

effect will be to restrict general navigation in the regulated area for the safety of participants in the parade.

**EFFECTIVE DATES:** The regulations in 33 CFR 100.504 are effective from 6:00 p.m. to Midnight, on July 16, 1988.

**FOR FURTHER INFORMATION CONTACT:** Billy J. Stephenson, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, (804) 398-6204.

#### Drafting Information

The drafters of this notice are Billy J. Stephenson, project officer, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and Commander Robert J. Reining, project attorney, Fifth Coast Guard District Legal Staff.

#### Discussion

The City of Ocean City, New Jersey, has submitted an application to hold the Night in Venice Boat Parade on July 16, 1988. The parade will start at Ship Channel Buoy C, cruise down the channel through Great Egg Waterway to Daybeacon 28 and return to Great Egg Waterway Buoy 2. Since this event is the type of event contemplated by these regulations and the safety of the participants would be enhanced by the implementation of the special local regulations for the regulated area.

The event is sponsored by the Ocean City, New Jersey, and will consist of approximately 150 vessels ranging from 70 feet or less. Commercial vessels will be permitted to transit the regulated area as the parade progresses, and thus commercial traffic should not be severely disrupted at any given time.

Dated: May 13, 1988.

A.D. Breed,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 88-11870 Filed 5-25-88; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 100

[CGD08 88-11]

#### Special Local Regulations; Blessing of the Fleet; Pascagoula River—Between Pascagoula River Day Beacon Number 7 and the Seaboard System Railroad (L&N) Bridge

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** Special local regulations are being adopted for a Blessing of the Fleet to be held in the Pascagoula River Between the Pascagoula River Day

Beacon number 7 and the Seaboard System Railroad (L&N) Bridge. This event will be held on 29 May 1988. The regulations are needed to provide for the safety of life on navigable waters during the event.

**EFFECTIVE DATES:** These regulations become effective from 12:00 PM until 5:00 PM, 29 May 1988.

**FOR FURTHER INFORMATION CONTACT:** LTJG Steven D. Poulin; (205) 690-2231.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold the event was not received until 25 April 1988, and there was not sufficient time remaining to publish proposed rules in advance of the event nor to provide for a delayed effective date.

#### Drafting Information

The drafters of these regulations are LTJG Steven D. Poulin, Project Officer, Coast Guard Group Mobile, AL, and LCDR J. J. Vallone, Project Attorney, Eighth Coast Guard District Legal Office.

#### Discussion of Regulations

The event requiring this regulation is a boat parade sponsored by Our Lady of Victories Catholic Church in Pascagoula, MS. A boat parade consisting of approximately 150 boats will be transiting the Pascagoula River between Day Beacon number 7 and the Seaboard System Railroad (L&N) Bridge. Commanding Officer, Coast Guard Group Mobile, AL, is establishing this Marine Event Regulation because of the need to regulate vessel traffic in this area during the event.

#### List of Subjects in 44 CFR Part 100

Marine safety, Navigation (water).

#### Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

#### PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35-8 11 is added to read as follows:

#### § 100.35-8 11 Pascagoula River.

(a) *Regulated Area.* Pascagoula River between Day Beacon number 7 and the Seaboard System Railroad (L&N) Bridge.

(b) *Special Local Regulations.* All persons and/or vessels not registered with the sponsor as participants of official regatta patrol vessels are considered spectators. The "official regatta patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol this event.

(1) No vessel shall enter the regulated area unless cleared for such entry by or through an official regatta patrol vessel.

(2) All northbound traffic shall be restricted to transiting the westside of the centerline of the Pascagoula River and all southbound traffic shall transit along the eastside. The speed of all vessels in the area shall be restricted to a non-wake producing speed or 7 knots, whichever is lower.

(3) No spectators or participants shall block, loiter in, or impede the through transit of participants of official regatta patrol vessels in the regulated area during the effective date.

(4) Between the hours of 1:00 PM and 5:00 PM the following activities are strictly prohibited:

(i) Swimming.

(ii) Anchoring, except those vessels designated and authorized by the Coast Guard Patrol Commander.

