to match any extension granted by the classification societies. One comment recommended that District Commanders and OCMI be given a 90 day extension authority. The current regulations reserve in the Commandant all drydock extension authority. However, the Commandant has delegated authority to grant drydock extensions to the District Commanders and to the OCMI's, under certain conditions. District Commanders may extend the drydock interval requirement for any vessel for a period of up to one year. OCMI's may extend the drydock interval for barges and all vessels of less than 100 gross tons for a period of up to one year. For all other vessels, the OCMI's may extend the interval for a period of up to six months. Those suggesting District Commander and OCMI extension authority stated that the proposed longer examination intervals do not decrease scheduling problems; that a six month extension authority would enable harmonization with classification society extensions; that drydock availability problems would continue to arise; that the Commandant approval would be time consuming and burdensome and probably would defeat the purpose of asking for a variance; that extension decisions should be made by the marine inspector based on personnel and vessel safety considerations and not made at a

Headquarters level based on policy considerations; and that economic and safety considerations overshadow the need for consistency. The Coast Guard recognizes that, for some regional segments of the industry, the granting of extensions has evolved to the point of being automatic, resulting in an inconsistent national policy. Retention of extension authority in Commandant (G-MVI) will restrict extensions to those cases truly warranting them, while at the same time ensuring consistency. The new examination intervals provide vessel owners and operators with the necessary flexibility to schedule examinations without necessitating extensions.

Seven comments recommended that the Certificate of Inspection (COI) interval be aligned with the proposed drydock intervals. Five comments also recommended that major machinery, boiler, and pressure vessel inspection intervals be aligned with the proposed drydock intervals. Their major concern is that each of the mentioned inspections requires the vessel to be taken out of service at considerable cost to the owner/operator. By aligning all such inspection intervals, the cost associated with loss of vessel service could be reduced without any reduction in safety. Two of the comments recommended that OCMI's be authorized to extend either the COI interval or the major machinery inspection intervals to effect this alignment. COI and major machinery inspection intervals are not within the scope of this rulemaking. However, an IMO diplomatic conference will be held in 1988 to consider the alignment of the inspection intervals covering the International Convention for the Prevention of Pollution from Ships 1973, SOLAS, and the Load Line Convention. Upon completion of this conference, the Coast Guard will consider the possibility of initiating a legislative proposal necessary to effect this alignment.

Eleven comments recommended that the 15 year age restriction on vessels allowed to undergo underwater surveys be eliminated. They stated: that the age restriction is discriminatory and arbitrary; that hull gaugings, vessel condition, maintenance programs, cathodic protection, and coatings, rather than age, are the keys to a vessel's suitability to undergo an underwater survey; that an age restriction removes the incentive to maintain a vessel and penalizes the operator who does maintain a vessel; that keel blocks can obscure as much as 10% of the underwater body, while the entire hull can be observed during an underwater

survey; and that the Coast Guard's underwater survey program for mobile offshore drilling units (MODUs) does not include an age restriction and that these vessels are no less susceptible to damage than a typical barge. One comment recommended a 30 year age restriction on Great Lakes vessels allowed to undergo underwater surveys, suggesting that the less hostile environment of the Great Lakes warrants the change. The Coast Guard agrees that hull gaugings, vessel condition, maintenance programs, cathodic protection, and coatings, are the important factors in determining a vessel's suitability to undergo an underwater survey. Therefore, §§ 31.10-21(d), 91.40-3(d), and 189.40-3(e) have been amended to permit continued participation in the underwater survey program by vessels older than 15 years. Approval for continued participation by vessels older than 15 years will be dependant upon a complete set of hull gaugings (indicating no hull deterioration), the results of the last drydock examination, and the recommendation of the Officer in Charge, Marine Inspection.

Two comments took exception to the proposed requirement for gas freeing 75% of the vessel during an underwater survey. One comment recommended that, for vessel stability and time reasons, either a one or a five year window be provided for the gas freeing and subsequent internal inspection of the vessel. The cleaning, gas freeing, and subsequent inspection of 75% of the internals in way of the underwater body was a guideline published in the preamble to the NRPM rather than a proposed regulatory requirement. This guideline was included to emphasize the similarities between an underwater survey and a drydock examination. In this rule the scope of an underwater survey and a drydock examination (in §§ 31.10-20, 91.40-1, and 189.40-1) have been amended by limiting them to an examination of all accessible parts of the vessel's underwater body and all through-hull fittings, including sea chests, sea valves, sea strainers, and bilge injection valves. Separate requirements and intervals (in §§ 31.10-21, 71.50-3, 91.40-3, 167.15-30, 169.229 and 189.40-3) have been added for internal structural examinations. An internal structural examination includes an examination of the vessel's main strength members, including major internal framing, hull plating, voids, and ballast tanks and will normally require the cleaning and gas freeing of 75% or more of the internals. The Coast Guard expects that in most situations the

internal structural examination will be conducted before or at the same time as the underwater survey.

Two comments requested that the underwater survey requirement to make sea valves available for internal inspection be eliminated. They stated that the dismantling of the valves would compromise the watertight integrity of the vessel; sea valves need only be examined externally during an underwater survey and internally during a drydocking; and test operating the valves or an air test for tightness together with an external examination should alert an inspector to any potential problems. Although the preamble to the NPRM discusses the examination of sea valves from inside the vessel, the proposed regulations require only that, when application for an underwater survey is made, it include "the means that will be provided for examining the sea chests, sea valves, and other through-hull fittings." This wording provides the approval authority with the latitude to accept a proposed alternative method of examination or to require an internal examination. However, it is envisioned that the Coast Guard will continue to require the internal examination of sea valves and encourages vessel owners and operators intending to participate in the underwater survey program to provide custom prefabricated blanks for all through hull fittings.

Two comments recommended that underwater survey water clarity restrictions are unnecessary. One noted that an underwater survey conducted in New York Harbor produced excellent results. The other recommended that underwater surveys can be conducted with adequate results in almost any environment with present day equipment, the presence of poor visibility would only add more diving time and costs for the owner. However, conducting an underwater survey in poor visibility could adversely affect the intent of the program (that it be equivalent to a drydock examination) and the safety of the ship. If water clarity conditions are unacceptable, the vessel owner would be given the option of either moving the ship to a location where there is good visibility or drydocking the ship.

Five comments recommended that the Commandant (G-MVI) would not be the best final underwater survey approval authority. They stated that OCMIs were a more logical approval authority because they would have a first hand knowledge of local conditions; that OCMIs would have the ability to inspect the vessel and discuss the survey

procedures with the vessel owner before approval; and that decision making at the Headquarter's level would require the OCMIs' input anyway. The Coast Guard agrees and has placed the underwater survey approval authority with the Officer In Charge, Marine Inspection.

One comment recommended that nothing would be gained by requiring a vessel to be at a light draft during an underwater survey. They recommended that the submerged side shell can be as effectively examined by video equipment, as any other portion of the underwater body. Although the preamble to the NPRM discusses underwater survey guidelines which would require a vessel to be at light draft, the regulation only requires that the application for the survey include the condition of the vessel and the anticipated draft of the vessel at the time of the survey. This wording provides the approval authority with the latitude to decide if the proposed draft is acceptable without necessitating an artificially light draft.

One comment recommended that self-propelled dredges be allowed to conduct an underwater survey instead of alternate drydockings. This rulemaking (in § 91.40-3(c)) provides for alternate underwater surveys instead of drydocking for this class of vessel.

