

VA which specify an interest rate in excess of 10 1/4 per centum per annum, effective May 11, 1987, the interest rate of any graduated payment mortgage loan guaranteed or insured wholly or in part on or after such date may not exceed 10 1/4 per centum per annum. (38 U.S.C. 1803(c)(1))

(c) Effective May 11, 1987, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs, which is guaranteed or insured wholly or in part on or after such date may not exceed 11 1/2 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

3. In § 36.4503, paragraph (a) is revised as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to \$33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the VA shall bear interest at the rate of 9 1/2 percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 11 percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

[FR Doc. 87-10984 Filed 5-14-87; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL-3202-6]

National Emission Standards for Hazardous Air Pollutants (NESHAPS); Delegation of Authority to the State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: This notice announces the delegation of authority by the Environmental Protection Agency (i.e., EPA or the agency) to the state of Kansas for the implementation of certain provisions of NESHAPS 40 CFR

Part 61, Subpart M. This action is in response to the state's request for delegation of authority. The effect of the delegation is to shift the primary responsibility for implementation of the standard from EPA to the state of Kansas. Under the terms of the delegation, Kansas will implement certain provisions of NESHAPS and EPA will retain the primary authority to enforce against the NESHAPS violations.

EFFECTIVE DATE: May 15, 1987.

ADDRESSES: All requests, reports, applications, submittals, and such other communications, which are required to be submitted under 40 CFR Part 61, Subpart M (including all the notifications required to be submitted under 40 CFR 61.146) for the affected owners or operators in Kansas, should be sent to the Kansas Department of Health and Environment, Forbes Field, Topeka, Kansas 66620. A copy of all related notifications must also be sent to the attention of the Director, Air and Toxics Division, U.S. EPA, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Charles W. Whitmore, Air Compliance Section, Air Branch, U.S. EPA, Region VII, at the above address or call (913) 236-2896 or FTS: 757-2896.

SUPPLEMENTARY INFORMATION: Section 112(d) of the Clean Air Act allows the Administrator of Environmental Protection Agency (i.e., EPA or the agency) to delegate to any state government authority to implement certain provisions promulgated by the agency under 40 CFR Part 61, Subpart M. When a delegation is issued, the agency retains concurrent authority to implement the delegated standard. This delegation basically shifts the primary responsibility for implementation of the standard from the agency to the state government. The agency maintains the primary responsibility for enforcement of the standard.

The state of Kansas has requested the authority for delegation of 40 CFR Part 61, Subpart M. On November 5, 1986, the agency and the state of Kansas entered into an agreement which delegated authority to implement certain provisions of the NESHAPS Subpart. The provisions which are affected by this delegation are:

Applicability: Section 61.145 (a)-(d); excluding (d)(1)

Notification: Section 61.146

Emission Control: Section 61.147; excluding that portion of (c) dealing with dry removal

Interested individuals are informed that, as of November 5, 1986, the state of

Kansas has EPA's authorization to implement the requirements of the certain NESHAPS provisions affected by the delegation agreement. These provisions are listed in the delegation of authority letter dated November 5, 1986, which is reproduced in its entirety as follows:

Barbara J. Sabol,
Secretary, Kansas Department of Health and Environment, Forbes Field, Topeka, Kansas 66620.

Dear Ms. Sabol: This letter is in response to the request by the Kansas Department of Health and Environment (KDHE) for partial delegation of the National Emission Standards for Hazardous Air Pollutants (NESHAPS), 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos.

KDHE was given the authority by the Kansas State Legislature to implement and enforce asbestos control law and regulations (K.S.A. 65-5301 *et seq.*, and Kansas Administrative Regulations 28-50-1 through 28-50-14) which were adopted on April 24, 1985. The regulations became effective on January 1, 1986. The Environmental Protection Agency (EPA) has determined that the state of Kansas asbestos regulations provide adequate and effective procedures for partial implementation of 40 CFR Part 61, Subpart M.

The EPA hereby delegates the authority to implement certain provisions of the asbestos standard at 40 CFR Part 61, Subpart M. The sections of this subpart which are affected by this delegation are:

Applicability: Section 61.145 (a)-(d); excluding (d)(1)

Notification: Section 61.146

Emission Control: Section 61.147; excluding that portion of (c) dealing with dry removal

Since the state's asbestos regulations, effective January 1, 1985, pertaining to proper asbestos removal and disposal, do not apply to building owners, the EPA retains the primary authority to implement and enforce 40 CFR Part 61, Subpart M, for violations involving building owners. KDHE will continue to implement and enforce the state regulations. EPA will use information obtained during KDHE inspections to enforce the NESHAPS regulations.

If the Director, Air and Toxics Division, determines that the NESHAPS asbestos program is not being effectively carried out, this partial delegation may be revoked. In such instances, the regional office will notify the state of this action. The EPA may specify (or suggest) appropriate corrective measures, and will allow the state a reasonable period of time to implement corrective measures. If deficiencies continue to exist after the allotted time, the EPA regional office may revoke the delegation as discussed above. The regional office will notify the state of its intent to revoke the delegation, and will state the reason(s) for the intended action, at least fifteen (15) calendar days prior to the effective date of the action.

If the state determines that it can (or will) no longer implement the NESHAPS regulation for any reason, it may request, by letter, that

the delegation be revoked in whole or in part. To ensure a smooth transfer of primary enforcement responsibilities, the state will continue to implement the delegated provisions until the regional office formally acts on the revocation request, unless the circumstances of the situation absolutely dictate otherwise.