(5) During the course of the event, participants and spectators shall not raise sails or otherwise impede the vision of any vessel operator. Any fishing vessels participating in the event shall rig in any gear extending from the sides of the vessel. Any vessel in tow shall be excluded from the regulated area.

(6) When hailed and/or signaled by horn or whistle by an official regatta patrol vessel, a participant or spectator vessel shall come to an immediate stop. Vessels shall comply with all directions of the designated Patrol Commander. Failure to do so may result in a detention, citation, or arrest for failure to comply.

(7) The Patrol Commander is empowered to forbid and control the movement of vessels in the regulated area. He may terminate the marine event at any time if it is deemed necessary for the protection of life and property. The Patrol Commander may be reached on VHF Channel 16 (156.8MHz) when required, by the call sign "PATCOM".

(c) *Effective Dates.* These regulations are effective from 12:00 PM until 5:00 PM, 29 May 1988.



Dated: May 12, 1988.

A.E. Henn,

Captain, U.S. Coast Guard, Acting  
Commander, 8th Coast Guard District.

[FR Doc. 88-11869 Filed 5-25-88; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 100

[CGD 1 88-026]

#### Special Local Regulations; Freeport Grand Prix, Long Beach, NY

AGENCY: Coast Guard; DOT.

ACTION: Final rule.

**SUMMARY:** Special local regulations are being adopted for the Freeport Grand Prix high performance powerboat race being sponsored by South Bay Performance Association. The regulations will be in effect on June 11, 1988 and will place operating restrictions on watercraft operating on the Atlantic coastal waters south of Long Beach, Long Island, New York.

**EFFECTIVE DATE:** These regulations are effective from 11:00 am to 3:00 pm on June 11, 1988.

**FOR FURTHER INFORMATION CONTACT:**  
Lieutenant Luke Brown, (617) 223-8311.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. Negotiations between the Coast Guard and the sponsor created a delay and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date. The regulations will be published in the First Coast Guard District Local Notice to Mariners.

#### Drafting Information

The drafters of these regulations are LT L. Brown, project officer, First Coast Guard District Boating Affairs Branch and CDR M. A. Leone, project attorney, First Coast Guard District Legal Office.

#### Discussion of Regulations

The Freeport Grand Prix is a high performance, Indy 500 type, powerboat race around an eight (8) mile rectangular course situated approximately one and one quarter (1 1/4) miles south of Long Beach, Long Island, New York. There will be up to 50 vessels participating. The sponsoring organization will provide eight to 12 patrol boats along with turning and finishing mark boats. The purpose of this regulation is to close

a portion of the Atlantic coastal waters south of Long Beach, Long Island, New York to all traffic except law enforcement vessels; regatta participants; and official regatta patrol vessels. No vessels other than race participants and patrol craft will be allowed to enter the regulated area which is described below. The regulated area and immediately adjacent waters will be patrolled by several Coast Guard and Coast Guard Auxiliary vessels which will be assisted by local law enforcement authorities and the sponsor provided patrol boats.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water)  
Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

#### PART 100—[AMENDED]

1. The authority citation continues to read as follows:

**Authority:** 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35-01-26 is added to read as follows:

#### § 100.35-01-26 Freeport Grand Prix, Long Beach, New York.

(a) *Regulated Area.* The regulated area is a trapezoidal area on the coastal Atlantic waters of Long Island to the south of Long Beach, New York. The racing area is one and one quarter (1 1/4) miles south of Long Beach and three and one quarter (3 1/4) miles north of the northern boundary of Ambrose Channel. The regulated area will be specifically bounded as follows:

(1) Northeast Corner: approximately one and one quarter (1 1/4) miles southwest of Jones Inlet breakwater at coordinates 40-33-42 North; 073-35-42 West

(2) Southeast Corner: southwest of Jones Inlet Approach Buoy (R "2"; Light List Number 685) at coordinates 40-31-45 North; 073-36-19 West

(3) Southwest Corner: east of East Rockaway Approach Buoy (R "4"; Light List Number 690) at coordinates 40-31-31 North; 073-42-21 West

(4) Northwest Corner: 40-33-30 North; 073-40-57 West

(b) *Special Local Regulations.* Vessels not participating in, or operating as a safety/rescue patrol shall:

(1) Not operate within the regulated area

(2) Immediately follow any specific instructions given by Coast Guard patrol craft.