Two comments objected to the quarterly lubrication oil analysis interval, which was proposed as necessary to avoid tailshaft examinations on vessels fitted with oil lubricated tailshaft bearings. Both comments recommended a six month interval. One suggested that a quarterly requirement for vessels in foreign trade due to logistical problems. The other noted that their experience has shown that a six month interval would be adequate. The Coast Guard agrees that a six month interval would provide an adequate level of safety and has incorporated this suggestion into the regulations (in § 61.20-17(d)(2)).

Two comments requested assurance that the tailshaft examination requirements would not apply to vessels on the Great Lakes. The Coast Guard affirms that the tailshaft examination intervals in these regulations apply only to ocean and coastwise service (§ 61.20-15).

One comment recommended that the basic tailshaft examination interval be changed to three years to align it with a proposed change to American Bureau of Shipping rules. The Coast Guard believes it is in the best interest of industry, the American Bureau of

Shipping, and the Coast Guard to have tailshaft and drydock examination intervals which coincide. The intervals established in this rule would allow for this, a three year interval would not. The Coast Guard has brought this comment to the attention of the American Bureau of Shipping.

Two comments recommended revisions to the proposed rules to clarify the Coast Guard's intent with regard to the provisions which must be met by vessels with oil lubricated tailshaft bearings when the propeller is fitted to the shaft by means of a flange. Their concern was to avoid having to draw the shaft for examination. One comment suggested drawing the shaft, with the propeller undisturbed, to expose the forward end of the shaft at the propeller boss at five year intervals. Also, it suggested removing the propeller and drawing the shaft to expose the shaft bearing at 10 year intervals. The other comment recommended nondestructive testing of the bolts and flange fillet only when opened out for overhaul or repairs. The Coast Guard agrees that the provisions in the NPRM for tailshafts with oil lubricated bearings where the propeller is fitted to the shaft by means of a coupling flange were confusing and has (in § 61.20-17(d)(4)) clarified this requirement. This provision now requires that, for tailshafts with a propeller fitted to the shaft by means of a coupling flange, whenever the propeller coupling bolts are removed or the flange radius made available in connection with overhaul or repairs, they be nondestructively tested.

Two comments recommended that the regulations should contain language specifically authorizing one year extensions of the tailshaft examination intervals to align them with the classification society rules. However, the Coast Guard considers the provisions for tailshaft examination extensions contained in the regulations to be sufficient when coupled with the flexibility afforded by the examination intervals.

One comment recommended that the basic tailshaft examination interval be five years. The Coast Guard agrees and has incorporated this suggestion with one exception. Vessels with a single non-corrosion protected tailshaft not designed to reduce stress concentrations will have an examination interval of twice within five years. A single unprotected tailshaft does not provide the same level of safety as tailshafts protected from corrosion or multiple tailshafts. Therefore, the examination interval for this type of tailshaft remains unchanged.

One comment questioned the intent of §§ 71.50-3(e) and 91.40-3(e) in the NPRM (which appear as §§ 71.50-3(g) and 91.40-3(e) in this rule). These sections, as well as the similar sections in Parts 31, 167, 169, and 189, require any vessel which has missed an inspection due date because it was on a voyage, to undergo the required inspection immediately upon completion of the voyage, whether the voyage ends domestically or overseas.

Ten comments addressed the proposed requirement for vessels with Load Line Certificates to carry shell expansion plans. All ten recommended that a more reasonable requirement would be to require that the plans be made available to the marine inspector only at the time of drydocking. Eight comments recommended that it is virtually impossible to maintain plans on board barges. The Coast Guard feels that requiring these plans to be maintained onboard will ensure the plans availability at unscheduled drydockings but, agrees that barges often do not have a suitable place in which to store them. Therefore, §§ 31.10-22, 71.50-5, 91.40-5, 167.15-35, 169.233 and 189.40-5 require that barges need only make the plans available at the time of inspection. Two comments recommended that a requirement for plans showing the vessels scantlings would be more appropriate and flexible than requiring shell expansion plans. The Coast Guard agrees a requirement for plans showing the vessel's scantlings is more reasonable and has incorporated this suggestion in §§ 31.10-22, 71.50-5, 91.40-5, 167.15-35, 169.233, and 189.40-5.

Two comments recommended that the requirement to notify the OCM of all drydockings be replaced by a requirement to notify whenever inspected vessels are docked for Certificate of Inspection, Load Line renewal, or damage repairs. The required notification, as drafted, will allow the OCM to ascertain the reasons for drydocking and, in those cases where the condition or age of the vessel warrants, to conduct an examination to determine what is necessary to make the vessel seaworthy and come within the provisions of the regulations.

Regulatory Evaluation

These regulations are considered to be non-major under Executive Order 12291. They are considered significant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979) because of the possible safety implications of extending the drydock and tailshaft examination intervals. The Coast Guard has determined that

extending the intervals between these examinations will not compromise safety. This determination is based on the improved hull coatings and corrosion prevention methods used on present day vessels. In addition, the Coast Guard has granted, on a case-by-case basis under the present regulations, six month drydock extensions to give vessels flexibility in scheduling the examinations. There is no indication that these longer intervals have degraded safety. Accordingly, a regulatory evaluation has been prepared and placed in the rulemaking docket.

The basis for estimating the economic impact was developed from responses to the questions posed in the ANPRM concerning the costs for vessels to undergo a drydock and tailshaft examination. None of the comments to the NPRM contained cost figures. Most of the information received in response to the ANPRM pertained to the cost of examination for tankers above 20,000 DWT and tank barges. Though some information was received concerning other vessel types, there was not enough to establish general class costs for these vessels. Consequently, the information received on tankers and tank barges was interpolated to determine the costs for all vessels.

These regulations allow the use of underwater surveys instead of alternate drydockings for all salt water service vessels with a 2.5 year drydock interval and for all fresh water service vessels with a five year drydock interval. Vessel owners should consider requesting approval of underwater surveys where there is potential savings of time or expense. The Coast Guard will publish guidelines for underwater examinations which, among other things, will include requirements that rudder and bearing clearances must be obtained, sea valves must be made suitable for inspection from inside the vessel, the underwater body must be suitably marked, and the vessel must be at a suitably light draft. These guidelines will be published as a Navigation and Vessel Inspection Circular (NVIC).

The Coast Guard has an experimental program whereby certain vessels have been allowed to substitute an underway survey for a drydocking; 15 vessels are participating. Experience under this program, using the available techniques and equipment, indicates that poor water quality (turbidity and current), such as that encountered in many U.S. ports frequently leads to unacceptable results. Improvements in techniques or equipment may make this less of a problem and there are locations where suitable results can be achieved. No

limitations or conditions on how the survey is conducted are imposed by the rules. The rules are performance oriented, with the decision as to the quality and thoroughness of the resulting inspection vested in the judgment of the local Officer in Charge, Marine Inspection.

Because of the Coast Guard's limited experience with underwater surveys, the varying circumstances under which an underwater survey may be considered instead of drydocking, and the developing technology in this field, the Coast Guard has not attempted to assess the costs and benefits attributable to underwater surveys. The use of such surveys is entirely optional, and, under some circumstances, may result in considerable cost savings, both in direct drydocking expense and in vessel operating time.

The potential benefits are greatest for vessels which must travel long distances to the drydock and least for vessels which can be conveniently drydocked. Experience to date indicates that, with existing technology, the underwater survey itself consumes at least the same amount of time as drydocking.

Based on this information, it is estimated that implementation of these regulations will result in an annual savings to the marine industry of 26 million dollars (in 1986 dollars). This translates to a present value of 264 million dollars using a discount rate of 10% (also in 1986 dollars). Savings will be realized by all vessels except wooden hull vessels in fresh water service, wooden hull tank vessels, and single hull tank barges certificated only for the carriage of Grade D and E cargos.