The state and the EPA regional office shall continue to maintain a system of communication sufficient to guarantee that each office is always fully informed regarding the compliance status of the subject facilities and of enforcement actions taken (or being contemplated) by the offices involved. A protocol will be developed by the respective state and EPA staffs concerning the implementation of this delegation. When finalized the protocol will become part of this delegation.

The EPA retains concurrent authority to implement and/or enforce all provisions of the delegated regulation. The agency shall give the state prior notification before it exercises its concurrent authority. However, nothing in this partial delegation shall relieve any person subject to any requirement of 40 CFR Part 61, Subpart M, of the obligation to comply with such requirement.

This delegation is effective immediately, unless otherwise requested by the state of Kansas. Please acknowledge acceptance, in writing, within ten (10) days of receipt of this letter. A notice announcing this partial delegation will appear in the **Federal Register** in the near future.

If you have any questions, please contact Ms. Mary Tietjen at (913) 236-2896.

Sincerely yours,

Morris Kay,

Regional Administrator.

cc: David J. Romano, KDHE

Effective immediately, all reports, correspondence, and such other communications, that are required to be submitted under the NESHAP Subpart for owners or operators in Kansas affected by the delegation of authority, should be sent to the KDHE at the above address. A copy of each notification required to be submitted under 40 CFR 61.146, must also be sent to the attention of the Director, Air and Toxics Division, U.S. EPA Region VII, at the above address.

Each document and letter mentioned in this notice is available for public inspection at the EPA regional office.

This notice is issued under the authority of section 112 of the Clean Air Act, as amended (42 U.S.C. 7412).

Morris Kay,

Regional Administrator.

[FR Doc. 87-11128 Filed 5-14-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 61

[FRL 3201-4]

National Emission Standards for Hazardous Air Pollutants (NESHAPS); Change of Address

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The information in 40 CFR 61.04 is being revised to reflect a recent NESHAPS delegation to the state of Kansas. The intended effect of the action is to keep the information in 40 CFR 61.04 current.

EFFECTIVE DATE: May 15, 1987.

FOR FURTHER INFORMATION CONTACT: Charles W. Whitmore, Chief, Air Compliance Section, Air Branch, EPA, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101 (913/236-2896 or FTS: 757-2896).

SUPPLEMENTARY INFORMATION: Section 40 CFR 61.04 sets forth the EPA regional offices and state agencies to which all requests, reports, applications, submittals, and other communications must be sent by owners and/or operators of facilities (or activities) affected by the National Emission Standards for Hazardous Air Pollutants (NESHAPS) regulation. The information in 40 CFR 61.04 is being revised to reflect a recent NESHAPS delegation to the state of Kansas. All interested individuals are hereby informed of the new information.

The Administrator finds good cause for foregoing prior public notice of the amendments and for making this rulemaking effective immediately in that the amendments are an administrative change and not one of substantive content. No additional burdens are imposed upon the parties affected by the amendments.

List of Subjects in 40 CFR Part 61

Air pollution control, Hazardous substances control.

Morris Kay,

Regional Administrator.

PART 61—[AMENDED]

Part 61 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

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

Authority: 42 U.S.C. 7401, 7412, 7414, 7416, and 7601.

2. In § 61.04, text is added to reserved paragraph (b)(R) to read as follows:

§ 61.04 Address.

(b) * * *

(R) State of Kansas: Kansas Department of Health and Environment, Bureau of Air Quality and Radiation Control, Forbes Field, Topeka, Kansas 66620.

* * *

[FR Doc. 87-11129 Filed 5-14-87; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 64a

Obligated Service Provisions for Mental Health Traineeships

AGENCY: Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: This rule amends regulations implementing the provisions of section 303 of the Public Health Service (PHS) Act (42 U.S.C. 242a), as amended by section 803 of the Mental Health Systems Act, regarding the service payback obligations of individuals who receive clinical traineeships in psychology, psychiatry, social work or nursing (that are not of limited duration or experimental nature). The rule amends Part 64a of Title 42 of the Code of Federal Regulations to establish a uniform rate of interest for all individuals who receive clinical traineeships, clarifies the fact that funds owed to the Government become a debt when the trainee fails to complete the obligation, requires that training institutions conduct entrance and exit interviews with trainees to inform them of the seriousness of their service obligations, and provides guidelines for hardship deferrals.

EFFECTIVE DATE: June 15, 1987.

FOR FURTHER INFORMATION CONTACT: Diana Trunnell, Grants Management Specialist, National Institute of Mental Health, Room 7C-26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4924.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published on May 28, 1986 (51 FR 19225) to amend 42 CFR Part 64a, regulations implementing the service and monetary payback obligations of individuals receiving mental health clinical traineeships under section 303 of the Public Health Service Act, 42 U.S.C. 242a. These proposed changes would affect the manner in which interest is calculated for monetary payback,

require training institutions to conduct entrance and exit interviews, and establish criteria for granting extensions of time to perform service payback. Because no comments were received on the proposed rules and the Secretary believes their adoption is appropriate, the Final Rule adopts the proposed changes without modification.