(3) Exercise extreme caution when operating near the regulated area.

(c) *Effective Dates.* These regulations become effective at 11:00 am on June 11, 1988 and terminate at 3:00 pm on June 11, 1988.

Dated: May 17, 1988.

R.L. Johanson,

Rear Admiral, U.S. Coast Guard, Commander,  
First Coast Guard District.

[FR Doc. 88-11871 Filed 5-25-88; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Parts 140 and 143

[CGD 84-098a]

#### Self-Inspection of Fixed OCS Facilities

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is amending the regulations concerning the inspection of fixed facilities on the Outer Continental Shelf (OCS) to require the owner or operator to conduct the annual scheduled inspection rather than the Coast Guard. The owner or operator is required to report the results of that inspection to the Coast Guard. This amendment is necessary in order to provide for statutorily mandated inspection of all fixed OCS facilities. This program will improve safety by providing at least one inspection annually of all fixed OCS facilities and by allowing the Coast Guard to focus the efforts of its available marine inspectors on inspections of manned fixed facilities, particularly those which have a poor safety record. The Coast Guard will perform additional inspections of other fixed OCS facilities sufficient to provide oversight of the self-inspection program.

**EFFECTIVE DATE:** June 27, 1988.

**FOR FURTHER INFORMATION CONTACT:**  
LCDR Anthony Dupree, Jr., Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection, (202) 267-2307.

**SUPPLEMENTARY INFORMATION:** On March 7, 1985, the Coast Guard published an Advanced Notice of Proposed Rulemaking (ANPRM) (50 FR 9290) entitled "Revision of the Regulations on Outer Continental Shelf Activities". One of several subjects discussed in the ANPRM concerned inspection of fixed OCS facilities. On July 7, 1987, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) (52 FR 25392) entitled "Self-Inspection of Fixed OCS Facilities" (CGD 84-098a). That NPRM proposed regulations that



would require the owner or operator of fixed OCS facilities to conduct annual inspections of their facilities and report the results of those inspections to the Coast Guard. The comment period for the NPRM closed on August 27, 1987. Fifteen comment letters were received. A public hearing was not requested and was not held.

#### Drafting Information

The principal persons involved in drafting this Final Rule were LCDR Anthony Dupree, Jr., Project Manager, and Mr. Stephen H. Barber, Project Counsel, Office of Chief Counsel.

#### Background and Objectives

The principal objective of this Final Rule is to produce an overall improvement in safety. The Coast Guard, by allowing industry to perform the mandated annual inspections, will be able to focus its resources on those fixed OCS facilities that are manned, have a poor safety record, or are the subject of worker complaints. Further, the Coast Guard will be conducting oversight inspections (spot-checks) of randomly selected manned and unmanned facilities. The number of facilities inspected by the Coast Guard and the number of Coast Guard inspections per facility will be adjusted from year to year to assure that safety is not jeopardized and that the effectiveness of the self-inspection program is not compromised.

Additionally, inspection reports and casualty reports will be reviewed for inconsistencies and analyzed by the Coast Guard. This will allow the Coast Guard to better evaluate the safety performance of individual operators and will provide a mechanism whereby industry trends may be identified or predicted.

#### Discussion of Comments and Changes to the Regulations

A total of fifteen letters were received on the NPRM. Fourteen letters generally supported the proposed regulations and one opposed them. The comments and the resulting changes are discussed below.

1. One comment letter stated that self-inspections tend to be self serving and lack objectivity and that only fully qualified Coast Guard approved inspectors who are independent of the facility's owners and operators should be allowed to conduct the inspections. Such a program was considered by the Coast Guard but was rejected because the resources required to develop and administer an approval program would reduce the Coast Guard's ability to focus its attention on specific problem

areas. The use of Coast Guard approved inspectors would not reduce the need for Coast Guard oversight inspections. Furthermore, limiting inspectors to those who are independent of the owner/operator would unnecessarily increase costs to owners/operators who prefer to use their own qualified employees.