The increase in costs for wooden hull vessels in fresh water service, and wooden hull tank vessels is a result of this rulemaking establishing shorter drydock intervals for these vessels. (The Coast Guard has identified a total of five freight ships, three tank ships, and one tank barge from these categories.) The increase in cost to these vessels is less than \$1000 per year per vessel.

The increase in the cost for single hull tank barges certificated only for the carriage of Grade D and E cargos is a result of this rulemaking establishing shorter cargo tank internal examination interval for these vessels. The Coast Guard has identified 431 tank barges in this category. The increase in cost to these vessels is significantly less than \$1000 per year per vessel and, based on this, the Coast Guard has determined that no further evaluation is necessary.

One comment to the NPRM suggested that the method used for calculating the

economic savings was not included in the preamble and that this failure cast serious doubt upon the quality of work. The methodology used in developing the economic savings estimated in the NPRM was contained in the separate (Draft) regulatory evaluation referenced in the preamble to the NPRM, and in the final regulatory evaluation included in the docket.

As indicated above, the regulatory evaluation estimated that the economic impact of the regulations would result in an annual savings of \$26 million (in 1986 dollars). This is a decrease of \$3 million from that estimated in the draft regulatory evaluation. This difference in estimated economic savings is primarily attributable to a change in vessel population data. The draft regulatory evaluation was based on cost figures using an inspected vessel population of 8,216 ships and barges. The final regulatory evaluation is based on cost figures using vessel population data from an updated data base resulting in a more accurate vessel population of 6,590 ships and barges.

Additionally, this rule replaces the NPRM's all inclusive drydock examination with three separate examinations (drydock, cargo tank internal, and internal structural) each with its own interval. This change resulted in lower cost figures for this rulemaking action due to the use of different examination intervals on those vessels where it was warranted. The longer examination intervals tend to increase the estimated economic benefit.

The regulatory evaluation may be inspected or copied at the location referred to in ADDRESSES. Copies may also be obtained by contacting LCDR Geoffrey D. Powers at (202) 267-1045.

Environmental Assessment

The Coast Guard has assessed the environmental impacts of these regulations and has determined they will have no significant impact.

Paperwork Reduction Act

These regulations contain information collection requirements in the following sections of 46 CFR Title 1:

§ 31.10-21
§ 71.50-5
§ 91.40-5
§ 169.233
§ 189.40-5
§ 31.10-22
§ 91.40-3
§ 167.15-35
§ 189.40-3

They have been approved by the Office of Management and Budget under the provisions of the Paperwork

Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned the OMB control number 2115-0554.

Regulatory Flexibility Act

These regulations would affect all companies that own or operate vessels within the scope of this rulemaking, some of which may be small entities. The rules apply to all inspected vessels, except small passenger vessels and mobile offshore drilling units. The rules will provide an economic benefit to almost all of these vessels as the examination intervals are generally being extended beyond the current requirements. The Coast Guard estimates the rules will save those vessels which could be considered a small entity as much as \$2,500 annually. There will be an increase in the cost for single hull tank barges certificated for the carriage of Grade D and E cargos in salt water service only, because the regulations shorten the cargo tank examination interval for these vessels. The Coast Guard has identified 11 tank barges in this category. The increase in cost to these vessels is estimated to be \$40 per year.

The Coast Guard does not consider this economic impact to be significant. Consequently the Coast Guard certifies, under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that these regulations will not have a significant economic impact on a substantial number of small entities.

List of Subjects

46 CFR Part 31

Barges, Flammable materials, Law enforcement, Marine safety, Tank vessels.

46 CFR Part 61

Marine safety, Tests and inspections, Vessels.

46 CFR Part 71

Foreign trade, Law enforcement, Marine safety, Passenger vessels, Reporting requirements.

46 CFR Part 91

Cargo vessels, Law enforcement, Marine safety, Reporting requirements.

46 CFR Parts 167 and 169

Fire protection, Marine safety, Reporting requirements, School vessels.

46 CFR Part 189

Marine safety, Oceanographic vessels.

For the reasons set out in the preamble, Title 46, Chapter I of the Code of Federal Regulations is amended as follows:

PART 31—[AMENDED]

1. The authority citation for Part 31 is revised to read as follows and all other authority citations in the part are removed:

Authority: 46 U.S.C. 3306, 3703; 49 CFR 1.46(b).

2. By revising § 31.10-20 to read as follows:

§ 31.10-20 Definitions relating to hull examinations—T/B ALL.

As used in this part—

(a) "Drydock examination" means hauling out a vessel or placing a vessel in a drydock or slipway for an examination of all accessible parts of the vessel's underwater body and all through-hull fittings, including sea chests, sea valves, sea strainers, and bilge injection valves.

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

(c) "Cargo tank internal examination" means an examination of the vessel while afloat or in drydock and consists of an examination of the internals of all cargo tanks; except, if the vessel is certificated to carry cargoes regulated under Part 38 or Subchapter O of this chapter, the cargo tank internal examination must be accomplished as specified in Parts 38 and 151 of this chapter respectively.

(d) "Underwater survey" means the examination, while the vessel is afloat, of all accessible parts of the vessel's underwater body and all through-hull fittings, including sea chests, sea valves, sea strainers, and bilge injection valves.

3. By adding a new § 31.10-21 to read as follows:

§ 31.10-21 Drydock examination, internal structural examination, cargo tank internal examination, and underwater survey intervals—TB/ALL.

(a) Except as provided for in paragraphs (b) through (f) of this section, each tank vessel must undergo drydock, internal structural, and cargo tank internal examinations as follows:

(1) Vessels that operate in salt water must be inspected in accordance with the intervals set forth in Table 31.10-21(a). Where Table 31.10-21(a) indicates a 2.5 year examination interval, it means a vessel must undergo two examinations within any five year period. No more than three years may elapse between any two examinations.

TABLE 31.10-21(A).—SALT WATER SERVICE VESSELS EXAMINATION INTERVALS IN YEARS

	Single hull ship and barge	Double hull barge with internal framing (1)	Double hull barge with external framing (2)	Single hull barge with independent tanks (3)	Wood hull ship and barge	Single hull ship and barge grade D and E cargoes only (4)	Double hull barge grade D and E cargoes only (5)	Single hull asphalt barge (6)	Double hull asphalt barge (7)
Drydock	2.5	5.0	5.0	5.0	2.5	2.5	5.0	2.5	5.0
Internal structural	2.5	2.5	2.5	2.5	5.0	5.0	2.5	10.0	2.5
Cargo tank internal	2.5 or as specified in Part 38 or 151 as applicable	5.0 or as specified in Part 38 or 151 as applicable	10.0 or as specified in Part 38 or 151 as applicable	10.0 or as specified in Part 38 or 151 as applicable	2.5 or as specified in Part 38 or 151 as applicable	5.0	10.0	10.0	15.0

Note:

(1) Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the internal tank surface.
 (2) Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the external tank surface accessible for examination from voids, double bottoms, and other similar spaces.

(3) Applicable to single hull tank barges with independent cargo tanks where the cargo tank is not a contiguous part of the hull structure and which has adequate clearance between the tanks and between the tanks and the vessel's hull to provide access for examination of all tank surfaces and the hull structure.

(4) Applicable to single hull tank barges certificated for the carriage of Grade D and E cargoes only.

(5) Applicable to double hull tank barges (double sides, ends, and bottoms) certificated for the carriage of Grade D and E cargoes only.