Economic Impact of Regulatory Requirements

Because the Final Rule does not impose a significant burden on training institutions, it is anticipated that compliance with the rule will not impose any new major expenditures on their part. The change in the method of calculating the interest rate will solely affect individual trainees and, in the aggregate, is not expected to be substantial although it may be significant in individual cases. Therefore, these regulations will not have a significant economic impact on a substantial number of small entities and a Regulatory Flexibility Analysis under the Regulatory Flexibility Act of 1980 is not required. Further, since these regulations do not meet any criteria for a major regulation under Executive Order 12291, a Regulatory Impact Analysis is not required.

Paperwork Reduction Act

Section 64a.104 of this Final Rule contains information collection requirements which have been approved for use through March 31, 1989 (OMB No. 0930-0120).

List of Subjects in 42 CFR Part 64a

Health professions, Manpower training programs, Mental health programs, Clinical traineeships, Obligated service.

Dated: March 20, 1987.

Robert E. Windom,

Assistant Secretary for Health.

Approved: April 30, 1987.

Otis R. Bowen,

Secretary.

Therefore, Subchapter E of Chapter I of Title 42 of the Code of Federal Regulations is amended in Part 64a as follows:

PART 64a—[AMENDED]

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

Authority: Section 803, Pub. L. 96-398, 94 Stat. 1607-1608 (42 U.S.C. 242a).

2. In § 64a.104, paragraphs (b) and (c) are revised and (d) and the OMB control number are added to read as follows:

§ 64a.104 What requirements are imposed upon grantees?

(b) Before awarding a clinical traineeship, conduct an entrance interview with the individual in order to explain and emphasize the service obligation the individual is incurring, obtain the individual's written assurance that he or she will satisfy the requirements of § 64a.105, and document, in accordance with paragraph (d) of this section, the entrance interview on the form containing the individual's written assurance.

(c) At the time of termination of the clinical traineeship,

(1) Notify the Secretary in writing of the date on which the individual's traineeship is terminated;

(2) Conduct an exit interview with the individual to remind the trainee of the service obligation, to fully explain the consequences that will incur should the trainee fail to satisfy the obligation, and, to tell the individual that the Secretary has been notified of the date of termination of the traineeship; and

(3) Document, in accordance with paragraph (d) of this section, the exit interview on the form notifying the Secretary of the termination of the traineeship.

(d) Document the entrance and exit interviews with at least the following information: The date of the interview, the names of the participants involved in the interview, and a statement that the interview included an explanation to the individual of the service payback requirement and the consequences of failing to fulfill the service payback requirement.

(Approved by the Office of Budget and Management under control number 0930-0120)

3. Section 64a.105(e)(1)(iii) is added and paragraph (g) is revised to read as follows:

§ 64a.105 What are the conditions of obligated service?

(e) Conditions for deferral or break in service, waiver, or cancellation. (1) * * *

(iii) In making determinations under § 64a.105(e)(1)(i)(C), the Secretary will take into consideration the following factors:

(A) The individual's present financial resources and obligations;

(B) The individual's estimated future financial resources and obligations;

(C) The reasons for the individual's failure to complete the requirements

within the prescribed period, such as problems of a personal nature;

(D) The unavailability of employment opportunities appropriate to the individual's education and training; and

(E) Any other extenuating circumstances.

(g) Recovery for failure to perform obligated service. (1) If an individual fails to begin or complete the obligated service in accordance with the requirements of paragraphs (a) through (f) of this section, that individual is obligated to repay the United States an amount equal to three times the cost of the award (including stipends and other trainee allowances) plus interest on that amount calculated for the total period since the trainee failed to perform the obligated service at the rate set by the Secretary of the Treasury for National Research Service Awards prevailing on the date on which the period of appointment begins, multiplied, in any case in which the service that was required has been performed in part, by the percentage which the length of service that was not performed is to the length of the service that was required to be performed. The amount will be determined under the following formula:

$$A = 3(\theta + mi\theta) \frac{(t-s)}{(t)}$$

where

A = the amount the United States is entitled to recover;

θ = the cost of the clinical traineeship (including stipends and other trainee allowances);

m = the number of months since the trainee failed to perform obligated service;

i = the National Research Service Award rate on the date which the period of appointment begins divided by twelve;

t = the total number of months of the service obligation;

s = the number of months that have been served.

(2) Unless the Secretary extends the repayment period as provided in paragraph (e) of this section, the individual shall pay to the United States the total amount which the United States is entitled to recover under paragraph (g)(1) immediately upon the date that the individual fails to begin or complete the period of obligated service (including failing to comply with the applicable terms and conditions of an extension or break in service granted the individual) or upon the date that the individual indicates his or her intention not to fulfill the service obligation as determined by the Secretary. The

amount is considered a debt owed to the United States, with interest accruing monthly upon the total debt as provided under paragraph (g)(1).

[FR Doc. 87-10997 Filed 5-14-87; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 32, 77, 92, 96, 190 and 195

[CGD 84-073]

Miscellaneous Changes; Tank Vessels, etc.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule makes changes to the regulations in three general areas. First, it modifies regulations for accommodations, rails and guards, and anchors for tank vessels to bring 46 CFR Subchapter D into uniformity with the rules for other vessels found in 46 CFR Subchapters H, I, and U. Since the requirements for radiotelegraph, radiotelephone, and radio direction finder are found in the Federal Communications Commission (FCC) regulations, this rule deletes overlapping regulations from Subchapters D, H, I and U. This action does not, however, change or delete any current requirements for this equipment aboard certain ships. Third, this rule will bring the structural fire protection regulations of Subchapter I and U in conformity with Subchapters D and H, the 1981 amendments to the International Conference on Safety of Life at Sea, 1974 (SOLAS 74), and current marine practice with regard to non-combustible construction in control spaces. The purpose of the rule is to revoke unnecessary regulations, and revise existing regulations to be more uniform in application among the various classes of vessels. The rule results in clearer and more consistent regulations.

EFFECTIVE DATE: April 1, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. John M. Kinsey, Ship Design Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, (202) 267-2997.

SUPPLEMENTARY INFORMATION: A Notice of proposed rulemaking was published on September 30, 1985 at 50 FR 39729, and public comment was invited for 60 days ending November 29, 1985. Comments were received from two

marine trade organizations, and two shipping companies.

Regulatory Background

The Federal Register of October 18, 1952 revised, updated, and rearranged the Coast Guard vessel inspection regulations, grouping them into subchapters pertaining to various classes of vessels. The regulations for tank vessels were not revised to the same extent as the regulations for passenger and cargo and miscellaneous vessels. The language and depth of treatment for fire protection, accommodations, and other headings have differed between Subchapter D and Subchapters H, I, and, more recently, U, notwithstanding the fact that many tank, passenger, cargo, and miscellaneous vessels are generally similarly sized, engaged on similar routes, exposed to similar hazards, and have similar manning by crews of similar training and competency. Under the circumstances, similar standards for accommodations, rails and guards, anchors and ground tackle, and structural fire protection are in order in the interests of uniformity and marine safety.

A review of the rules in Subchapter D for rails (46 CFR 32.01-10) revealed there was no provision for storm rails in tank vessels as there is for other vessel classes. Current marine practice dictates, however, that tank vessels are typically furnished with these rails during construction. This rule codifies a good current marine practice that should remain in force.

Under the present tank vessel regulations, anchors, chains, and hawsers are not required as they are for other classes of vessels. Such equipment is clearly necessary for the safe operation of all vessels. This rule corrects this oversight.

A review of Subchapters I and U indicated that specific requirements for non-combustible construction in control spaces (i.e., spaces that contain emergency sources of power, and those spaces in which a continuous watch is maintained and in which navigating, radio, or fire control equipment is located) were not included. In addition, the first set of amendments to SOLAS 74, which have been in effect since September 1, 1984, require that control spaces on new cargo and tank vessels over 500 gross tons on international voyages be constructed with non-combustible materials. In keeping with the Coast Guard's intention to minimize any economic impact of these revisions, the requirements for non-combustible construction in control spaces will not apply to existing vessels, i.e. those for

which an initial Application for Inspection was submitted before the effective date of these rules. Similarly, the fire protection requirements for control spaces in oceanographic research vessels will not apply to vessels for which an Application for Inspection was received before the effective date of these rules. A complete revision of all the fire regulations will be forthcoming to bring the rules for all vessel classes into conformity with the international standards.

Drafting Information

The principal persons involved in drafting this rule are Mr. John M. Kinsey, Project Manager, and Commander Ronald C. Zabel, Project Counsel, Office of Chief Counsel.

Discussion of Comments and Changes

Four comments were received related to specific sections of the proposed rules. These comments are discussed below.

One comment from an association representing the offshore marine industry expressed concern that the addition of fire protection requirements for control spaces in Subchapter I would constitute a major change in current marine practice for industrial vessels (offshore supply vessels). The letter stated "By adding a new paragraph (g) to § 92.07-10, the Coast Guard has applied international standards intended for cargo ships of 500 gross tons trading internationally to domestic vessels and cargo ships less than 500 gross tons generally." This impression is not correct. The vessels to which 46 CFR 92.07-10 applies have not been changed. The non-combustible construction requirements apply to all cargo and miscellaneous vessels over 4000 gross tons contracted for on or after January 1, 1962, and industrial vessels over 300 gross tons, contracted for on or after July 1, 1968, carrying more than 12 industrial personnel. The international requirements for non-combustible construction apply to cargo vessels of 500 gross tons and over on international voyages, and they came into effect when the U.S. adopted the 1981 amendments to SOLAS 74 on September 1, 1984.

The addition of § 92.07-10(g) in this rule is intended to require non-combustible construction in control spaces on new domestic Subchapter I (cargo and miscellaneous) and U (oceanographic) vessels whose initial applications for inspection are submitted after publication of this rule. However, the applicability sections in 46 CFR 92.07-1 (a) and (b) and 190.07-1 (a)-(d) with regard to tonnage are not

changed. The Coast Guard, as a matter of policy, has always considered these standards to apply to control spaces on cargo and oceanographic vessels in the past, and has consistently required non-combustible construction. The Coast Guard has only recently noted that "control spaces" were not specifically cited in the regulations in Subchapters I and U, as they are in Subchapters D and H. With regard to the specific concern of this comment, § 92.07-10(g) will require new industrial vessels (offshore supply vessels) to have control spaces constructed with non-combustible materials only if they exceed 300 gross tons and carry more than twelve industrial personnel. Most offshore supply vessels in service today are less than 300 gross tons and below the threshold for non-combustible construction as presently detailed.

The Coast Guard believes that the impact on the industry is not significant. The regulatory policy and application is unchanged from the past, but the language now specifically requires certain cargo, industrial and oceanographic vessels for which initial Applications for Inspection are made on or after the effective date of these regulations to apply non-combustible material standards to control spaces.

One comment suggested "deckhouse sides" be further described as pertaining to weather decks at all deck levels in proposed 46 CFR 32.01-10(d) regarding installation of storm rails. We have added the phrase "on weather decks" after "deckhouse sides" to clarify this.

One comment suggested the last sentence of the proposed 46 CFR 32.15-15(d) be revised to read "If the service of the tank vessel is significantly changed, the suitability of the existing equipment will be evaluated by the Officer in Charge, Marine Inspection." The suggested addition of the word "significantly" is misleading. What is of concern is not the extent of the change in service, but whether the vessel's equipment is suitable for the new service. In view of the many possible circumstances that could arise, the only suitable solution is a case-by-case evaluation. Accordingly, we have substituted the word "evaluated" for the word "established" to clarify the intent of the rule.

One comment suggested paragraph (b) and (c) of 46 CFR 32.40-5 could be deleted since paragraph (a) covers the intent of the section. We agree. Paragraph (b) distinguished between officers and unlicensed crew, but in several places, the word "crew" implies that both officer and non-officer accommodations are affected. In § 32.40-15 "crew quarters" applies to

officers as well, and "crew accommodations" in §§ 32.40-70 and 32.40-90 also cover the licensed members. The only specific accommodation standard for officers is § 32.40-25(b), where each licensed officer is to be provided a separate stateroom where practicable. Subparagraph (c) simply enumerated spaces considered under the term "accommodation space." Since these are discussed specifically in the sections that follow, there is no need for such a definition. Therefore, paragraphs (b) and (c) have been omitted and paragraph (a) has been revised to clarify that "crew" includes both officer and unlicensed personnel.

One comment suggested rewriting 46 CFR 32.40-70(a) in a somewhat abbreviated form, but offered no explanation for the suggested change. Since no real substantive change was offered, we have left the wording intact. 46 CFR 32.40-70(b) was suggested for rewording as follows: "Accommodations shall be properly lighted, heated, drained, located, arranged and insulated from undue noise and odors." While we understand the motive was to make the rule a general statement of the construction considerations, we prefer the proposed rule wording which requires the construction to be "consistent with the principles underlying the requirements" for larger tank vessels, thus providing guidance to designers and a discretionary reference to Officers in Charge, Marine Inspection.

One trade operator felt the accommodation regulations for Subchapter D presented a standard below that considered acceptable by the industry, and should be eliminated as unnecessary. Another operator expressed the view that the portions of those regulations dealing with arrangements of sleeping spaces (proposed 46 CFR 32.40-25) and the regulations dealing with requirements for adequate clothes washing facilities and recreation space (proposed 46 CFR 32.40-55) were inappropriate for regulations. The Coast Guard recognizes the standards are lower than what is generally provided today on large oceangoing tankships, as these vessels are able to devote more than ample space to crew accommodations due to their size. We consider it expedient, however, to include in our regulations minimum standards for adequate living conditions for the crew. Proper ventilation, lighting, toilet and washing facilities, and living quarters free of excessive noise, heat, vibration and noxious odors contribute directly to the health and well being of the crew, and thereby the safety of the vessel. The

standards will have a greater bearing on new smaller tank vessels (presently about 25 percent of the fleet of inspected tankships is under 5,000 gross tons and replacements are anticipated). To provide these essential facilities and living conditions, designers may need to pay additional attention to the arrangement of these smaller vessels.

The living conditions of U.S. Merchant seamen were not always what they are today. It was the result of union demands and public awareness that led to the passage of the Seaman's Act of 1915 (The LaFollette Act). This law imposed minimum space allotments and general construction standards for crew spaces. The statutory standards were drafted within the confines of the available knowledge of the times and with regard to the type and limitations of shipbuilding design available to the marine industry seventy years ago. These 1915 standards were the minimums applied to all commercial vessels of 100 gross tons and over until 1952 when the Coast Guard revised the regulations for accommodations for officers and crew of cargo and passenger vessels, specifying somewhat larger spaces than the minimum statutory allotments. The tank vessel regulations (46 CFR Subchapter D) were not similarly amended. This rule now incorporates accommodation requirements for tankships similar to those of cargo and passenger vessels. While there is no indication that these requirements exceed current tank vessel construction and arrangement practices, it makes good sense to incorporate the same modern minimum standard into the tank vessel regulations and provide uniformity with 46 CFR Subchapters H, I and I-A.

One national trade association, representing 24 U.S. flag shipping companies owning or operating ten million deadweight tons of tankers, dry bulk carriers and other ocean going vessels engaged in the domestic and international trades of the United States, expressed unqualified support of the proposed amendments to the regulations for accommodations, rails and guards, and anchors for tank vessels as well as the deletions of requirements for radiotelegraph, radiotelephone and radio direction finders in deference to the similar requirements of the Federal Communications Commission.

E.O. 12291 and DOT Regulatory Policies and Procedures

These regulations are considered to be non-major under Executive Order 12291 and nonsignificant under the Department of Transportation regulatory

policies and procedures (44 FR 11034; February 26, 1979). The regulations contain minor changes that in some cases may appear to be adding requirements for new vessels with a corresponding increase in cost. However, vessels being constructed today meet and often exceed the regulations. There will be no economic impact on existing vessels because the proposal provides for acceptance of current arrangements and equipment on these vessels. Thus, this proposed change to 46 CFR Subchapters D, H, I, and U represents no real cost increase to industry or government. Since the economic impact is expected to be minimal, the Coast Guard has determined that no further evaluation is necessary.

Regulatory Flexibility Act

Since the impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

These regulations contain no information collection or recordkeeping requirements.

Environmental Assessment

The Coast Guard has considered the environmental impact of the regulations and concluded that preparation of an environmental impact statement is not necessary.

List of Subjects

46 CFR Part 32

Barges, Fire protection, Marine safety, Tank vessels.

46 CFR Part 77

Marine safety, Navigation (water), Passenger vessels.

46 CFR Part 92

Cargo vessels, Fire protection, Marine safety.

46 CFR Part 96

Cargo vessels, Marine safety, Navigation (water).

46 CFR Part 190

Fire prevention, Marine safety, Oceanographic vessels.

46 CFR Part 195

Marine safety, Navigation (water), Oceanographic vessels.

For the reasons set out in the preamble, Title 46, Chapter 1 of the Code of Federal Regulations, is amended as follows:

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

1. The authority citation for Part 32 is revised to read as follows and all other authority citations in the part are removed:

Authority: 46 U.S.C. 3306, 3703; 50 U.S.C. 198; 49 CFR 1.46(b) and (n).

2. By adding a new paragraph (d) to § 32.01-10 to read as follows:

§ 32.01-10 Rails—TB/ALL

(d) All tank vessels in ocean and coastwise service, except unmanned tank barges, constructed on or after April 1, 1987, must have suitable storm rails installed in all passageways and at the deckhouse sides on weather decks where persons on board might have normal access. Storm rails must be installed on both sides of passageways which are six feet or more in width. Tank vessels to which this paragraph applies constructed prior to April 1, 1987, may retain previously accepted or approved installations so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection.

3. By revising § 32.15-15 to read as follows:

§ 32.15-15 Anchors, Chains, and Hawsers—TB/ALL

(a) *Application.* The provisions of this section, with the exception of paragraph (d), apply to every tankship and manned seagoing barge constructed on or after April 1, 1987. Tankships and manned seagoing barges constructed prior to April 1, 1987 must meet the requirements of paragraph (d) of this section.

(b) *Ocean, Coastwise, or Great Lakes Service.* Tankships in ocean, coastwise, or Great Lakes service and manned seagoing barges must be fitted with anchors, chains and hawsers in general agreement with the standards established by the American Bureau of Shipping. The current standards of other recognized classification societies may also be accepted upon approval by the Commandant.

(c) *Lakes, Bays, and Sounds, or River Service.* Tankships in lakes, bays, and sounds, or river service must be fitted with such ground tackle and hawsers as deemed necessary by the Officer in Charge, Marine Inspection, depending upon the size of the tankship and the waters on which it operates.

(d) *Tankships and Barges Constructed Prior to April 1, 1987.* For tankships and manned seagoing barges constructed prior to April 1, 1987, the installations previously accepted or approved will be

considered satisfactory for the same service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. If the service of the tank vessel is changed, the suitability of the equipment will be evaluated by the Officer in Charge, Marine Inspection.

§ 32.15-20 [Removed]

4. By removing § 32.15-20.

§ 32.15-25 [Removed]

5. By removing § 32.15-25.

6. By revising Subpart 32.40 to read as follows:

Subpart 32.40—Accommodations for Officers and Crew

Sec.

- 32.40-1 Application—TB/ALL.
- 32.40-5 Purpose and definitions—T/ALL.
- 32.40-10 Restrictions—T/ALL.
- 32.40-15 Location of crew spaces—T/ALL.
- 32.40-20 Construction—T/ALL.
- 32.40-25 Arrangement of sleeping spaces—T/ALL.
- 32.40-30 Size of sleeping spaces—T/ALL.
- 32.40-35 Berths and lockers—T/ALL.
- 32.40-40 Wash spaces; toilet spaces; and shower spaces—T/ALL.
- 32.40-45 Messrooms—T/ALL.
- 32.40-50 Hospital space—T/ALL.
- 32.40-55 Miscellaneous accommodation spaces—T/ALL.
- 32.40-60 Heating requirements—T/ALL.
- 32.40-65 Insect Screens—T/ALL.
- 32.40-70 Crew accommodations on tankships of less than 100 gross tons and manned tank barges—TB/ALL.
- 32.40-90 Crew accommodations on tankships constructed before April 1, 1987—T/ALL.

Subpart 32.40—Accommodations for Officers and Crew

§ 32.40-1 Application—TB/ALL.

(a) The provisions of this subpart, with the exception of § 32.40-70 and § 32.40-90, apply to all tankships of 100 gross tons and over constructed on or after April 1, 1987.

(b) Tankships of less than 100 gross tons and manned tank barges must meet the requirements of § 32.40-70.

(c) Tankships of 100 gross tons and over constructed prior to April 1, 1987, must meet the requirements of § 32.40-90.

§ 32.40-5 Purpose and definitions—T/ALL.

The accommodations provided for the crew, including both officers and unlicensed members, on all tankships must be securely constructed, properly lighted, heated, drained, ventilated, equipped, located, arranged, and insulated from undue noise and odors.

§ 32.40-10 Restrictions—T/ALL

(a) There must be no direct communication between the accommodation spaces and any chainlocker, stowage, or machinery space, except through solid, close-fitted doors or hatches.

(b) No access, vent, or sounding tube from a fuel or oil tank may open into any accommodation space, except that accesses and sounding tubes may open into corridors.

§ 32.40-15 Location of crew spaces—T/ALL

Crew quarters must not be located forward of a vertical plane located at five per cent of the tankship's length aft of the stem at the designed summer load line. However, for tankships in other than ocean or coastwise service, this distance does not need to exceed 28 feet. For the purpose of this paragraph, the length defined in § 42.13-15 of Subchapter E (Load Lines) of this chapter is to be used. No section of the deckhead of the crew spaces may be below the deepest load line.

§ 32.40-20 Construction—T/ALL

(a) Each sleeping, mess, recreational, or hospital space that is adjacent to or immediately above a galley, machinery space, paint locker, drying room, washroom, toilet space, or other odor source must be made odor proof.

(b) Each accommodation space that is adjacent to or immediately above a galley, machinery space, machinery casing, boiler room, or other noise or heat source, must be protected from heat and noise.

(c) Where the shell of an unsheathed weather deck forms a boundary of an accommodation space, the shell of the deck must have a covering that prevents the formation of moisture.

(d) The deckheads of each accommodation space must be light in color.

(e) Each accommodation space in which water may accumulate must have a drain scupper located in the lowest part of the space, considering the average trim of the vessel.

(f) Each public toilet space must be constructed and located so that its odors do not readily enter any sleeping, mess, recreational, or hospital space.

§ 32.40-25 Arrangement of sleeping spaces—T/ALL

(a) To the extent practicable, each crew department must be berthed together in sleeping spaces arranged to minimize disturbance created by personnel leaving for or arriving from a working period.

(b) Each licensed officer is to be provided with a separate stateroom where practicable.

§ 32.40-30 Size of sleeping spaces—T/ALL

(a) No sleeping space may berth more than four persons.

(b) Without deducting any equipment used by the occupants, each sleeping space must have for each occupant—

- (1) 30 square feet of deck area; and
- (2) 210 cubic feet of volume.

(c) Each sleeping space must have at least six feet three inches of headroom over clear deck areas.

§ 32.40-35 Berths and lockers—T/ALL

(a) Each sleeping space must have a separate berth for each occupant.

(b) No more than one berth may be placed over another.

(c) Each berth must have a framework of hard, smooth material that is not likely to corrode or harbor vermin.

(d) Each berth must be arranged to provide ample room for easy occupancy.

(e) Each berth must be at least 30 inches wide by 76 inches long.

(f) Adjacent berths must be separated by a partition that extends at least 18 inches above the sleeping surface.

(g) The bottom of the lower berth must be at least 12 inches above the deck.

(h) The bottom of an upper berth must be at least 30 inches from the bottom of the berth below it and from the deck or any pipe, ventilating duct, or other overhead installation.

(i) Each berth must have a berth light.

(j) Each sleeping space must have a readily accessible locker of hard, smooth material for each occupant.

(k) Each locker must be at least 300 square inches in cross section and 60 inches high.

§ 32.40-40 Wash spaces; toilet spaces; and shower spaces—T/ALL

(a) For the purposes of this section—

(1) "Private facility" means a toilet, washing, or shower space that is accessible only from one single or double occupancy sleeping space;

(2) "Semi-private facility" means a toilet, washing, or shower space that is accessible from one or two one-to-four person occupancy sleeping spaces; and

(3) "Public facility" means a toilet, washing, or shower space that is not private or semi-private.

(b) Each private facility must have one toilet, one shower, and one washbasin, all of which may be in a single space.

(c) Each semi-private facility must have at least one toilet and one shower, which may be in a single space.

(d) Each room adjoining a semi-private facility must have a washbasin if a washbasin is not installed in the semi-private facility.

(e) Each tankship must have enough public facilities to provide at least one toilet, one shower, and one washbasin for each eight persons who occupy sleeping spaces that do not have private or semi-private facilities.

(f) Urinals may be installed in toilet rooms, but no toilet required in this section may be replaced by a urinal.

(g) Each public toilet space and washing space must be convenient to the sleeping space that it serves.

(h) No public facility may open into any sleeping space.

(i) Each washbasin, shower, and bathtub must have hot and cold running water.

(j) Adjacent toilets must be separated by a partition that is open at the top and bottom for ventilation and cleaning.

(k) Public toilet facilities and shower facilities must be separated.

(l) Each public facility that is a toilet space must have at least one washbasin unless the only access to the toilet space is through a washing space.

(m) Each toilet must have an open front seat.

(n) Each washing space and toilet space must be so constructed and arranged that it can be kept in a clean and sanitary condition and the plumbing and mechanical appliances kept in good working order.

(o) Washbasins may be located in sleeping spaces.

§ 32.40-45 Messrooms—T/ALL

(a) Each messroom that is not adjacent to the galley that serves it must be equipped with a steam table.

(b) Each messroom must seat the number of persons expected to eat in the messroom at one time.

§ 32.40-50 Hospital space—T/ALL

(a) Except as specifically modified by paragraph (j) of this section, each tankship, which in the ordinary course of its trade makes voyages of more than three days duration between ports and which carries a crew of twelve or more, must have a hospital space. This space is to be situated with due regard for the comfort of the sick so that they may receive proper attention in all weather.

(b) The hospital must be suitably separated from other spaces and used only for the care of the sick and for no other purpose.

(c) The entrance to each hospital space must be wide enough and arranged to readily admit a person on a stretcher.

(d) Each berth in a hospital space must be made of metal.

(e) Berths may be in double tier, provided the upper berth is hinged and arranged to be secured clear of the lower berth when not in use.

(f) Each hospital space must have at least one berth that is accessible from both sides.

(g) Each hospital space must have one berth for every twelve members of the crew or portion thereof who are not berthed in single occupancy rooms, but the number of berths need not exceed six.

(h) Each hospital space must have a toilet, washbasin, and bathtub or shower accessible from the hospital space.

(i) Each hospital space must have a clothes locker, a table, and seats.

(j) On tankships in which the entire crew is berthed in single occupancy rooms, a hospital space is not required if one room is designated and fitted for use as a treatment and/or isolation room, and meets the following standards:

(1) The room must be available for immediate medical use;

(2) The room must be accessible to stretcher cases;

(3) The room must have a single berth or examination table that is accessible from both sides; and

(4) A washbasin with hot and cold running water must be installed either in or immediately adjacent to the space and other required sanitary facilities must be conveniently located.

§ 32.40-55 Miscellaneous accommodation spaces—T/ALL.

(a) Each tankship must have enough facilities for the crew to wash their own clothes, including at least one tub or sink that has hot and cold running water.

(b) Each tankship must have enough equipment for the crew to dry their own clothes.

(c) Each tankship must have an accommodation space that can be used for recreation.

§ 32.40-60 Heating requirements—T/ALL.

(a) Each accommodation space must be heated by a heating system that can maintain at least 68°F.

(b) Radiators and other heating apparatus must be constructed, located or shielded so as to avoid risk of fire or danger and discomfort to the occupants of each accommodation space.

(c) Each exposed pipe in an accommodation space leading to a radiator or other heating apparatus must be insulated.

§ 32.40-65 Insect screens—T/ALL.

(a) Accommodation spaces must be protected against the admission of insects.

(b) Insect screens must be installed when natural ventilation is provided.

§ 32.40-70 Crew accommodations on tankships of less than 100 gross tons and manned tank barges—TB/ALL.

(a) The crew accommodations on all tankships of less than 100 gross tons and all manned tank barges must have sufficient size and equipment, and be adequately constructed to provide for the protection of the crew in a manner practicable for the size, facilities, and service of the tank vessel.

(b) The crew accommodations must be consistent with the principles underlying the requirements for crew accommodations on tankships of 100 gross tons or more.

§ 32.40-90 Crew accommodations on tankships constructed before April 1, 1987—T/ALL.

All tankships of 100 gross tons and over constructed before April 1, 1987 may retain previously accepted or approved installations and arrangements so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection.

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

7. The authority citation for Part 77 is revised to read as follows and all other authority citations in the part are removed:

Authority: 46 U.S.C. 3306; 50 U.S.C. 198; 46 CFR 1.46 (b) and (n).

§ 77.13 [Removed]

8. By removing § 77.13.

§ 77.15 [Removed]

9. By removing § 77.15.

PART 92—CONSTRUCTION AND ARRANGEMENT

10. The authority citation for Part 92 is revised to read as follows and all other authority citations in the part are removed:

Authority: 46 U.S.C. 3306; 50 U.S.C. 198; 46 CFR 1.46 (b) and (n).

11. By adding a new paragraph (g) to § 92.07-10 to read as follows:

§ 92.07-10 Construction.

(g) The provisions of subparagraphs (1) through (9) of paragraph (d) of this section apply to control spaces on

vessels whose initial Application for Inspection is submitted to an Officer in Charge, Marine Inspection on or after April 1, 1987.

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

12. The authority citation for Part 96 is revised to read as follows and all other authority citations in the part are removed:

Authority: 46 U.S.C. 3306; 50 U.S.C. 198; 46 CFR 1.46 (b) and (n).

§ 96.13 [Removed]

13. By removing § 96.13.

§ 96.15 [Removed]

14. By removing § 96.15.

PART 190—CONSTRUCTION AND ARRANGEMENT

15. The authority citation for Part 190 is revised to read as follows and all other authority citations in the part are removed:

Authority: 46 U.S.C. 3306; 50 U.S.C. 198; 46 CFR 1.46 (b) and (n).

16. By adding a new paragraph (f) to § 190.07-10 to read as follows:

§ 190.07-10 Construction.

(f) The provisions of subparagraphs (1) through (9) of paragraph (d) of this section apply to control spaces on vessels whose initial Application for Inspection is submitted to an Officer in Charge, Marine Inspection on or after April 1, 1987.

PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

17. The authority citation for Part 195 is revised to read as follows and all other authority citations in the part are removed:

Authority: 46 U.S.C. 3306; 50 U.S.C. 198; 46 CFR 1.46 (b) and (n).

§ 195.13 [Removed]

18. By removing § 195.13.

§ 195.15 [Removed]

19. By removing § 195.15.

Dated: March 17, 1987.

W.J. Ecker,

Captain, U.S. Coast Guard, Acting Chief,
Office of Marine Safety, Security and
Environmental Protection.

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