2. One comment suggested that the self-inspection concept be extended to offshore supply vessels (OSVs) and another suggested that it be extended to mobile offshore drilling units (MODUs). The MODU inspection requirements (Subchapter I-A of 46 CFR Chapter I) and the OSV inspection requirements (Subchapter I of 46 CFR Chapter I) are based on statutes which generally would not permit the regulatory extension of self-inspection to these vessels.

3. One comment stated that "new facility" as used in §§ 140.101 and 140.103 should be defined. The Coast Guard agrees with this suggestion and has modified §§ 140.101 and 140.103 accordingly.

4. One comment questioned whether an unannounced inspection by the Coast Guard would restart the 12 month cycle prescribed in § 140.103(a). Under § 140.103(b), only the initial Coast Guard inspection of a new facility can be counted as a required annual inspection.

5. One comment suggested that § 140.103(a) be changed to permit one inspection per calendar year with the time between inspections not to exceed 18 months. The Coast Guard interprets 43 U.S.C. 1348 as requiring one scheduled on site inspection every 12 months. Therefore, this section remains unchanged in the Final Rule.

6. One comment stated that § 140.103(c) is not clear as to whether inspections by a third party contractor employed by the owner or operator are permitted. Section 140.103(c) has been reworded to avoid implications that the inspection must be performed only by employees of the owner or operator.

7. Four comments stated that the 10 day requirement in the proposed § 140.103(c) for submitting the Form CG-5432 would not allow sufficient time for the form to clear company channels. Therefore, "10 days" has been changed to "30 days."

8. Two comments suggested that Form CG-5432 be retained by the company rather than forwarded to the Coast Guard, as required in § 140.103(c). The Coast Guard needs the information contained on the forms in order to evaluate the effectiveness of the program and to verify compliance with 33 CFR Part 140. The inspection forms along with casualty reports, will be used to better evaluate the safety

performance of individual operators. Therefore, this suggestion was not adopted.

9. Five comments suggested that § 140.103(d) be revised to allow facility owners/operators, rather than the Officer in Charge, Marine Inspection, (OCMI), to develop the annual inspection schedule for their existing facilities. The comments stated that this will allow the owner to carry out the inspections in a more effective and cost efficient manner. The Coast Guard agrees and has revised the paragraph to allow owners/operators to develop their own inspection schedules. However, because the OCMI is now excluded from the process, a provision has been added to require owners/operators to submit a list of the proposed inspection dates for each of their facilities to the OCMI. This information is needed to assist the Coast Guard in timing unannounced inspections and in allocating resources to process inspection forms.

10. Two comments objected to § 140.105(a) which requires the mutilation of defective or unrepairable lifesaving or firefighting equipment. The comments stated that company or third party inspectors may not have the expertise to determine if the equipment is repairable and that, in some cases, mutilation may be difficult and hazardous. The old regulations required that defective or unrepairable lifesaving and firefighting equipment be destroyed or rendered unusable in the presence of the inspector making the determination. The Coast Guard continues to believe that this is necessary in order to prevent the inadvertent or intentional use of defective lifesaving or firefighting equipment by subsequent users, whether on or off the facility. Therefore, the requirement remains unchanged in the final rule. To assist inspectors in determining the acceptability of firefighting and lifesaving equipment, the Coast Guard publishes a series of circulars which are identified in paragraph five of "Discussion of Comments and Changes to Form CG-5432" in this preamble.