(6) Applicable to single hull tank barges certificated for the carriage of asphalt only.

(7) Applicable to double hull tank barges (double sides, ends, and bottoms) certificated for the carriage of asphalt only.

(2) Vessels that operate in fresh water at least nine months in every 12 month period since the last drydock examination must be examined in

accordance the intervals set forth in Table 31.10-21(b). Where Table 31.10-21(b) indicates a 2.5 year examination interval, it means a vessel must undergo

two examinations within any five year period. No more than three years may elapse between any two examinations.

TABLE 31.10-21(B).—FRESH WATER SERVICE VESSELS EXAMINATION INTERVALS IN YEARS

	Single hull ship and barge	Double hull barge with internal framing (1)	Double hull barge with external framing (2)	Single hull barge with independent tanks (3)	Wood hull ship and barge	Single hull ship and barge grade D and E cargoes only (4)	Double hull barge grade D and E cargoes only (5)	Single hull asphalt barge (6)	Double hull asphalt barge (7)
Drydock	5.0	10.0	10.0	10.0	2.5	5.0	10.0	5.0	10.0
Internal structural	5.0	2.5	2.5	2.5	5.0	5.0	2.5	10.0	2.5
Cargo tank internal	5.0 or as specified in Part 38 or 151 as applicable	5.0 or as specified in Part 38 or 151 as applicable	10.0 or as specified in Part 38 or 151 as applicable	10.0 or as specified in Part 38 or 151 as applicable	2.5 or as specified in Part 38 or 151 as applicable	5.0	10.0	10.0	15.0

Note:

(1) Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the internal tank surface.
 (2) Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the external tank surface accessible for examination from voids, double bottoms and other similar spaces.

(3) Applicable to single hull tank barges with independent cargo tank where the cargo tanks is not a contiguous part of the hull structure and which has adequate clearance between the tanks and between the tanks and the vessel's hull to provide access for examination of all tank surfaces and the hull structure.

(4) Applicable to single hull tank barges certificated for the carriage of Grade D and E cargoes only.

(5) Applicable to double hull tank barges (double sides, ends, and bottoms) certificated for the carriage of Grade D and E cargoes only.

(6) Applicable to single hull tank barges certificated for the carriage of asphalt only.

(7) Applicable to double hull tank barges (double sides, ends, and bottoms) certificated for the carriage of asphalt only.

(b) If, during an internal structural examination, cargo tank internal examination, or underwater survey, damage or deterioration to the hull plating, structural members, or cargo

tanks is discovered, the Officer in Charge, Marine Inspection, may require the vessel to be drydocked or otherwise taken out of service to further assess the

extent of the damage and to effect permanent repairs.

(c) Vessels less than 15 years of age (except wooden hull vessels) that are in salt water service with a 2.5 year

drydock interval (as indicated in Table 31.10-21(a) of this section) or that are in fresh water service with a five year drydock interval (as indicated in Table 31.10-21(b) of this section) may be considered for an underwater survey instead of alternate drydock examinations, provided the vessel is fitted with an effective hull protection system. Vessel owners or operators must apply to the Officer in Charge, Marine Inspection, for approval of underwater surveys instead of alternate drydock examinations for each vessel. The application must include the following information:

- (1) The procedure to be followed in carrying out the underwater survey.
- (2) The location where the underwater survey will be accomplished.
- (3) The method to be used to accurately determine the diver location relative to the hull.
- (4) The means that will be provided for examining sea chests, sea valves, and other through-hull fittings.
- (5) The means that will be provided for taking shaft bearing clearances.
- (6) The condition of the vessel, including the anticipated draft of the vessel at the time of the survey.
- (7) A description of the hull protection system.

(d) Vessels otherwise qualifying under paragraph (c) of this section, that are 15 years of age or older may be considered for continued participation in the underwater survey program on a case-by-case basis, if—

- (1) Before the vessel's next scheduled drydocking, the owner or operator submits a request for continued participation to Commandant (G-MVI);
- (2) During the vessel's next drydocking after the request is submitted, no appreciable hull deterioration is indicated as a result of a complete set of hull gaugings; and
- (3) The results of the hull gauging and the results of the Coast Guard drydock examination together with the recommendation of the Officer in Charge, Marine Inspection, are submitted to Commandant (G-MVI) for final approval.

(e) Each vessel which has not met with the applicable examination schedules in paragraph (a) through (d) of this section because it is on a voyage, must undergo the required examinations upon completion of the voyage.

(f) The Commandant (G-MVI) may authorize extensions to the examination intervals specified in paragraph (a) of this section.

4. By adding a new § 31.10-22 to read as follows:

§ 31.10-22 Notice and plans required.

(a) The master, owner, operator, or agent of the vessel shall notify the Officer in Charge, Marine Inspection, whenever the vessel is to be drydocked regardless of the reason for drydocking.

(b) Each vessel, except barges, that holds a Load Line Certificate must have on board a plan showing the vessel's scantlings. This plan must be made available to the Coast Guard marine inspector whenever the vessel undergoes a drydock examination, internal structural examination, cargo tank internal examination, or underwater survey or whenever repairs are made to the vessel's hull.

(c) Each barge that holds a Load Line Certificate must have a plan showing the vessel's scantlings. The plan need not be maintained on board the barge but must be made available to the Coast Guard marine inspector whenever the barge undergoes a drydock examination, internal structural examination, cargo tank internal examination or underwater survey or whenever repairs are made to the barge's hull.

5. By adding a new § 31.10-24 to read as follows:

§ 31.10-24 Fuel oil tank examinations—T/ALL.

(a) Each integral fuel oil tank is subject to inspection as provided in this section. The owner or operator of the vessel shall have the tanks cleaned out and gas freed as necessary to permit internal examination of the tank or tanks designated by the marine inspector. The owner or operator shall arrange for an examination of the fuel tanks of each vessel during an internal structural examination at intervals not to exceed five years.

(b) Integral non-double-bottom fuel oil tanks need not be cleaned out and internally examined if the marine inspector is able to determine by external examination that the general condition of the tanks is satisfactory.

(c) Double-bottom fuel oil tanks on vessels less than 10 years of age need not be cleaned out and internally examined if the marine inspector is able to determine by external examination that the general condition of the tanks is satisfactory.

(d) All double-bottom fuel oil tanks on vessels 10 years of age or older but less than 15 years of age need not be cleaned out and internally examined if the marine inspector is able to determine by internal examination of at least one forward double-bottom fuel oil tank, and by external examination of all other double-bottom fuel oil tanks on the vessel, that the general condition of the tanks is satisfactory.

(e) All double-bottom fuel oil tanks on vessels 15 years of age or older but less than 25 years of age need not be cleaned out and internally examined if the marine inspector is able to determine by internal examination of at least one forward, one amidships, and one aft double-bottom fuel oil tank, and by external examination of all other double-bottom fuel oil tanks on the vessel, that the general condition of the tanks is satisfactory.

(f) All double-bottom fuel oil tanks on vessels 25 years of age or older need not be cleaned out and internally examined if the marine inspector is able to determine by internal examination of at least one double-bottom fuel oil tank in way of each cargo tank, and by external examination of all other double-bottom fuel oil tanks, that the general condition of the tanks is satisfactory.

PART 61—[AMENDED]

6. The authority citation for Part 61 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 CFR 1.46(b).

7. By revising § 61.20-17 to read as follows:

§ 61.20-17 Examination intervals.

(a) Except as provided in paragraphs (b) through (e) of this section, each tailshaft on a vessel must be examined twice within any five year period. No more than three years may elapse between any two tailshaft examinations.