11. Five comments suggested that the regulations provide definite timeframes for correction of the deficiencies under § 140.105. One of the comments also suggested that, in order to reduce the flow of paperwork and to provide a more efficient method of establishing timeframes for correction of deficiencies, § 140.105(c) be revised to permit the owner or operator to specify on Form CG-5432 when the outstanding deficiencies are to be corrected, subject to approval by the Coast Guard. The Coast Guard believes that it is not



necessary to provide a timeframe for the correction of deficiencies in the regulations. With the expansion of the reporting period to 30 days, the vast majority of Forms CG-5432 will be submitted with no outstanding deficiencies. The owners/operators should be able to correct most deficiencies found during the inspections within the 30 day period allowed for submission of the report to the OCM. In some instances, an acceptable time for correction of the deficiency may be less than the time it takes for the Coast Guard to process the proposed deficiency correction letter to the owner or operator. Therefore, the Final Rule now requires the owners or operators, in instances where lifesaving or firefighting equipment deficiencies cannot be corrected within the 30 day reporting period, to contact the OCM for a determination of an appropriate timeframe for repair and to indicate the same on Form CG-5432. This contact must be made prior to submitting Form CG-5432 and in time to comply with the 30 day inspection reporting requirement contained in § 140.103(c).

#### Discussion of Comments and Changes to Form CG-5432

The Fixed OCS Facility Inspection Report, Form CG-5432, as published in the NPRM, has not been changed. Certain minor changes to the instructions printed with the form were made in response to comments requesting further clarification. A copy of the form with instructions will be available from OCMs. Comments and changes are discussed below.

1. One comment stated that it could be cumbersome to identify all partners who are owners of a lease on Form CG-5432. The comment suggested that only the operating partner be required to be identified on the form. The Coast Guard agrees that in some instances the list of owners could be quite lengthy. Therefore, the instructions for the form have been changed to permit the listing of either the owners or the operating partner.

2. Two comments questioned the need to include the number of fire extinguishers in item seven of Form CG-5432 and suggested that the instructions for item seven be clarified with respect to the type of information necessary. In order to ascertain whether the amount of equipment is in compliance with the regulations, the Coast Guard needs to know the number of extinguishers on board the facility. The instructions for item seven have been revised to clarify what information is needed about the facility's portable, semi-portable, and fixed firefighting equipment.

3. One comment stated that the total number of life preservers, workvests, and ringbuoys called for on Form CG-5432 is immaterial and suggested that only the minimum number required should be reported. Under 33 CFR 146.15, all emergency equipment on a facility is required to be maintained in good condition at all times. The Coast Guard believes that an inspection of all the lifesaving equipment on board the facility is an important part of ensuring compliance with this requirement. The total number of life preservers, workvests, and ring buoys on board the facility must be included on the form in order for the Coast Guard to determine what equipment is on the facility and whether the emergency equipment complies with 33 CFR 146.15. Therefore, this suggestion was not adopted.

4. Two comments suggested that Form CG-5432 be altered to provide for the name, title, and phone number of the individual performing the inspection. For the purposes of Coast Guard recordkeeping, the identity of the individual making the inspection is not necessary and will not be required to be included on the form. However, owners or operators may enter the identity of the inspector under the comment section of the form if they so desire.

5. Two comments suggested that the Coast Guard should develop a short inspection guideline booklet to include the pertinent provisions of Parts 141, 142, 143, 144, and 146. One of the comments stated that it is not reasonable to expect the inspector to have these references available. One comment stated that Form CG-5432 is not sufficiently detailed to serve as either a guide or a checklist for the actual inspection. The Coast Guard does not believe it is necessary to provide a separate guideline booklet for the inspection of fixed OCS facilities. Parts 141 through 146 are all contained in the same volume of the Code of Federal Regulations which is readily available from the Government Printing Office (GPO) for a small cost. All the items required to be checked for a Coast Guard inspection are referenced on Form CG-5432. Inspection guidance in the form of Navigation and Vessel Inspection Circulars (NVCs) on the inspection of lifesaving equipment (NVC 2-63, 5-77, 1-80, 4-80, 9-80, 4-85, 3-86) and firefighting equipment (NCV 6-70, 7-70, 8-73, 13-86) are readily available from the Coast Guard's Marine Safety Center, 2100 Second Street SW., Washington, DC 20593-0001 for a small cost. For the other items referenced on Form CG-5432, the cited regulations contain sufficient information for

carrying out the inspection. Therefore, this suggestion was not adopted.