(b) Tailshafts on vessels fitted with multiple shafts must be examined once every five years.

(c) Tailshafts fabricated of materials resistant to corrosion by sea water, or fitted with a continuous liner or a sealing gland which prevents sea water from contacting the shaft, must be examined once every five years if they are constructed or fitted with a taper, keyway, and propeller designed in accordance with the American Bureau of Shipping standards to reduce stress concentration or are fitted with a flanged propeller.

(d) Tailshafts with oil lubricated bearings are not required to be examined—

(1) If tailshaft bearing clearance readings are taken whenever the vessel undergoes a drydock examination or underwater survey;

(2) If an analysis of the tailshaft bearing lubricating oil is performed semi-annually; and

(3) If—

(i) For tailshafts with a taper and a keyway, the propeller is removed and the taper and keyway are

nondestructively tested at intervals not to exceed five years; or

(ii) For tailshafts with a propeller fitted to the shaft by means of a coupling flange, the propeller coupling bolts and flange radius are nondestructively tested whenever they are removed or made accessible in connection with overhaul or repairs.

(e) Tailshafts on mobile offshore drilling units are not subject to examination intervals under paragraphs (a) through (c) of this section if they are—

(1) Examined during each regularly scheduled drydocking; or

(2) Regularly examined in a manner acceptable to the Commandant (G-MVI).

8. By revising § 61.20-18 to read as follows:

§ 61.20-18 Examination requirements.

(a) Each tailshaft must be drawn and visually inspected at each examination.

(b) On tailshafts with a taper, keyway, and propeller designed in accordance with American Bureau of Shipping standards to reduce stress concentrations, the forward 1/3 of the shaft's taper section must be nondestructively tested in addition to a visual inspection of the entire shaft.

(c) On tailshafts with a propeller fitted to the shaft by means of a coupling flange, the flange, the fillet at the propeller end, and each coupling bolt must be nondestructively tested in addition to a visual inspection of the entire shaft.

9. By revising § 61.20-21 to read as follows:

§ 61.20-21 Extension of examination interval.

The Commandant (G-MVI) may authorize extensions of the interval between tailshaft examinations.

PART 71—[AMENDED]

10. The authority citation for Part 71 is revised to read as follows and all other authority citations in the part are removed.

Authority: 46 U.S.C. 2113, 3306; 49 CFR 1.46(b).

11. By revising § 71.50-1 to read as follows:

§ 71.50-1 Definitions relating to hull examinations.

As used in this part—

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

chests, sea valves, sea strainers, and bilge injection valves.

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

12. By adding a new § 71.50-3 to read as follows:

§ 71.50-3 Drydock and internal structural examination intervals.

(a) Each vessel making international voyages must undergo a drydock and internal structural examination once every 12 months.

(b) Except as provided in paragraphs (c) through (f) of this section, each vessel not making international voyages must undergo a drydock and internal structural examination as follows:

(1) Vessels that operate in salt water must undergo two drydock and two internal structural examinations within any five year period. No more than three years may elapse between any two examinations.

(2) Vessels that operate in fresh water at least nine months in every 12 month period since the last drydock examination must undergo drydock and internal structural examinations at intervals not to exceed five years.

(c) Vessels with wooden hulls must undergo two drydock and two internal structural examinations within any five year period regardless of the type of water in which they operate. No more than three years may elapse between any two examinations.

(d) If, during an internal structural examination, damage or deterioration to the hull plating or structural members is discovered, the Officer in Charge, Marine Inspection, may require the vessel to be drydocked or otherwise taken out of service to further assess the extent of the damage and to effect permanent repairs.

(e) Each vessel which has not met the applicable examination schedules in paragraphs (a) through (d) of this section because it is on a voyage, must undergo the required examinations upon completion of the voyage.

(f) The Commandant (G-MVI) may authorize extensions to the examination intervals specified in paragraph (a) through (c) of this section.

13. By revising § 71.50-5 to read as follows:

§ 71.50-5 Notice and plans required.

(a) The master, owner, operator, or agent of the vessel shall notify the Officer in Charge, Marine Inspection,

whenever the vessel is to be drydocked, regardless of the reason for drydocking.

(b) Each vessel, except barges, that holds a Load Line Certificate must have on board a plan showing the vessel's scantlings. This plan must be made available to the Coast Guard marine inspector whenever the vessel undergoes a drydock examination or internal structural examination or whenever repairs are made to the vessel's hull.

(c) Each barge that holds a Load Line Certificate must have a plan showing the barge's scantlings. The plan need not be maintained on board the barge but must be made available to the Coast Guard marine inspector whenever the barge undergoes a drydock examination or internal structural examination, or whenever repairs are made to the barge's hull.

14. By adding a new Subpart 71.53 to read as follows:

Subpart 71.53—Fuel Oil Tank Examinations

§ 71.53-1 When required.

(a) Each integral fuel oil tank is subject to inspection as provided in this section. The owner or operator of the vessel shall have the tanks cleaned out and gas freed as necessary to permit internal examination of the tank or tanks designated by the marine inspector. The owner or operator shall arrange for an examination of the fuel tanks of each vessel during an internal structural examination at intervals not to exceed five years.

(b) Integral non-double-bottom fuel oil tanks need not be cleaned out and internally examined if the marine inspector is able to determine by external examination that the general condition of the tanks is satisfactory.

(c) Double-bottom fuel oil tanks on vessels less than 10 years of age need not be cleaned out and internally examined if the marine inspector is able to determine by external examination that the general condition of the tanks is satisfactory.

(d) All double-bottom fuel oil tanks on vessels 10 years of age or older but less than 15 years of age need not be cleaned out and internally examined if the marine inspector is able to determine by internal examination of at least one forward double-bottom fuel oil tank, and by external examination of all other double-bottom fuel oil tanks on the vessel, that the general condition of the tanks is satisfactory.

(e) All double-bottom fuel oil tanks on vessels 15 years of age or older need not be cleaned out and internally examined

if the marine inspector is able to determine by internal examination of at least one forward, one amidships, and one aft double-bottom fuel oil tank, and by external examination of all other double-bottom fuel oil tanks on the vessel, the general condition of the tanks is satisfactory.

PART 91—[AMENDED]

15. The authority citation for Part 91 is revised to read as follows and all other authority citations in the part are removed:

Authority: 46 U.S.C. 3306, 3703; 49 CFR 1.46(b).

16. By revising § 91.40-1 to read as follows:

§ 91.40-1 Definitions relating to hull examinations.

As used in this part—

(a) "Drydock examination" means hauling out a vessel or placing a vessel in a drydock or slipway for an

examination of all accessible parts of the vessel's underwater body and all through-hull fittings, including sea chests, sea valves, sea strainers, and bilge injection valves.

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

(c) "Cargo tank internal examination" means an examination of the vessel while afloat or in drydock and consists of an examination of the internals of all cargo tanks; except, if the vessel is certificated to carry cargoes regulated under Part 38 or Subchapter O of this chapter, the cargo tank internal examination must be accomplished as specified in Parts 38 and 151 of this chapter respectively.

(d) "Underwater survey" means the examination, while the vessel is afloat,

of all accessible parts of the vessel's underwater body and all through-hull fittings, including sea chests, sea valves, sea strainers, and bilge injection valves.

17. By adding a new § 91.40-3 to read as follows:

§ 91.40-3 Drydock examination, internal structural examination, cargo tank internal examination, and underwater survey intervals.