#### Regulatory Evaluation

This final rule is considered to be non-major under Executive Order 12291 and significant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). A final regulatory evaluation has been prepared and placed in the rulemaking docket. It may be inspected or copied at the Office of the Marine Safety Council, Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC, (202) 267-2307, from 8 a.m. to 3 p.m. Copies may also be obtained by contacting that office. The economic impact of the final rule will be minimal for many fixed OCS facilities because virtually all owners and operators already conduct some degree of self-inspection on their facilities. However, some owners and operators lack in-house expertise to properly conduct a self-inspection and will have to contract with a third party to conduct all or part of the self-inspection program. We estimate that the self-inspection program will cost the industry an additional \$196,000 annually for personnel.

The primary means of transportation is expected to be by helicopter, although available vessels may be used for transportation to unmanned facilities in close proximity to other facilities equipped with helicopter decks. Transportation to and from facilities for inspections is expected to be provided by existing transportation 70% of the time. Transportation for the remaining 30% of the inspections is expected to be provided by dedicated helicopters resulting in an additional annual transportation cost of approximately \$295,000.

It will take an annual expenditure of approximately 980 man-days to conduct the inspections of 3,074 facilities and thereby collect the information necessary to complete Form CG-5432. Additionally, we estimate that it would take between 15 and 30 minutes to complete Form CG-5432. The total information collection burden is estimated to be 9,400 man-hours. The dollar cost to collect the information is included in the estimated inspection costs. The maximum additional cost to complete the form is estimated to be \$39,000 annually.

The total annual economic burden of the self-inspection program is estimated to be the total of additional transportation costs, additional personnel costs, and costs to complete the Form CG-5432. This total is \$530,000.



For the Coast Guard to conduct scheduled inspections of all OCS facilities, the annual cost would be approximately \$760,000. This is in addition to inspections of MODU's, inspections in response to worker complaints, and unannounced inspections conducted as oversight of the OCS safety program, and reflects the operational economies achieved by scheduling multiple inspections wherever practicable. Under the Final Rule, the Coast Guard will not require the \$760,000 to conduct scheduled inspections but will need to increase unannounced inspections to ensure that the self-inspection program is being carried out properly. It is estimated that \$190,000 would be required annually to achieve approximately 25% inspections. The degree of oversight may be reduced after experience is gained with the self-inspection program.

The net result of the final rule will be to shift a function that would require the expenditure by the government of approximately \$760,000 to the industry, at an estimated cost to industry of \$530,000. Increased oversight inspections to ensure program reliability will require estimated annual government expenditures of \$190,000 initially, but may be reduced in the future.

Specific comments on Coast Guard cost estimates were solicited in the NPRM from all interested and knowledgeable parties. One comment letter on the cost of the program was received. The comment stated that the Coast Guard cost figures had underestimated the average inspection time per facility. The comment also stated that the Coast Guard estimated average cost may be too low. The comment estimated the total cost to the industry to be in excess of \$4.5 million, rather than the \$530,000 estimated by the Coast Guard. The \$4.5 million estimate was based on the incorrect assumption that the Coast Guard is responsible for inspecting the entire structure. Under the 1980 Memorandum of Understanding between the Minerals Management Service (MMS) and the Coast Guard, the Coast Guard is responsible for lifesaving, firefighting, and occupational safety and health items; MMS is responsible for all items relating to drilling, production, workover, and well control including the inspection of the structure itself. The failure to take into account this division of responsibility is the principal reason for the discrepancy between the cost estimates. However, the Coast Guard also reexamined its cost estimates for inspections required by this rulemaking

and concluded that the Coast Guard estimates are reasonable.

The majority of the owners or operators are expected to combine the required annual inspection with other inspections, maintenance visits, or operational tests already being performed by the owner/operator. Further, although some platforms may require several hours to inspect, the majority of the platforms located on the U.S. OCS are unmanned and have minimal equipment that would require inspection under this rule. These rules would not affect State and local governments and would have a negligible effect on costs to consumers.

#### Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 through 612), the Coast Guard considered whether the Final Rule is likely to have significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses which are not dominant in their field and which would otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). These regulations will affect owners and operators of fixed OCS facilities. Because of the extremely high costs of these facilities, their owners and operators tend to be major corporations or subsidiaries of major corporations.

For the above reasons, the Coast Guard certifies that this Final Rule will not have a significant economic impact on a substantial number of small entities. Comments were solicited in the NPRM from those who felt that this rule would have a significant impact on their small business. No comments on this issue were received.

#### Paperwork Reduction Act

This rulemaking contains information collection requirements in §§ 140.103 and 140.105. These items have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These requirements have been approved and have been assigned OMB No. 2115-0569.

Categorical Exclusion Statement has been prepared and is on file in the rulemaking docket.

#### List of Subjects

##### 33 CFR Part 140

Administrative practice and procedure, Authority delegation, Continental shelf, Incorporation by

reference, Law enforcement, Marine safety, Reporting and recordkeeping.

##### 33 CFR Part 143

Continental shelf, Incorporation by reference, Marine safety.

In consideration of the foregoing, Parts 140 and 143 of Title 33 of the Code of Federal Regulations are amended as follows:

#### PART 140—GENERAL

1. The authority citation for Part 140 is revised to read as follows:

Authority: 43 U.S.C. 1333(d)(1), 1348(c), 1356; 49 CFR 1.46.

2. In § 140.101, the section heading and paragraph (b) are revised and new paragraphs (d) and (e) are added to read as follows:

##### § 140.101 Inspection by Coast Guard marine inspectors.

(b) Under the direction of the Officer in Charge, Marine Inspection, marine inspectors may inspect units engaged in OCS activities to determine whether the requirements of this subchapter are met. These inspections may be conducted with or without advance notice at any time deemed necessary by the Officer in Charge, Marine Inspection.

(d) Coast Guard inspections of foreign units recognize valid international certificates accepted by the United States, including Safety of Life at Sea (SOLAS), Loadline, and Mobile Offshore Drilling Unit (MODU) Code certificates for matters covered by the certificates, unless there are clear grounds for believing that the condition of the unit or its equipment does not correspond substantially with the particulars of the certificate.

(e) Coast Guard marine inspectors conduct an initial inspection of each fixed OCS facility installed after June 27, 1988, to determine whether the facility is in compliance with the requirements of this subchapter.

##### § 140.102 [Removed]

3. By removing § 140.102, Foreign units.

4. By revising § 140.103 to read as follows:

##### § 140.103 Annual inspection of fixed OCS facilities.

(a) The owner or operator of each fixed OCS facility shall ensure that the facility is inspected, at intervals not to exceed 12 months, to determine whether the facility is in compliance with the requirements of this subchapter.



(b) Except for initial inspections under § 140.101(e), inspections by Coast Guard Marine inspectors do not meet the requirements for an inspection under paragraph (a) of this section.

(c) Except for initial inspections under § 140.101(e), the results of the inspection must be recorded on Form CG-5432. Forms CG-5432 may be obtained from the Officer in Charge, Marine Inspection. The owner or operator shall submit the completed Form CG-5432 to the Officer in Charge, Marine Inspection, within 30 days after completion of the inspection.

(d) For facilities installed on the OCS after June 27, 1988, the 12 month period under paragraph (a) of this section begins with the initial inspection under § 140.101(e). For facilities on the OCS on June 27, 1988, the 12 month period begins upon completion of the first inspection under paragraph (a) of this section, which inspection must be completed within 12 months after June 27, 1988. Before September 26, 1988, the owner or operator shall notify the Officer in Charge, Marine Inspection, of the proposed inspection date for each facility.

5. By revising § 140.105 to read as follows:

**§ 140.105 Correction of deficiencies and hazards.**

(a) Lifesaving and fire fighting equipment which is found defective during an inspection and which, in the opinion of the inspector, cannot be satisfactorily repaired must be so mutilated in the presence of the inspector that it cannot be used for the purpose for which it was originally intended. Lifesaving and fire fighting equipment subsequently determined to be unrepairable must be similarly mutilated in the presence of the person making that determination.