(a) Except as provided for in paragraphs (b) through (f) of this section, each vessel must undergo drydock, internal structural, and cargo tank internal examinations as follows:

(1) Vessels that operate in salt water must be examined in accordance with the intervals set forth in Table 91.40-3(a) of this section. Where Table 91.40-3(a) indicates a 2.5 year examination interval, it means a vessel must undergo two examinations within any five year period. No more than three years may elapse between any two examinations.

TABLE 91.40-3(a)

Salt water service vessels examination intervals in years

	Single hull ship and barge	Double hull barge with internal framing ⁽¹⁾	Double hull barge with external framing ⁽²⁾	Single hull barge with independent tanks ⁽³⁾	Wood hull ship and barge	Unmanned deck cargo barge ⁽⁴⁾
Drydock.....	2.5	5.0	5.0	5.0	2.5	5.0
Internal Structural.....	2.5	2.5	2.5	2.5	2.5	2.5
Cargo Tank Internal.....	2.5 ⁽⁵⁾	5.0 ⁽⁵⁾	10.0 ⁽⁵⁾	10.0 ⁽⁵⁾	2.5 ⁽⁵⁾	

¹ Note: Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the internal tank surface.

² Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the external tank surface accessible for examination from voids, double bottoms and other similar spaces.

³ Applicable to single hull tank barges with independent cargo tanks which have a cargo containment envelope that is not a contiguous part of the hull structure and which has adequate clearance between the tanks and between the tanks and the vessel's hull to provide access for examination of all tank surfaces and the hull structure.

⁴ Applicable to unmanned/non-permissively manned deck cargo barge which carries cargo only above the weather deck and which provides complete access for examination of the inside of the hull structure.

⁵ Or as specified in Part 151.

(2) Vessels that operate in fresh water at least nine months in every 12 month period since the last drydock examination must be examined in

accordance with the intervals set forth in Table 91.40-3(b) of this section. Where Table 91.40-3(b) indicates a 2.5 year examination interval, it means a vessel

must undergo two examinations within any five year period. No more than three years may elapse between any two examinations.

TABLE (91.40-3(b)

Fresh water service vessels examination intervals in years

	Single hull ship and barge	Double hull barge with internal framing ¹	Double hull barge with external framing ²	Single hull barge with independent tanks ³	Wood hull ship and barge	Unmanned deck cargo barge ⁴
Drydock.....	5.0	10.0	10.0	10.0	2.5	10.0
Internal structural.....	5.0	2.5	2.5	2.5	2.5	2.5

TABLE (91.40-3(b))—Continued

Fresh water service vessels examination intervals in years

	Single hull ship and barge	Double hull barge with internal framing ¹	Double hull barge with external framing ²	Single hull barge with independent tanks ³	Wood hull ship and barge	Unmanned deck cargo barge ⁴
Cargo tank internal	5.0 ⁵	5.0 ⁵	10.0 ⁵	10.0 ⁵	2.5 ⁵	

¹ Note: Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the internal tank surface.² Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the external tank surface accessible for examination from voids, double bottoms and other similar spaces.³ Applicable to single hull tank barges with independent cargo tanks which have a cargo containment envelope that is not a contiguous part of the hull structure and which has adequate clearance between the tanks and between the tanks and the vessel's hull to provide access for examination of all tank surfaces and the hull structure.⁴ Applicable to unmanned/non-permissively manned deck cargo barge which carries cargo only above the weather deck and which provides complete access for examination of the inside of the hull structure.⁵ Or as specified in Part 151.

(b) If, during an internal structural, cargo tank internal examination, or underwater survey, damage or deterioration to the hull plating, structural members, or cargo tanks is discovered, the Officer in Charge, Marine Inspection, may require the vessel to be drydocked or otherwise taken out of service to further assess the extent of the damage and to effect permanent repairs.

(c) Vessels less than 15 years of age (except wooden hull vessels) that are in salt water service with a 2.5 year drydock interval (as indicated in Table 91.40-3(a) of this section) or that are in fresh water service with a five year drydock interval (as indicated in Table 91.40-3(b) of this section) may be considered for an underwater survey instead of alternate drydock examinations, provided the vessel is fitted with an effective hull protection system. Vessel owners or operators must apply to the Officer in Charge, Marine Inspection, for approval of underwater surveys instead of alternate drydock examinations for each vessel. The application must include the following information:

(1) The procedure to be followed in carrying out the underwater survey.

(2) The location where the underwater survey will be accomplished.

(3) The method to be used to accurately determine the diver location relative to the hull.

(4) The means that will be provided for examining sea chests, sea valves, and other through-hull fittings.

(5) The means that will be provided for taking shaft bearing clearances.

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

(7) A description of the hull protection system.

(d) Vessels otherwise qualifying under paragraph (c) of this section, that are 15 years of age or older may be considered for continued participation in the underwater survey program on a case-by-case basis, if—

(1) Before the vessel's next scheduled drydocking, the owner or operator submits a request for continued participation to Commandant (G-MVI);

(2) During the vessel's next drydocking after the request is submitted, no appreciable hull deterioration is indicated as a result of a complete set of hull gaugings; and

(3) The results of the hull gauging and the results of the Coast Guard drydock examination together with the recommendation of the Officer in Charge, Marine Inspection, are submitted to Commandant (G-MVI) for final approval.

(e) Each vessel which has not met with the applicable examination schedules in paragraphs (a) through (d) of this section because it is on a voyage, must undergo the required examinations upon completion of the voyage.

(f) The Commandant (G-MVI) may authorize extensions to the examination intervals specified in paragraph (a) of this section.

18. By revising § 91.40-5 to read as follows:

§ 91.40-5 Notice and plans required.

(a) The master, owner, operator, or agent of the vessel shall notify the Officer in Charge, Marine Inspection, whenever the vessel is to be drydocked regardless of the reason for drydocking.

(b) Each vessel, except barges, that holds a Load Line Certificate must have on board a plan showing the vessel's scantlings. This plan must be made available to the Coast Guard marine inspector whenever the vessel undergoes a drydock examination,

internal structural examination, cargo tank internal examination, or underwater survey or whenever repairs are made to the vessel's hull.

(c) Each barge that holds a Load Line Certificate must have a plan showing the barge's scantlings. The plan need not be maintained on board the barge but must be made available to the Coast Guard marine inspector whenever the barge undergoes a drydock examination, internal structural examination, or cargo tank internal examination, or underwater survey or whenever repairs are made to the barge's hull.

19. By adding a new Subpart 91.43 to read as follows:

Subpart 91.43—Fuel Oil Tank Examination

§ 91.43-1 When required.

(a) Each integral fuel oil tank is subject to inspection as provided in this section. The owner or operator of the vessel shall have the tanks cleaned out and gas freed as necessary to permit internal examination of the tank or tanks designated by the marine inspector. The owner or operator shall arrange for an examination of the fuel tanks of each vessel during an internal structural examination at intervals not to exceed five years.

(b) Integral non-double-bottom fuel oil tanks need not be cleaned out and internally examined if the marine inspector is able to determine by external examination that the general condition of the tanks is satisfactory.

(c) Double-bottom fuel oil tanks on vessels less than 10 years of age need not be cleaned out and internally examined if the marine inspector is able to determine by external examination that the general condition of the tanks is satisfactory.

(d) All double-bottom fuel oil tanks on vessels 10 years of age or older but less than 15 years of age need not be cleaned out and internally examined if the marine inspector is able to determine by internal examination of at least one forward double-bottom fuel oil tank, and by external examination of all other double-bottom fuel oil tanks on the vessel, that the general condition of the tanks is satisfactory.

(e) All double-bottom fuel oil tanks on vessels 15 years of age or older but less than 25 years of age need not be cleaned out and internally examined if the marine inspector is able to determine by internal examination of at least one forward, one amidships, and one aft double-bottom fuel oil tank, and by external examination of all other double-bottom fuel oil tanks on the vessel, that the general condition of the tanks is satisfactory.

(f) All double-bottom fuel oil tanks on vessels 25 years of age or older need not be cleaned out and internally examined if the marine inspector is able to determine by internal examination of at least one double-bottom fuel oil tank in way of each cargo hold/tank, and by external examination of all other double-bottom fuel oil tanks, that the general condition of the tanks is satisfactory.

PART 167—[AMENDED]

20. The authority citation for Part 167 is revised to read as follows and all other authority citations in the part are removed:

Authority: 46 U.S.C. 3306, § 167.65–65 also issued under 46 U.S.C. 6101, and § 167.60.15 also issued under 46 U.S.C. 8105; 49 CFR 1.46(b).

21. By adding a new § 167.15–27 to read as follows:

§ 167.15–27 Definitions relating to hull examinations.

As used in this part—

(a) "Drydock examination" means hauling out a vessel or placing a vessel in a drydock or slipway for an examination of all accessible parts of the vessel's underwater body and all through-hull fittings, including sea chests, sea valves, sea strainers, and bilge injection valves.

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

22. By revising § 167.15–30 to read as follows:

§ 167.15–30 Drydock examination and internal structural examination intervals.

(a) Except as provided for in paragraphs (b) through (e) of this section, each vessel must undergo drydock and internal structural examinations as follows:

(1) Vessels that operate in salt water must undergo two drydock and two internal structural examinations within any five year period. No more than three years may elapse between any two examinations.

(2) Vessels that operate in fresh water at least nine months in every 12 month period since the last drydock examination must undergo drydock and internal structural examinations at intervals not to exceed five years.

(b) Vessels with wooden hulls must undergo two drydock and two internal structural examinations within any five year period regardless of the type of water in which they operate. No more than three years may elapse between any two examinations.

(c) If, during an internal structural examination damage or deterioration to the hull plating or structural members is discovered, the Officer in Charge, Marine Inspection, may require the vessel to be drydocked or otherwise taken out of service to further assess the extent of the damage and to effect permanent repairs.

(d) Each vessel which has not met with the applicable examination schedules in paragraphs (a) through (c) of this section because it is on a voyage, must undergo the required examinations upon completion of the voyage.

(e) The Commandant (G–MVI) may authorize extensions to the examination intervals specified in paragraphs (a) and (b) of this section.

23. By adding a new § 167.15–35 to read as follows:

§ 167.15–35 Notice and plans required.

(a) The master, owner, operator, or agent of the vessel shall notify the Officer in Charge, Marine Inspection, whenever the vessel is to be drydocked regardless of the reason for drydocking.

(b) Each vessel, except barges, that holds a Load Line Certificate must have on board a plan showing the vessel's scantlings. This plan must be made available to the Coast Guard marine inspector whenever the vessel undergoes a drydock examination or internal structural examination or whenever repairs are made to the vessel's hull.

(c) Each barge that holds a Load Line Certificate must have a plan showing the barge's scantlings. The plan need not be maintained on board the barge but must be made available to the Coast

Guard marine inspector whenever the barge undergoes a drydock examination or internal structural examination or whenever repairs are made to the barge's hull.

24. By adding a new § 167.15–40 to read as follows:

§ 167.15–40 Fuel oil tank examination.

(a) Each integral fuel oil tank is subject to inspection as provided in this section. The owner or operator of the vessel shall have the tanks cleaned out and gas freed as necessary to permit internal examination of the tank or tanks designated by the marine inspector. The owner or operator shall arrange for an examination of the fuel tanks of each vessel during an internal structural examination at intervals not to exceed five years.

(b) Integral non-double-bottom fuel oil tanks need not be cleaned out and internally examined if the marine inspector is able to determine by external examination that the general condition of the tanks is satisfactory.

(c) Double-bottom fuel oil tanks on vessels less than 10 years of age need not be cleaned out and internally examined if the marine inspector is able to determine by external examination that the general condition of the tanks is satisfactory.

(d) Double-bottom fuel oil tanks on vessels 10 years of age or older but less than 15 years of age need not be cleaned out and internally examined if the marine inspector is able to determine by internal examination of at least one forward double-bottom fuel oil tank, and by external examination of all other double-bottom fuel oil tanks on the vessel, that the general condition of the tanks is satisfactory.

(e) All double-bottom fuel oil tanks on vessels 15 years of age or older need not be cleaned out and internally examined if the marine inspector is able to determine by internal examination of at least one forward, one amidships, and one aft double-bottom fuel oil tank, and by external examination of all other double-bottom fuel oil tanks on the vessel, that the general condition of the tanks is satisfactory.

25. By revising § 167.15–50 to read as follows:

§ 167.15–50 Tailshaft examinations.

Tailshaft examinations on nautical school ships must conform with the examination requirements in Part 61 of this chapter.

PART 169—[AMENDED]

26. The authority citation for Part 169 continues to read as follows:

Authority: 46 U.S.C. 3306; 49 CFR 1.46(b).

27. By revising § 169.229 to read as follows:

§ 169.229 Drydock examination and internal structural examination intervals.

(a) Except as provided for in paragraphs (b) through (e) of this section, each vessel must undergo drydock and internal structural examinations as follows:

(1) Vessels that operate in salt water must undergo two drydock and two internal structural examinations within any five year period. No more than three years may elapse between any two examinations.

(2) Vessels that operate in fresh water at least nine months in every 12 month period since the last drydock examination must undergo drydock and internal structural examinations at intervals not to exceed five years.

(b) Vessels with wooden hulls must undergo two drydock and two internal structural examinations within any five year period regardless of the type of water in which they operate. No more than three years may elapse between any two examinations.

(c) If, during an internal structural examination damage or deterioration to the hull plating or structural members is discovered, the Officer in Charge, Marine Inspection, may require the vessel to be drydocked or otherwise taken out of service to further assess the extent of the damage and to effect permanent repairs.

(d) Each vessel which has not met with the applicable examination schedules in paragraphs (a) through (c) of this section because it is on a voyage, must undergo the required examinations upon completion of the voyage.

(e) The Commandant (G-MVI) may authorize extensions to the examination intervals specified in paragraphs (a) and (b) of this section.

28. By revising § 169.231 to read as follows:

§ 169.231 Definitions relating to hull examinations.

As used in the part—

(a) "Drydock examination" means hauling out a vessel or placing a vessel in a drydock or slipway for an examination of all accessible parts of the vessel's underwater body and all through-hull fittings, including sea chests, sea valves, sea strainers, and bilge injection valves.

(b) "Internal structural examination" means an examination of the vessel while afloat or in drydock and consists of a complete examination of the vessel's main strength members, including the major internal framing, the

hull plating, voids, and ballast tanks, but not including cargo or fuel oil tanks.

29. By revising § 169.233 to read as follows:

§ 169.233 Notice and plans required.

(a) The master, owner, operator, or agent of the vessel shall notify the Officer in Charge, Marine Inspection, whenever the vessel is to be drydocked regardless of the reason for drydocking.

(b) Each vessel, except barges, that holds a Load Line Certificate must have on board a plan showing the vessel's scantlings. This plan must be made available to the Coast Guard marine inspector whenever the vessel undergoes a drydock examination or internal structural examination or whenever repairs are made to the vessel's hull.

(c) Each barge that holds a Load Line Certificate must have a plan showing the barge's scantlings. The plan need not be maintained on board the barge but must be made available to the Coast Guard marine inspector whenever the barge undergoes a drydock examination or internal structural examination or whenever repairs are made to the barge's hull.

30. By adding a new § 169.234 to read as follows:

§ 169.234 Examination of fuel oil tanks.

(a) Each integral fuel oil tank is subject to inspection as provided in this section. The owner or operator of the vessel shall have the tanks cleaned out and gas freed as necessary to permit internal examination of the tank or tanks designated by the marine inspector. The owner or operator shall arrange for an examination of the fuel tanks of each vessel during an internal structural examination at intervals not to exceed five years.

(b) Integral non-double-bottom fuel oil tanks need not be cleaned out and internally examined if the marine inspector is able to determine by external examination that the general condition of the tanks is satisfactory.

(c) Double-bottom fuel oil tanks on vessels less than 10 years of age need not be cleaned out and internally examined if the marine inspector is able to determine by external examination that the general condition of the tanks is satisfactory.

(d) All double-bottom fuel oil tanks on vessels 10 years of age or older but less than 15 years of age need not be cleaned out and internally examined if the marine inspector is able to determine by internal examination of at least one forward double-bottom fuel oil tank, and by external examination of all other double-bottom fuel oil tanks on the

vessel, that the general condition of the tanks is satisfactory.

(e) All double-bottom fuel oil tanks on vessels 15 years of age or older need not be cleaned out and internally examined if the marine inspector is able to determine by internal examination of at least one forward, one amidships, and one aft double-bottom fuel oil tank, and by external examination of all other double-bottom fuel oil tanks on the vessel, that the general condition of the tanks is satisfactory.

PART 189—[AMENDED]

31. The authority citation for Part 189 is revised to read as follows and all other authority citations in the part are removed:

Authority: 46 U.S.C. 2113, 3306; 49 CFR 1.46.

32. By revising § 189.40-1 to read as follows:

§ 189.40-1 Definitions relating to hull examinations.

As used in this part—

(a) "Drydock examination" means hauling out a vessel or placing a vessel in a drydock or slipway for an examination of all accessible parts of the vessel's underwater body and all through-hull fittings, including sea chests, sea valves, sea strainers, and bilge injection valves.

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

(c) "Underwater survey" means the examination, while the vessel is afloat, of all accessible parts of the vessel's underwater body and all through hull fittings, including sea chests, sea valves, sea strainers, and bilge injection valves.

33. By adding a new § 189.40-3 to read as follows:

§ 189.40-3 Drydock examination, underwater survey, and internal structural examination intervals.

(a) Except as provided for in paragraphs (b) through (g) of this section, each vessel must undergo drydock and internal structural examinations as follows:

(1) Vessels that operate in salt water must undergo two drydock and two internal structural examinations within any five year period. No more than three years may elapse between any two examinations.

(2) Vessels that operate in fresh water at least nine months in every 12 month

period since the last drydock examination must undergo drydock and internal structural examinations at intervals not to exceed five years.

(b) Vessels with wooden hulls must undergo two drydock and two internal structural examinations within any five year period regardless of the type of water in which they operate. No more than three years may elapse between any two examinations.

(c) If, during an internal structural examination or underwater survey, damage or deterioration to the hull plating or structural members is discovered, the Officer in Charge, Marine Inspection, may require the vessel to be drydocked or otherwise taken out of service to further assess the extent of the damage and to effect permanent repairs.

(d) Each vessel under paragraph (a) of this section that is less than 15 years of age may be considered for an alternate drydock examinations, provided the vessel is fitted with an effective hull protection system. Vessel owners or operators must apply to the Officer in Charge, Marine Inspection, for approval of alternate drydock examinations for each vessel. The application must include the following information:

- (1) The procedure to be followed in carrying out the underwater survey.
- (2) The location where the underwater survey will be accomplished.
- (3) The method to be used to accurately determine the diver location relative to the hull.
- (4) The means that will be provided for examining sea chests, sea valves and other through-hull fittings.
- (5) The means that will be provided for tanking shaft bearing clearances.
- (6) The condition of the vessel, including the anticipated draft of the vessel at the time of the survey.
- (7) A description of the hull protection system.

(e) Vessels otherwise qualifying under paragraph (d) of this section, that are 15 years of age or older may be considered for continued participation in the underwater survey program on a case-by-case basis, if—

(1) Before the vessel's next scheduled drydocking, the owner or operator submits a request for continued participation to Commandant (G-MVI);

(2) During the vessel's next drydocking after the request is submitted, no appreciable hull deterioration is indicated as a result of a complete set of hull gaugings; and

(3) The results of the hull gauging and the results of the Coast Guard drydock examination together with the recommendation of the Officer in Charge, Marine Inspection, are submitted to Commandant (G-MVI) for final approval.

(f) Each vessel which has not met with the applicable examination schedules in paragraph (a) through (e) of this section because it is on a voyage, must undergo the required examinations upon completion of the voyage.

(g) The Commandant (G-MVI) may authorize extensions to the examination intervals specified in paragraphs (a) and (b) of this section.

34. By revising § 189.40-5 to read as follows:

§ 189.40-5 Notice and plans required.

(a) The master, owner, operator, or agent of the vessel shall notify the Officer in Charge, Marine Inspection, whenever the vessel is to be drydocked regardless of the reason for drydocking.

(b) Each vessel, except barges, that holds a Load Line Certificate must have on board a plan showing the vessel's scantlings. This plan must be made available to the Coast Guard marine inspector whenever the vessel undergoes a drydock examination, internal structural examination, or underwater survey or whenever repairs are made to the vessel's hull.

(c) Each barge that holds a Load Line Certificate must have a plan showing the barge's scantlings. The plan need not be maintained on board the barge but must be made available to the Coast Guard marine inspector whenever the barge undergoes a drydock examination, internal structural examination, or underwater survey or whenever repairs are made to the barge's hull.

35. By adding a new Subpart 189.43 to read as follows:

Subpart 189.43—Examination of Fuel Oil Tanks

§ 189.43-1 When required.

(a) Each integral fuel oil tank is subject to inspection as provided in this section. The owner or operator of the vessel shall have the tanks cleaned out and gas freed as necessary to permit internal examination of the tank or tanks designated by the marine inspector. The owner or operator shall arrange for an examination of the fuel tanks of each vessel during an internal structural examination at intervals not to exceed five years.

(b) Integral non-double-bottom fuel oil tanks need not be cleaned out and internally examined if the marine inspector is able to determine by external examination that the general condition of the tanks is satisfactory.

(c) Double-bottom fuel oil tanks on vessels less than 10 years of age need not be cleaned out and internally examined if the marine inspector is able to determine by external examination that the general condition of the tanks is satisfactory.

(d) All double-bottom fuel oil tanks on vessels 10 years of age or older but less than 15 years of age need not be cleaned out and internally examined if the marine inspector is able to determine by internal examination of at least one forward double-bottom fuel oil tank, and by external examination of all other double-bottom fuel oil tanks on the vessel, that the general condition of the tanks is satisfactory.

(e) All double-bottom fuel oil tanks on vessels 15 years of age or older need not be cleaned out and internally examined if the marine inspector is able to determine by internal examination of at least one forward, one amidships, and one aft double-bottom fuel oil tank, and by external examination of all other double-bottom fuel oil tanks on the vessel, that the general condition of the tanks is satisfactory.

Signed: October 16, 1987.

P.A. Yost,

Admiral, U.S. Coast Guard Commandant.

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