(b) Any deficiency or hazard discovered during an inspection by a Coast Guard marine inspector is reported to the unit's owner or operator, who shall have the deficiency or hazard corrected or eliminated as soon as practicable and within the period of time specified by the Coast Guard marine inspector.

(c) Deficiencies and hazards discovered during an inspection of a fixed OCS facility under § 140.103(a) must be corrected or eliminated, if practicable, before the Form CG-5432 is submitted to the Officer in Charge, Marine Inspection (OCMI). Deficiencies and hazards that are not corrected or eliminated by the time the Form is submitted must be indicated on the Form as "outstanding." For lifesaving and firefighting equipment deficiencies

that cannot be corrected before the submission of Form CG-5432, the owner or operator shall contact the OCMI to request a time period for repair of the item. The owner or operator shall include a description of the deficiency and the time period specified by the OCMI for correction of the deficiency in the comment section of Form CG-5432. Upon receipt of a Form CG-5432 indicating outstanding deficiencies or hazards, the OCMI informs, by letter, the owner or operator of the fixed OCS facility of the deficiencies or hazards and the time period specified to correct or eliminate the deficiencies or hazards.

(d) Where a deficiency or hazard remains uncorrected or uneliminated after the expiration of the time specified for correction or elimination, the Officer in Charge, Marine Inspection, initiates appropriate enforcement measures.

**PART 143—DESIGN AND EQUIPMENT**

6. The authority citation for Part 143 is revised to read as follows:

Authority: 43 U.S.C. 1333(d)(1), 1347(c), 1348(c); 1356(a)(2); 49 CFR 1.46.

7. By revising § 143.210 to read as follows:

**§ 143.210 Letter of compliance.**

(a) The Officer in Charge, Marine Inspection, determines whether a mobile offshore drilling unit which does not hold a valid Coast Guard Certificate of Inspection meets the requirements of §§ 143.205 or 143.207 relating to design and equipment standards and issues a letter of compliance for each unit which meets the requirements. Inspection of the unit may be required as part of this determination.

(b) A letter of compliance issued under paragraph (a) of this section is valid for one year or until the MODU departs the OCS for foreign operations, whichever comes first.

Dated: March 2, 1988.

J.C. Irwin,  
Vice Admiral, U.S. Coast Guard, Acting  
Commandant.

[FR Doc. 88-11868 Filed 5-25-88; 8:45 am]  
BILLING CODE 4910-14-M

**33 CFR Part 165**

[COTP Los Angeles/Long Beach  
Regulation 88-11-12]

**Security Zone Regulations; Ports of  
Los Angeles/Long Beach, CA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Emergency rule.

**SUMMARY:** The Coast Guard is establishing a security zone within 100

yards of the USS FLORIDA while underway or moored within the ports of Los Angeles and Long Beach. This security zone is required to safeguard the vessel from sabotage or other subversive acts, accidents, or other causes of a similar nature. Entry into this zone is prohibited unless authorized by the Captain of the Port.

**EFFECTIVE DATES:** This regulation becomes effective on 19 May 1988. It terminates on 23 May 1988.

**FOR FURTHER INFORMATION CONTACT:** LT R. M. Miles at (213) 499-5580.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Regulation publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent potential damage to the vessel.

**Drafting Information**

The drafters of this regulation are LT R. M. Miles, project officer for the Captain of the Port, and LT G. R. Wheatly, project attorney, Eleventh Coast Guard District Legal Office.

**Discussion of Regulation**

The incident requiring this regulation will begin on 19 May 1988. This security zone is necessary to ensure the security of the U.S.S. FLORIDA while underway or moored within the ports of Los Angeles and Long Beach. This regulation is issued pursuant to 50 U.S.C. 191 as set out in the authority citation for all of Part 165.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

**Regulation**

In consideration of the foregoing, Subpart C of Part 165 of title 33, Code of Federal Regulations, is amended as follows:

**PART 165—[AMENDED]**

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. A new § 165.T1177 is added to read as follows: