EFFECTIVE DATE: August 24, 1988.

FOR FURTHER INFORMATION:
Contact Marilyn L. Muench, Chief Counsel, Tel.: 202/376–0408, or Steven I. Pinter, Chief of Licensing, Tel.: 202/376–0236, Office of Foreign Assets Control, Treasury Department, Washinton, DC 20220.

SUPPLEMENTARY INFORMATION: Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5, U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply. Because the Regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order No. 12291 of February 17, 1961, dealing with Federal regulations.

List of Subjects in 31 CFR Part 565

Panama, Customs duties and inspections, Exports, Foreign trade, Imports, Transfers of assets.

For the reasons set forth in the preamble, 31 CFR Part 565 is amended as follows:

PART 565—PANAMANIAN TRANSACTIONS REGULATIONS

1. The authority citation for Part 565 continues to read as follows:

Authority: 50 U.S.C. 1701 *et seq.*; E.O. 12635, 53 FR 12134 (April 12, 1988).

§ 565.503 [Amended]

2. Paragraph (d) of § 565.503, as redesignated in 53 FR 23620 (June 23, 1988), is revised to read as follows:

* * * * *

(d) All payments of administrative fees and taxes paid in connection with basic business activity are authorized, including but not limited to: Commercial license fees, corporate registration fees and taxes, court pleading fees, creation of rights fees, copyright fees and taxes, custodial fees and services, document processing fees, fiscal stamps, health certificates, immigration fees, import duties and other import-related expenses, inspection services, international banking licenses, landing fees, legal fees, licensing fees, litigation costs, mineral extraction fees, municipal taxes, new product fees, notaries' fees, occupational risk insurance fees, parking meters, passport fees, patent fees and taxes, plant inspection fees, port fees, quarantine fees, radio and television registration fees, recordation fees, stamp taxes, towage fees, transportation tolls, trademark fees and taxes, vehicle registration fees, visa fees, warehouse storage fees, and work permits.

* * * * *

3. Paragraph (e) of § 565.503, as redesignated in 53 FR 23620 (June 23, 1988), is revised to read as follows:

* * * * *

(e) This section does not authorize payment of income taxes, rental fees, or direct taxes and fees (*e.g.*, export taxes and fees), not otherwise authorized.

Date: August 17, 1988.

R. Richard Newcomb,
Director, Office of Foreign Assets Control.

Approved: August 17, 1988.

Salvatore R. Martoche,
Assistant Secretary (Enforcement).

[FR Doc. 88–19173 Filed 8–19–88; 4:45 pm]

BILLING CODE 4840-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Family Support Administration

45 CFR Part 400

Refugee Cash and Medical Assistance

AGENCY: Family Support Administration (FSA), HHS.

ACTION: Final rule.

SUMMARY: This regulation amends current rules to change the period of eligibility for the special programs of refugee cash assistance (RCA) and refugee medical assistance (RMA) from the 18-month period beginning with the first month a refugee entered the United States to the 12-month period beginning with such first month. This regulation limits the availability of special refugee assistance in order to reduce Federal costs and encourage refugees to seek early employment.

A proposed rule was published in the Federal Register of October 19, 1987 (52 FR 38795). Public comments were received through December 3, 1987, and have been carefully considered. No changes have been made in the content of this final rule as a result of the comments received.

EFFECTIVE DATE: October 1, 1988.

ADDRESS: Office of Refugee Resettlement, Family Support Administration, Department of Health and Human Services, 370 L'Enfant Promenade, 6th Floor, SW., Washington, DC 20447.

FOR FURTHER INFORMATION CONTACT: Philip A. Holman, (202) 252–4563.

SUPPLEMENTARY INFORMATION:

Background

Current regulations at 45 CFR 400.202 through 400.204 provide for Federal refugee funding, subject to the availability of funds, to be provided to States for cash and medical assistance for eligible refugees during their first 36 months in the United States. Such funding is provided to States for the non-Federal share of assistance if the refugee is eligible for the programs of aid to families with dependent children (AFDC), foster care maintenance payments under title IV–E of the Social Security Act, supplemental security income (SSI), adult assistance in the territories, and medical assistance (Medicaid) under title XIX of the Social Security Act.

Current regulations also provide for Federal refugee funding, subject to the availability of funds, for a special program of refugee cash assistance (RCA) and refugee medical assistance (RMA) during a refugee's first 18 months in the U.S. and for the cost of general assistance (GA), including GA medical assistance (GMA), provided to eligible refugees under a State or local GA/GMA program during a refugee's second 18 months.

The RCA and RMA programs assist those refugees whose economic needs are equivalent to the economic needs required in a State's AFDC program but who do not meet the AFDC family-composition requirements or the SSI age or disability requirements.

Prior to 1982, RCA and RMA were available during an eligible refugee's first 36 months in the U.S. An interim final regulation published March 12, 1982 (at 47 FR 10841) reduced the period to the current 18 months. After the first 18 months, such refugees may seek assistance under a regular, ongoing State or local GA or GMA program. The 1982 regulation provided for Federal refugee funds to cover the cost of GA and GMA during a refugee's months 19–36 so that overall State costs of providing cash and medical assistance to refugees during their first 36 months in the U.S. would continue to be fully federally funded.

Effective March 1, 1986, this 36-month period was reduced to 31 months in order to implement the fiscal reductions imposed under Pub. L. 99–177, the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings). Effective February 1, 1988, the 31-month period was further reduced to 24 months based on the funds available for cash and medical assistance under Pub. L. 100–202, the FY 1988 Continuing

Resolution, which was enacted December 22, 1987.

Thus, under current law and available appropriations, the entire cost of refugee cash and medical assistance is borne by the Federal Government during a refugee's first 24 months in the United States.

(None of the time-limits cited above apply to funding for assistance and services for unaccompanied minors under 45 CFR 400.205, nor is such funding affected by this rule.)

Statutory Authority

Section 412(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1522(a)(9)) authorizes the Secretary of HHS to issue regulations needed to carry out the refugee resettlement program.

Description of the Regulation

Through this regulation, the Department is reducing the duration of the special programs of refugee cash assistance (RCA) and refugee medical assistance (RMA) from 18 months to 12 months—a 6-month decrease. This change is expected to result in net savings of approximately $14 million in FY 1989.

This reduction in the duration of RCA and RMA has the following purposes:

a. To provide refugees with stronger incentives to gain employment and become self-sufficient as rapidly as possible after their arrival in the United States.

b. To reduce the likelihood of unnecessary welfare dependency resulting from extended periods of special support.

c. To reduce Federal expenditures to help meet the objectives of the Balanced Budget and Emergency Deficit Control Act of 1985.

d. To reduce the degree of special treatment afforded to refugees, which results in unequal treatment among low-income populations.

e. To reduce total refugee welfare costs while continuing to relieve States of the cost of cash and medical assistance provided to refugees during their initial period in the U.S.

Under this rule, RCA and RMA are available only during an eligible refugee's first 12 months in the U.S. Such refugees who continue to be needy after the first 12 months can seek assistance under a GA or GMA program beginning in their 13th month rather than in their 19th month as at present. Since, under this rule, Federal refugee funding for GA/GMA begins with a refugee's 13th month, no added financial burden occurs to States or localities as compared to the present policy of funding RCA/RMA during a refugee's first 18 months and GA/GMA beginning with a refugee's 19th month.

The extent of refugee eligibility for assistance, however, is affected by this reduction in RCA/RMA from 18 to 12 months. Since the RCA/RMA programs are generally more comprehensive than existing State or local GA/GMA programs, the assistance available to refugees who do not qualify for AFDC, SSI, or Medicaid is reduced beginning with the 13th month rather than the 19th month. It is, in part, this difference in coverage between RCA/RMA and GA/GMA which is expected to result in reduced Federal costs without increasing State or local costs.

The majority of refugees now arriving in the United States receive extended periods of U.S. cultural orientation and English language instruction overseas before reaching this country—training which was not available when the 18-month limitation went into effect in 1982. We believe that the utility of this training can now be reflected in a shorter period of eligibility for special assistance that is not available to U.S. citizens or immigrants to the U.S.

Discussion of Comments Received

We received 79 comments on the proposed regulation, from State and local government agencies, national and local voluntary refugee resettlement agencies, service providers, refugee advisory boards, consortiums and forums concerned with refugee resettlement, refugee mutual assistance associations, refugees, and other individuals. Seventy-six comments opposed the proposal; two supported it; and one supported the reduction in RCA while recommending that the eligibility period for RMA be increased to 24 months.

The following paragraphs address specific points the commenters raised.

Comment: The majority of comments opposing the proposal stated that a 12-month period for RCA and RMA is too short to allow sufficient English language and skill training and adjustment to U.S. society for refugees to become employed. A few commenters specifically mentioned the needs of Hmong refugees in this connection. A few other commenters said that the change would result in family breakups, mental health problems, and refugees' being stuck in dead-end jobs as a result of having to go to work before they had sufficient training.

Response: We agree that no given period, whether it is 18 months or 12 months, can be optimum for all refugees. We also recognize that, in areas where GA programs are not available or where such programs are very restrictive, an end-date for RCA/RMA eligibility can have a negative effect on some refugees and refugee families.

On the other hand, overall experience with the refugee program does not support a contention that more than 12 months are required before many refugees can be expected to become employed. In fact, some of the commenters noted that refugees do become employed soon after arrival in the U.S. and urged that the 18-month period be retained to assist these refugees if they should be laid off during the initial 18-month period.

We would also note that employment does not preclude continuing English language or other training during non-work hours. Many refugees whose initial employment was an entry-level job that could have been considered "dead-end" have subsequently advanced through additional training and experience.

Despite the generally greater needs of many Hmong refugees in making a transition from their own culture to that of the United States, experience has shown that when resettlements are carefully planned in communities with favorable opportunities for entering employment, Hmong refugees have been successful in obtaining and retaining jobs. Accordingly, we continue to believe that a 12-month period for RCA and RMA is reasonable and that no change is warranted from the proposed regulation.

Comment: A few commenters indicated that they believe GA rules might foster long-term dependency. Therefore they feel it would be undesirable for some refugees to have to rely on existing State or local general assistance (GA) programs beginning with the 13th month after their arrival rather than the 19th.

Response: Relatively few refugees rely on GA programs after the expiration of their 18-month eligibility period for RCA. As of September 30, 1987, fewer than 8,500 refugees nationally were receiving GA during their months 19–31 in the U.S. Based on the experience to date, we do not believe that making GA available in a refugee's 13th month, rather than 19th month, will have any appreciable effect on longer term GA dependency.

Comment: Some commenters considered the proposal a means of shifting costs from the Federal Government to State and local governments. Three commenters saw it as impacting county medical costs. One commenter understood the proposal as shortening the overall period of funding for GA.

Response: This regulation reduces the RCA/RMA eligiblity period from 18 months to 12 months, but it does not shift costs since Federal refugee funds now begin to cover the cost of GA/GMA with the 13th month rather than the 19th.

The regulation does not shorten the overall period of funding for cash and medical assistance which was 31 months at the time that the proposal was published and is now 24 months. This overall period depends on the amount of funds appropriated rather than on regulation.

Comment: One commenter concurred with the proposal to reduce RCA to 12 months but recommended that RMA be lengthened to 24 months and be available to any refugee not covered by employer-financed private insurance.

Response: Since this recommendation would widen the existing gap between the assistance available to refugees and that available to U.S. citizens, it would run counter to our intention of reducing the differences.

Comment: Several commenters disagreed with our view, as stated in the notice of proposed rulemaking, that this proposal would "reduce the degree of special treatment afforded to refugees, which results in unequal treatment among low-income populations." These commenters believe that, because of the special problems of refugees, the availability of RCA/RMA during the first 18 months does not constitute an inequity.

Response: In localities where the RCA/RMA program provides a broader eligibility than GA/GMA, there is unequal, and more favorable, treatment of refugees as compared with non-refugees. Shortening the period during which RCA and RMA are available lessens this unequal treatment.

Comment: A few commenters suggested that the proposed change was contrary to the purpose and intent of the Refugee Act. One commenter stated that the change should be sought through legislation. Another commenter said that the proposal was contrary to Executive Order 12291, contending that it was not based on adequate information, had a higher potential cost than benefit, would not maximize the net benefits to society, and did not represent the alternative having the least net cost to society.

Response: We do not agree that this change in the duration of RCA/RMA either is contrary to the Refugee Act or requires legislation. The Act authorizes the Director of the Office of Refugee Resettlement to provide cash and medical assistance during a refugee's first 36 months in the United States but does not prescribe the duration of assistance, scope of coverage, benefit payment levels, or other details of a program of special assistance except for the requirement that employable recipients must accept employment services and employment. The Act authorizes the Secretary to issue such regulations as he deems appropriate to carry out the statute. We consider our ability to regulate the duration of the special programs of RCA and RMA to have already been established by the 1982 regulation which established the 18-month limitation.

As noted below in the section on "Regulatory Procedures," this regulation does not meet the definition of a "major rule" under Executive Order 12291, since the regulation decreases costs. In addition, the regulation does not result in increased costs for States or localities. We also disagree with the substance of the comments related to the Executive Order: We consider adequate information to exist on which to base the changes made in this regulation, including State-by-State data on the utilization of RCA and RMA. We also believe that the beneficial effects of more rapid refugee self-sufficiency, reduced welfare dependency, more equal treatment among low-income populations, and reduced Federal expenditures will outweigh the costs of the refugee population as has been the case with the previous reduction in RCA and RMA from 36 months to 18 months.

Comment: Several commenters stated that refugees affected by the proposal would move to areas with greater welfare benefits. Therefore the commenters expressed doubt that the regulation would achieve the projected $14 million in Federal savings.

Response: Currently, the availability of RCA and RMA ends after a refugee's 18th month in the United States. This regulation simply moves that point to the 12th month. Therefore, to the extent that secondary migration results from the termination of RCA/RMA, it will be likely to occur 6 months sooner than in the past. We do not believe, however, that secondary migration will be substantially greater than before because the latest available survey data (Fall 1985) that bear on this question do not show the utilization of cash assistance to be higher at 12 months than at 18 months.

With reference to potential savings, since RCA/RMA costs in FY 1987 totaled $83.2 million, we believe that the $14 million in projected net savings represents a conservative estimate which can be achieved.

Regulatory Procedures

Executive Order 12291

Under Executive Order 12291, we must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation does not meet the definition of a "major" regulation contained in the Executive Order. This regulation does not increase costs; rather, it decreases costs by decreasing Federal funding.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 604(b)), the Secretary certifies that this rule does not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule does not contain collection-of-information requirements which require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980.

List of Subjects in 45 CFR Part 400

Grant programs—Social programs, Health care, Public assistance programs, Refugees, Reporting and recordkeeping requirements.

Dated: April 29, 1988.

Wayne A. Stanton,

Administrator, Family Support Administration.

Approved: June 15, 1988.

Otis R. Bowen,

Secretary of the Department of Health and Human Services.

45 CFR Part 400 is amended as follows:

PART 400—[AMENDED]

The authority citation for Part 400 continues to read as follows:

Authority: Section 412(a)(9), Immigration and Nationality Act (8 U.S.C. 1522(a)(9)).

§ 400.2 [Amended]

1. In § 400.2, the definitions of "Refugee cash assistance" and of "Refugee medical assistance" are amended by striking, in each definition, "an 18-month period" and substituting therefor "a 12-month period".

§ 400.203 [Amended]

2. In § 400.203, paragraph (b) is amended by striking "18-month period" and substituting therefor "12-month period", and paragraph (c) is amended by striking "during the 18-month period beginning with the 19th month" and substituting therefor "during the 24-month period beginning with the 13th month".

§ 400.204 [Amended]

3. In § 400.204, paragraph (b) is amended by striking "18-month period" and substituting therefor "12-month period", and paragraph (c) is amended by striking "during the 18-month period beginning with the 19th month" and substituting therefor "during the 24-month period beginning with the 13th month".

§ 400.209 [Amended]

4. In § 400.209, paragraph (b) is amended by striking "18 months" and substituting therefor "12 months".

[FR Doc. 88-18932 Filed 8-23-88; 8:45 am]
BILLING CODE 4150-04-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

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

[CGD 84-024]
RIN 2115-AB58

Intervals for Drydocking and Tailshaft Examination on Inspected Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the intervals between drydock and tailshaft examinations by extending them in most cases for certain classes of vessels. These changes will decrease the cost incurred by the marine industry in meeting these examination requirements and align the intervals with those specified by the various classification societies and the intervals currently under consideration internationally.

EFFECTIVE DATE: These rules are effective on September 23, 1988.

FOR FURTHER INFORMATION CONTACT: LCDR Geoffrey D. Powers, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection, (202) 267-1185.

SUPPLEMENTARY INFORMATION: On May 30, 1986, the Coast Guard published in the **Federal Register** (51 FR 19720) a notice of proposed rulemaking (NPRM). Two correction documents were published (51 FR 20847; June 9, 1986 and 51 FR 26439; July 23, 1986). On August 14, 1986, the comment period was reopened and extended until September 30, 1986 (51 FR 29116). A total of 46 responses were received.

On October 23, 1987, an interim final rule was published which, with the following exceptions, became effective on November 23, 1987 (52 FR 39639). Sections 31.10-24, 71.53-1, 91.43-1, 167.15-40, 169.234, and 189.43-1 became effective on April 20, 1988. The interim final rule comment period closed on January 21, 1988. A total of 36 responses were received and are summarized below.

Drafting Information

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

RIN Number

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

Discussion of Comments and Changes Made

Of the 36 letters received, the majority (25) were from the barge industry. Two letters were from the deep sea industry, four from the Great Lakes, one from the offshore supply vessel industry, and four from Coast Guard field offices.

1. Seventeen comments suggest that the 2.5 year (two examinations within any five year period, with no more than three years to elapse between any two examinations) internal structural examination interval for double hull tank barges in Tables 31.10-21 (a) and (b) and Tables 91.40-3 (a) and (b) is too restrictive.

As explained on page 39643 of the interim final rule, the intervals for all examinations in that document were devised by reference to a standard of twice every five years (2.5) for salt water service and once every five years for fresh water service. This standard is referred to as the "basic examination intervals". From these basic intervals, Tables 31.10-21 (a) and (b) and Tables 91.40-3 (a) and (b) were developed—adding or subtracting years, as appropriate, to address the differences in vessel type and service.

The drydock intervals established by the interim final rule for double hull barges (five years salt, 10 years fresh) are twice as long as the basic drydock intervals (2.5 for salt, five for fresh). This doubling was considered appropriate because of the additional safety inherent in double hull construction and the additional access for examination provided by the wing voids and double bottom. However, due to the extended length of drydock intervals for double hull barges (five years for salt, 10 years for fresh) and the ease of preparing voids for examination it was considered appropriate to require periodic internal structural examinations (2.5 for salt, 2.5 for fresh). An internal structural examination of the wing voids and double bottoms is considered a minor economic burden because it does not require cleaning and gas freeing of the cargo tanks.

The comments suggest, however, that, even though gas freeing of cargo tanks is not a requirement for an internal structural examination, virtually every internal structural examination will reveal some damage. The comments contend that, even though the damage found is often minor and does not affect the seaworthiness of the vessel, the Coast Guard usually will require any minor damage found to be repaired. Repairs involving welding will require gas freeing of the cargo tanks and gas freeing is the most expensive aspect of an examination. Therefore, the comments suggest that the internal structural examination interval should be five years (salt or fresh), rather than 2.5 years, in order to provide an incentive to build double hull tank vessels. The Coast Guard takes the position that damage severe enough to require immediate repair will normally be visible during an on-deck examination of wing voids and rakes. Additionally, the Coast Guard prefers the construction of double hull barges over single hull barges due to the increased level of pollution prevention. For these reasons, the 2.5 year interval in Tables 31.10-21(b) and 91.40-3(b) for internal structural examination of double hull barges in fresh water service is changed to five years.

This five year interval should maintain the incentive for industry to build double hull barges, minimize the need for gas freeing cargo tanks, reduce the generation of hazardous waste and air pollution, and economically benefit vessel owners and operators.

The 2.5 year internal structural examination interval for double hull barges in salt water service has been retained due to the greater potential for corrosion in wing voids and double bottoms resulting from salt water ballasting and the environment in which they operate.

However, to ensure that the general condition of the internal structure of those barges, as well as others, is monitored during the period between internal structural examinations, a requirement for an annual on-deck examination of wing voids and rakes is added to §§ 31.10-21 and 91.40-3. Gas freeing, cleaning, and other preparations for personnel entry are not required, unless the on-deck examination reveals the presence of water or cargo in the voids and rakes, indicating damage potentially affecting the vessel's seaworthiness. If water or cargo is present, an internal structural examination may be required. Actually, marine inspectors usually conduct on-deck examinations of voids and rakes during inspections and reinspections for certification of both single and double hull salt and fresh water service barges. This regulation is merely an affirmation of this existing practice.

For the above reasons, the internal structural examination interval for fresh water service single hull barges with independent tanks and deck cargo barges has been extended to five years.

2. Four comments recommend the cargo tank internal examination interval for double hull tank barges with externally framed tanks be reduced from 10 to five years. No reasons were given. In the absence of any justification, the Coast Guard has not changed the interval.

3. Seven comments from within the barge industry suggest that the authority to extend examination intervals need not be restricted to Coast Guard Headquarters, particularly internal structural and cargo tank internal examination intervals. They state that the regulations should be more flexible and that Officers in Charge, Marine Inspection, should be given some extension authority.

The Coast Guard agrees and has authorized Officers in Charge, Marine Inspection, to grant cargo tank internal and internal structural examination extensions. The examination interval scheme established in the interim final rule is designated to maximize the incidence of different examinations being conducted concurrently. To achieve this alignment, the Coast Guard has established policy authorizing Officers in Charge, Marine Inspection, to extend internal structural and cargo tank internal examinations a maximum of 12 months. Once the three hull examinations (drydock, internal structural, and cargo tank internal) are in phase, Officers in Charge, Marine Inspection, are authorized to extend the cargo tank internal and internal structural examinations a maximum of three months, in those cases where circumstances beyond the control of the owner exist. In the event an extension would disrupt the desired alignment, the examination completion or credit date will be back-dated to its original due date, in order to maintain concurrence of future examinations. This policy will provide industry and Officers in Charge, Marine Inspection, with the flexibility to deal with the unexpected and will facilitate and maintain alignment of hull examination anniversary dates. It will also relieve Commandant (G-MVI) from having to respond to numerous requests for minor extensions. Commandant (G-MVI) will retain drydock and tailshaft examination extension authority. The Coast Guard does not anticipate granting drydock extensions, except in the most unusual situations.

4. Two comments request that Officers in Charge, Marine Inspection, be given the hull examination extension authority necessary to permit "running" examinations, that is, examinations beginning at one port that are completed at another port along the vessel's route, with deadline extensions as necessary. Running hull examinations are contrary to general Coast Guard policy which requires that hull examinations be conducted in their entirety whenever possible.

5. Eleven comments request that the fresh water service intervals apply to vessels in fresh water at least six months in every 12 month period since the last drydock examination. The interim final rule specifies nine months in every 12. The comments point out that limiting salt water exposure to three months unnecessarily reduces the drydocking intervals for some single hull vessels without a demonstrated need for the reduction.

The Coast Guard agrees and has amended the eligibility requirements for fresh water intervals in §§ 31.10-21(a)(2), 71.50-3(b)(2), 91.40-3(a)(2), 167.15-30(a)(2), 169.229(a)(2), and 189.40-3(a)(2) to permit as much as six months salt water service in a 12 month period.

6. Seventeen comments request that the cargo tank internal and cargo tank external examination intervals in 46 CFR Part 151 (unmanned barges carrying certain bulk dangerous cargoes) be included in this rulemaking. These comments point out that most double hull tank barges affected by the amendments to Part 31 in this rulemaking are certificated to carry liquid hazardous materials under Part 151. The shorter Part 151 examination intervals have the effect of negating the potential economic benefit of the extended Part 31 intervals.

The Coast Guard recognizes this problem and will address the Part 151 intervals in a separate rulemaking. In the interim, the Coast Guard has established policy permitting cargo tanks carrying some of the non-corrosive Part 151 products to be examined at the intervals specified in Tables 31.10-21(a), 31.10-21(b), 91.40-3(a), and 91.40-3(b). Information on specific cargoes can be obtained from Officers in Charge, Marine Inspection.

7. Two comments request that the cargo tank internal examination interval for single hull tank barges certificated for the carriage of Grade D and E cargoes only be changed from five years to the six year interval which existed before the interim final rule. One comment recommends that the interval be changed from five years to 10 years because Grade D and E tanks are the most expensive to gas free and because internal damage, if any, can be detected during a drydock examination.

All the examination intervals in the interim final rule (drydock, internal structural, cargo tank internal, tailshaft, and integral fuel oil tank) are a multiple of five years, which will maximize the incidence of different examinations coming due at the same time. In response to comments received to the notice of proposed rulemaking, the interim final rule established a five year cargo tank examination interval which coincides with the drydocking interval. In addition to reducing the hull examination intervals applicable to barges will coincide and Coast Guard marine inspectors will be able to conduct a complete assessment of the vessel's hull structure.

As for the recommended 10 year interval, the Coast Guard finds a 10 year interval for tank internal examinations on single hull tank barges excessive for barges carrying environmentally hazardous products. Therefore, the five year interval is retained in the final rule.

8. One comment requests that the longer drydock intervals (five years salt, 10 years fresh) allowed double hull tank barges and unmanned deck cargo barges be applied to other barges that permit convenient access to the internal hull structure for examination.

The Coast Guard agrees and has amended Tables 91.40-3(a) and 91.40-3(b) to permit a five year and ten year drydock interval respectively for those unmanned double hull freight barges the arrangement of which produces access for a complete internal structural examination without the necessity of entering cargo tanks or holds.

9. One comment considers the 2.5 year drydock interval excessive for offshore supply vessels, other self propelled vessels less than 1,600 gross tons, and industrial barges.

The Coast Guard takes the position that size is not a factor in determining examination intervals. A 2.5 year drydock interval is necessary to ensure an adequate level of safety for these manned, single hulled vessels operating in an exposed salt water environment. Therefore, the 2.5 year interval is retained.

10. One comment objects to the lengthening of the drydock interval for passenger vessels on domestic salt water routes from 18 months to 2.5 years. The comment is particularly concerned with older vessels carrying large numbers of passengers on open ocean overnight routes because the schedules of these vessels are often so tight that time in part is consumed with loading and off loading the vessel rather than with preventive maintenance programs.

There are over 100 passenger vessels certificated for domestic salt water service. The vast majority of these are ferries. Many of them are part of the multi-ship operations, which allow individual vessels to be removed from service for maintenance. The Coast Guard is satisfied that these vessels can operate safely with a 2.5 year drydock interval.

There are, however, some passenger vessels operating on open ocean routes that, in all practical respects, are similar to international routes, except for the fact that their points of departure and destination are limited to domestic ports. These vessels typically provide overnight accommodations for the passengers. If the choice of ports made the operations international voyages, these passenger vessels would be subject to a one year drydock interval under SOLAS. Before the intervals were extended in the interim final rule, all domestic salt water service passenger vessels were subject to an 18 month drydock interval. Although there are only a limited number of older vessels with accommodations for overnight passengers operating on exposed open ocean routes, they do carry a large number of passengers and their operations are significantly different from the vast majority of vessels certificated for domestic salt water service. Therefore, the Coast Guard has amended § 71.50-3 to require vessels 20 years of age or older operating on non-international salt water routes and accommodating overnight passengers to be drydocked at 18 month intervals. All other passenger vessels operating on non-international salt water routes can continue to take advantage of the extended drydock interval of 2.5 years, as established in the interm final rule.

11. Four comments request a six year drydock interval for Great Lakes vessels because the corrosion rates for vessels exclusively in fresh water service do not warrant a five year drydock interval and because damage, if any, can be discovered by internal examination. They also suggest that the unique design of Great Lakes vessels (double sides and bottoms) provides the access necessary for structural examinations afloat. While recognizing that a six year interval will have no real effect without a corresponding change to the Load Line Regulations, the comments seek eventual alignment of the drydock interval in these rules and in the Load Line regulations with the six year (five years plus a year of grace) American Bureau of Shipping drydock interval.

Based upon the outcome of the regulatory project to revise the load line regulations (CGD 86-013), the Coast Guard intends to align these rules with the new load line intervals, whatever they may be. In the interim, the Commander, Ninth Coast Guard District, is authorized to grant certain Great Lakes vessels drydock extensions of up to one year. Extension will be limited to vessels of all-welded construction and of a design which provides complete access for an internal structural examination (all shell plating and structural members) without the necessity of entering the holds or cargo tanks. Extensions will be considered on a ship-by-ship basis and will be based on the results of a complete internal structural examination.

12. Two comments suggest that the Great Lakes drydock interval be extended by the amount of time a vessel spends in lay-up. The comments note that the American Bureau of Shipping rules for classing steel vessels contain a provision for deducting all or part of the time in lay-up from the survey interval.

The Coast Guard takes the position that examination intervals should not be based on a vessel's actual number of underway days. Two recent examinations conducted in 1985 and 1987 on Great Lakes vessels in extended lay-up status revealed excessive deterioration in the rivets and bottom shell welds. The extent of deterioration in one vessel required the replacement of more than 10,000 rivets and the vee and re-weld of all welded butts. The other vessel needed over 8,000 rivets redriven and 1,541 linear feet of bottom weld veed and rewelded. Accordingly, no accommodation is made for lay-up time in the final rule.

13. Two comments suggest that all examination intervals in the interim final rule be placed on a two year multiple. These comments suggest that, for unclassed, non-loadlined vessels, the primary examination is the inspection for certification, which occurs every two years, and that hull examinations on a two year multiple would reduce the necessary out-of-service time.

The five year multiple scheme in these rules was developed to ensure that these rules would be consistent with the examination intervals currently under consideration internationally. An International Maritime Organization (IMO) diplomatic conference will be held in November 1988 to consider the examination intervals in the International Convention for the Prevention of Pollution from Ships 1973, in SOLAS, and in the Load Line Convention. A draft protocol, Modifications And Additions To The Annex Of The International Convention For The Safety Of Life At Sea, 1974, proposes to establish a five year period of validity for certificates. Upon completion of the conference, the Coast Guard will consider the possibility of initiating the legislative proposal necessary to permit a five year period of validity of certificates of inspection.

14. One comment requests an explanation of the the term "bilge injection valve" in §§ 31.10-20, 71.50-1, 91.40-1, 167.15-27, 169.231, and 189.40-1.

A bilge injection valve is the valve for the emergency bilge suction required by 46 CFR 56.50-50(f). However, to avoid confusion and establish consistent terminology, the words "valves for the emergency bilge suction" are substituted for the words "bilge injection valves" each place they appeared in the interim final rule and in 46 CFR 61.20-5(b).

Also, the word "including " in §§ 31.10-20(a) and (d), 71.50-1(a), 91-40-1(a) and (d), 167.15-27(a), 169.231(a), and 189.40-1(a) and (c) is removed. Otherwise, the sentence implies that sea chests, sea valves, and valves for the emergency bilge suction need be examined only when they are through hull fittings. It is intended that they be examined regardless of whether or not they are through hull.

15. One comment suggests that, because fresh water service vessels are exempt from the tailshaft examination requirements, they also should be exempt from the requirement that sea valves be examined during each required drydocking.

Sea valves perform a vital function in maintaining the watertight integrity of a vessel and should be regularly examined. Because they cannot be opened easily for examination while the vessel is afloat, the most convenient and logical time to examine them is when the vessel is on drydock. Therefore, the requirement is unchanged.

16. One comment objects to the provision in the interim final rule prohibiting vessels over 15 years of age from entering the underwater survey program. This comment suggests that

the condition of the vessel rather than age should be the deciding factor.

The underwater survey program is a new one. Until the Coast Guard has sufficient experience in the program and confidence in the quality of underwater survey results, the Coast Guard intends to proceed cautiously and apply the program only to younger vessels.

The Coast Guard had an experimental program whereby certain vessels were allowed to substitute an underwater survey for a drydocking. Experience under this program, using the available techniques and equipment, indicates that poor water quality (turbidity and current), such as that encountered in many U.S. ports, frequently led to unacceptable results.

Because of the Coast Guard's limited experience with underwater surveys, the varying circumstances under which an underwater survey may be considered instead of drydocking, and the developing technology in this field, the Coast Guard will re-evaluate the age restriction after a sufficient number of underwater surveys and subsequent drydocking have been conducted. The drydock/underwater survey/drydock cycle will take a minimum of five years to complete. Therefore, the Coast Guard anticipates that a re-evaluation of this provision could begin in 1994.

17. One comment asks what constitutes a "complete set" of hull gaugings, as required in §§ 31.10-21(d)(2), 91.40-3(d)(2), and 189.40-3(a)(2) for Coast Guard consideration of a request for continued participation in the underwater survey program. A complete set would be all of the gaugings deemed necessary by the Officer in Charge, Marine Inspection, to determine the condition of that particular vessel's hull. They generally would include gaugings taken around two or more complete transverse sections of the hull. Plate gaugings of one or more strakes in the wind-and-water area, of additional transverse belts, or of questionable areas, such as those with pitting or fractures, may also be required.

18. Four comments asked whether "integral" in "integral fuel oil tank" in §§ 31.10-24, 71.53-1, 91.43-1, 167.15-40, 169.234, and 189.43-1 means integral to the deck, as in the case of deck mounted fuel oil tanks.

"Integral fuel oil tank" means a tank located within the vessel's hull with one or more of its sides being part of the vessel's hull. A tank integral only to the deck would not come under these sections. The meaning of integral is clarified in this final rule.

19. One comment objected to requiring an internal examination of one or more randomly selected double bottom fuel oil tanks on vessels 10 years of age and older. The comment contends that defects are rarely found in fuel oil tanks and that, if internal examinations are required, they should be limited to tanks which, through external examination, indicate probable damage.

The Coast Guard recognizes the non-corrosive nature of fuel oil but takes the position that any tank integral to the hull warrants some degree of examination, particulary tanks in older vessels. The random selection method of choosing tanks to be internally examined strikes a reasonable balance between the needs of safety and cost of preparing tanks for internal examination.

The comment also asked that the integral fuel tank examination requirement be suspended for "extended public dialog". In light of the fact that the interim final rule provided for an unusually lengthy comment period (three months) followed by an additional three month period before the fuel tank provisions became effective, the Coast Guard determines that an adequate opportunity for comment has been provided.

20. One comment suggests that § 61.20-17 be amended to allow tailshafts which are corrosion resistant except for the portion between the strut and stern tube to be examined at the intervals established for tailshafts which are fully corrosion resistant. The reasoning is that the unclad portions of these tailshafts can be examined any time the vessel is in drydock without having to draw the shaft. The Coast Guard agrees and amends § 61.20-17(c) to provide that only the inaccessible portions need to be corrosion resistant.

21. One comment points out that the tailshaft examination requirements in the interim final rule address oil lubricated tailshafts with a taper and keyway but fail to address tailshafts with a taper but no keyway. The Coast Guard has corrected this by amending § 61.20-17(d)(4)(i) to read: "For tailshafts with a taper, the propeller is removed and the taper and the keyway (if fitted) are nondestructively tested at intervals not to exceed five years". Section 61.20-18(b) is similarly amended.

22. One comment suggests that § 61.20-17(d) is misleading in stating that "tailshafts with oil lubricated bearings are not required to be examined". What is intended is that tailshafts are required to be examined but are not required to be drawn for the examination. The paragraph is amended accordingly.

23. One comment made the suggestion that a requirement for the examination of inboard seal assemblies be added to the oil lubricated tailshaft examination requirements in § 61.20-17(d). The Coast Guard agrees and incorporates this requirement.

24. Eight comments objected to requiring that the Coast Guard be notified any time a barge is placed in a drydock. These comments suggest that the Coast Guard be notified only when a barge is drydocked for repairs (the old Subchapter D standard). They are concerned that notifying the Coast Guard each time the vessel is drydocked because of a change in ownership or pre-charter will result in needless examinations.

The requirement to notify the Coast Guard whenever a vessel is drydocked is needed to allow the Officer in Charge, Marine Inspection, time to ascertain the reasons for drydocking. Should the need for Coast Guard inspection become evident, the advance notice is necessary to avoid marine inspector scheduling problems. The Coast Guard does not intend to normally examine a vessel that is in drydock solely for a change in ownership or pre-charter. However, experience indicates that, in many instances, hull damage is not discovered until a vessel is hauled out of the water. If damage requiring repairs is discovered, the repair work must be inspected by the Coast Guard. In these instances, prior notification could mitigate inspection scheduling problems and the resulting potential delay in completion of repairs and return of the vessel to service. A simple telephone call can avoid one or more days delay.

Before the interim final rule, Subchapters H, I, R, and U (§§ 71.50-5, 91.40-5, 167.15-30(b), 169.233, and 189.40-5) required notification any time a vessel was placed on a drydock for these same reasons. The requirement, therefore, is new only for Subchapter D (tank) vessels.

25. Six comments object to the requirement in §§ 31.10-22(c), 71.50-5(c), 91.40-5(c), 167.15-35(c), 169.233(c), and 189.40-5(c) that a plan showing the barge's scantlings be made available at drydock examinations of barges with Load Line Certificates. The comments point out that, because barges frequently change ownership, their plans are often misplaced or otherwise are no longer available. Reproducing these plans, so the comments contend, would be unnecessarily expensive.

The plans are needed to assist the marine inspector during a hull examination in determining the extent of any hull deterioration. If the current owner does not have the plans, a copy should be available from the Load Line assigning authority, the naval architect, or the builder. In the event that a copy is not available from these or other potential sources, the Commandant may permit, under §§ 30.15-1, 70.15-1, 90.15-1, 169.109, and 189.15-1, an equivalency to the requirement for plans and accept an owner generated sketch, a list of the vessel's original bracket, frame, and plate thicknesses, or other information suitable to the Officer in Charge, Marine Inspection.

26. One comment suggested that it would assist the vessel owner or operator if the Coast Guard would provide, upon request, a print-out of the date of the last required examination, any outstanding examination requirements, and the due dates of the next required examinations.

This information is available to Officers in Charge, Marine Inspection, through the Marine Safety Information System. Currently, notification of upcoming inspections for certification and outstanding requirements are provided to vessel owners and operators. As time and priorities allow, Officers in Charge, Marine Inspection, will try, upon request, to furnish other hull examination scheduling information.

27. One comment suggests that the Coast Guard provide written guidance to assist industry in understanding and complying with the new regulations. The Coast Guard has developed policy for implementing the new regulations and guidance for underwater surveys. It is available to the public upon request at all inspection offices.

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 is available for inspection or copying at Office of the Chief Counsel (G-LRA-2), Room 2110, U.S. Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC, or by contacting LCDR Geoffrey D. Powers at (202) 267-1185. The evaluation, which is summarized in the preamble to the interim final rule, has not been changed except as follows to address amendments in the final rule.

The only changes to the Regulatory Evaluation result from extending the internal structural examination interval from twice every five years to once every five years for double hull tank barges in fresh water service and from reducing the drydock interval from twice every five years to once every 18 months for passenger vessels 20 years of age or older operating on non-international salt water routes and accommodating overnight passengers. The extension of the internal structural interval will save the barge industry an estimated $290,000 per year. This figure is based on the revenue that will be saved by eliminating one of the two day-and-a-half examinations required every five years for the 1,196 double hull barges and 191 single hull barges with independent tanks in fresh water service. The reduction in the passenger vessel drydock interval will reduce the estimated economic benefit of this rule by $93,000 per year. The net result of these two changes is a savings of $197,000 per year in addition to the estimated $26,000,000 total annual saving for the maritime industry expected to result from the interim final rule.

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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. An environmental assessment with a finding of no significant impact has been prepared and is on file in the rulemaking docket.

Paperwork Reduction Act

These regulations contain information collection requirements in the following sections of 46 CFR Title 1: § 31.10-21, § 31.10-22, § 71.50-5, § 91.40-3, § 91.40-5, § 167.15-35, § 169.233, § 189.40-3, and § 189.40-5. They have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control number 2115-0554.

Regulatory Flexibility Act

The amendments to the interim final rule impose no new economic burdens. Certain amendments reduce costs for the maritime industry. For example, the internal structural examination interval for double hull tank barges in fresh water service is changed from twice every five years to once every five years, thus eliminating one examination every five years. Other amendments will have no economic impact, such as the provision requiring the annual on-deck examination of void spaces. The on-deck examinations are conducted by the Coast Guard during the annual inspection or reinspection for certification and create no additional delays or cost for the maritime industry. The reduced drydock examination interval for older domestic salt water service passenger vessels will affect only a limited number of large vessels with overnight accommodations.

For the above reasons, the Coast Guard certifies, under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that these regulations will not have a significant economic impact on a substantial number of small entities.

List of Subjects

46 CFR Part 31

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

46 CFR Part 61

Marine safety, Tests and inspections, Vessels.

46 CFR Part 71

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

46 CFR Part 91

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

46 CFR Parts 167 and 169

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

46 CFR Part 189

Marine safety, Oceanographic vessels.

Accordingly, the interim rule amending 46 CFR Parts 31, 61, 71, 91, 167, 169, and 189 which was published at 52 FR 39639-39657 on October 23, 1987, is adopted as a final rule with the following changes:

PART 31—[AMENDED]

1. The authority citation for Part 31 is revised to read as follows:

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

§ 31.10-20 [Amended]

2. In § 31.10-20 (a) and (d), by removing the words "bilge injection valves" and adding, in their place, the words "valves for the emergency bilge suction" and by removing the word "including".

3. In § 31.10-21, by revising the introductory text to paragraph (a), the first sentence of paragraph (a)(1), Table 31.10-21(a), the first sentence of paragraph (a)(2), and Table 31.10-21(b), by redesignating paragraphs (b) through

(f) as paragraphs (c) through (g), by adding a new paragraph (b), by revising the introductory text to redesignated paragraph (e), and by revising redesignated paragraph (f) to read as follows:

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

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

(1) Except under paragraph (a)(2) of this section, vessels that operate in salt water must be inspected in accordance with the intervals set forth in Table 31.10-21(a). * * *

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

	Single hull ship and barge	Double hull barge with internal framing [1]	Double hull barge with external framing [2]	Single hull barge with independent tanks [3]	Wood hull ship and barge	Single hull ship and barge Grade D and E cargoes only [4]	Double hull barge Grade D and E cargoes only [5]	Single hull asphalt barge [6]	Double hull asphalt barge [7]
Drydock	2.5	5.0	5.0	5.0	2.5	2.5	5.0	2.5	5.0
Internal structural	2.5	2.5	2.5	2.5	5.0	5.0	2.5	10.0	2.5
Cargo tank internal	[8] 2.5	[8] 5.0	[8] 10.0	[8] 10.0	[8] 2.5	5.0	10.0	10.0	15.0

Note:
[1] Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the internal tank surface.
[2] Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the internal tank surface accessible for examination from voids, double bottoms, and other similar spaces.
[3] Applicable to single hull tank barges with independent cargo tanks where the cargo tanks are not a contiguous part of the hull structure and which has adequate clearance between the tanks and between the tanks and the vessel's hull to provide access for examination of all tank surfaces and the hull structure.
[4] Applicable to single hull tank ships and tank barges certificated for the carriage of Grade D and E cargos only.
[5] Applicable to double hull tank barges (double sides, ends, and bottoms) certificated for the carriage of Grade D and E cargos only.
[6] Applicable to single hull tank barges certificated for the carriage of asphalt only.
[7] Applicable to double hull tank barges (double sides, ends, and bottoms) certificated for the carriage of asphalt only.
[8] Or as specified in Part 38 or 151 as applicable.

(2) Vessels that operate in fresh water at least six months in every 12 month period since the last drydock examination must be examined in accordance with the intervals set forth in Table 31.10-21(b). * * *

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

	Single hull ship and barge	Double hull barge with internal framing [1]	Double hull barge with external framing [2]	Single hull barge with independent tanks [3]	Wood hull ship and barge	Single hull ship and barge grade D and E cargoes only [4]	Double hull barge grade D and E cargoes only [5]	Single hull asphalt barge [6]	Double hull asphalt barge [7]
Drydock	5.0	10.0	10.0	10.0	2.5	5.0	10.0	5.0	10.0
Internal structural	5.0	5.0	5.0	5.0	5.0	5.0	5.0	10.0	5.0
Cargo tank internal	[8] 5.0	[8] 5.0	[8] 10.0	[8] 10.0	[8] 2.5	5.0	10.0	10.0	15.0

Note:
[1] Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the internal tank surface.
[2] Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the internal tank surface accessible for examination from voids, double bottoms, and other similar spaces.
[3] Applicable to single hull tank barges with independent cargo tanks where the cargo tanks are not a contiguous part of the hull structure and which has adequate clearance between the tanks and between the tanks and the vessel's hull to provide access for examination of all tank surfaces and the hull structure.
[4] Applicable to single hull tank ships and tank barges certificated for the carriage of grade D and E cargos only.
[5] Applicable to double hull tank barges (double sides, ends, and bottoms) certificated for the carriage of grade D and E cargos only.
[6] Applicable to single hull tank barges certificated for the carriage of asphalt only.
[7] Applicable to double hull tank barges (double sides, ends, and bottoms) certificated for the carriage of asphalt only.
[8] Or as specified in Part 38 or 151 as applicable.

(b) During each inspection or reinspection for certification, all wing voids, rakes, cofferdams, and other void spaces on tank barges must be opened and checked from on-deck for the presence of water or cargo indicating hull damage or cargo tank leakage. If water or cargo is not present, these spaces need not be gas freed, ventilated, cleaned, or otherwise prepared for personnel entry. If water or cargo is present, an internal structural examination may be required.

* * * * *

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

* * * * *

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

* * * * *

4. In § 31.10-24, by revising the section heading and the first sentence of paragraph (a) to read as follows:

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

(a) Each fuel oil tank with at least one side integral to the vessel's hull and located within the hull ("integral fuel oil tank") is subject to inspection as provided in this section. * * *

* * * * *

PART 61—[AMENDED]

5. The authority citation for Part 61 is revised to read as follows:

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

§ 61.20-5 [Amended]

6. In § 61.20-5(b), by removing the words "bilge injection valves" and adding, in their place, the words "valves for the emergency bilge suction".

7. In § 61.20-17, by revising paragraph (c) and the introductory text to paragraph (d), by redesignating paragraphs (d)(2) and (d)(3) as paragraphs (d)(3) and (d)(4), by adding a new paragraph (d)(2), and by revising redesignated paragraph (d)(4)(i) to read as follows:

§ 61.20-17 Examination intervals.

* * * * *

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

(d) Tailshafts with oil lubricated bearings need not be drawn for examination—

* * * * *

(2) If the inboard seal assemblies are examined whenever the vessel undergoes a drydock examination or underwater survey;

* * * * *

(4) * * *

(i) For tailshafts with a taper, the propeller is removed and the taper and the keyway (if fitted) are nondestructively tested at intervals not to exceed five years; or

* * * * *

§ 61.20-18 [Amended]

8. In § 61.20-18(b), by adding the words "(if fitted)" following the word "keyway".

PART 71—[AMENDED]

9. The authority citation for Part 71 is revised to read as follows:

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

§ 71.50-1 [Amended]

10. In § 71.50-1(a), by removing the words "bilge injection valves" and adding, in their place, the words "valves for the emergency bilge suction" and by removing the word "including"

11. In § 71.50-3, by revising paragraph (b)(1), redesignating paragraph (b)(2) as paragraph (b)(3), and by adding a new paragraph (b)(2) and revising newly redesignated paragraph (b)(3) to read as follows:

§ 71.50-3 Drydock and internal structural examination intervals.

* * * * *

(b) * * *

(1) Except as provided in paragraph (b)(2) of this section, vessels that operate in salt water must undergo two drydock and two internal structural examinations within any five year period. No more than three years may elapse between any two examinations.

(2) Vessels 20 years of age or older that operate in salt water and accommodate overnight passengers must undergo drydock and internal structural examinations at intervals not to exceed 18 months.

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

* * * * *

Subpart 71.53—Integral Fuel Oil Tank Examinations

12. By revising the subpart heading to read "Integral Fuel Oil Tank Examinations".

§ 71.53-1 [Amended]

13. In § 71.53-1(a), by revising the first sentence to read: "Each fuel oil tank with at least one side integral to the vessel's hull and located within the hull ("integral fuel oil tank") is subject to inspection as provided in this section."

PART 91—[AMENDED]

14. The authority citation for Part 91 is revised to read as follows:

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

§ 91.40-1 [Amended]

15. In § 91.40-1 (a) and (d), by removing the words "bilge injection valves" and adding, in their place, the words "valves for the emergency bilge suction" and by removing the word "including".

16. In § 91.40-3, by revising the introductory text to paragraph (a), the first sentence of paragraph (a)(1), Table 91.40-3(a), the first sentence of paragraph (a)(20), and Table 91.40-3(b), by redesignating paragraphs (b) through (f) as paragraphs (c) through (g), by adding a new paragraph (b), by revising the introductory text to redesignated paragraph (e), and by revising redesignated paragraph (f) to read as follows:

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

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

(1) Except under paragraph (a)(2) of this section, vessels that operate in salt water must be examined in accordance with the intervals set forth in Table 91.40-3(a) of this section. * * *

TABLE 91.40-3(a).—SALT WATER SERVICE VESSELS EXAMINATION INTERVALS IN YEARS

	Single hull ship and barge	Double hull barge with internal framing [1]	Double hull barge with external framing [2]	Single hull barge with independent tanks [3]	Wood hull ship and barge	Unmanned deck cargo barge [4]	Unmanned double hull freight barge [5]
Drydock	2.5	5.0	5.0	5.0	2.5	5.0	5.0
Internal structural	2.5	2.5	2.5	2.5	2.5	2.5	2.5
Cargo tank internal	[6] 2.5	[6] 5.0	[6] 10.0	[6] 10.0	[6] 2.5	....	[6] 5.0

Note:

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

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

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

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

[5] Applicable to unmanned/non-permissively manned double hull freight barges (double sides, ends, and bottoms) the arrangement of which provides access for a complete internal structural examination as defined in § 91.40-1(b) without the necessity of entering cargo tanks or holds.

[6] Or as specified in Part 151.

(2) Vessels that operate in fresh water at least six months in every 12 month period since the last drydock examination must be examined in accordance with the intervals set forth in Table 91.40–3(b). * * *

TABLE 91.40-3(b).—FRESH WATER SERVICE VESSELS EXAMINATION INTERVALS IN YEARS

	Single hull ship and barge	Double hull barge with internal framing [1]	Double hull barge with external framing [2]	Single hull barge with independent tanks [3]	Wood hull ship and barge	Unmanned deck cargo barge [4]	Unmanned double hull freight barge [5]
Drydock	5.0	10.0	10.0	10.0	2.5	10.0	10.0
Internal structural	5.0	5.0	5.0	5.0	2.5	5.0	5.0
Cargo tank internal	[6] 5.0	[6] 5.0	[6] 10.0	[6] 10.0	[6] 2.5		[6] 5.0

Note:
[1] Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the internal tank surface.
[2] Applicable to double hull tank barges (double sides, ends, and bottoms) when the structural framing is on the external tank surface accessible for examination from voids, double bottoms, and other similar spaces.
[3] Applicable to single hull tank barges with independent cargo tanks which have a cargo containment envelope that is not a contiguous part of the hull structure and which has adequate clearance between the tanks and between the tanks and the vessel's hull to provide access for examination of all tank surfaces and the hull structure.
[4] Applicable to unmanned/non-permissively manned deck cargo barge which carries cargo only above the weather deck and which provides complete access for examination of the inside of the hull structure.
[5] Applicable to unmanned/non-permissively manned double hull freight barges (double sides, ends, and bottoms) the arrangement of which provides access for a complete internal structural examination as defined in § 91.40-1(b) without the necessity of entering cargo tanks or holds.
[6] Or as specified in Part 151.

(b) During each inspection or reinspection for certification, all wing voids, rakes, cofferdams, and other void spaces on barges must be opened and checked from on-deck for the presence of water or cargo indicating hull damage or cargo tank leakage. If water or cargo is not present, these spaces need not be gas freed, ventilated, cleaned, or otherwise prepared for personnel entry. If water or cargo is present, an internal structural examination may be required.

* * * * *

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

* * * * *

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

* * * * *

Subpart 91.43-Integral Fuel Oil Tank Examinations

17. By revising Subpart 91.43 heading to read "Integral Fuel Oil Tank Examinations".

§ 91.43-1 [Amended]

18. In § 91.43–1(a), by revising the first sentence to read: "Each fuel oil tank with at least one side integral to the vessel's hull and located within the hull ("integral fuel oil tank") is subject to inspection as provided in this section."

PART 167—[AMENDED]

19. The authority citation for Part 167 is revised to read as follows:

Authority: 46 U.S.C. 3306; 49 CFR 1.46. Section 167.65–65 also issued under 46 U.S.C. 6101. Section 167–60.15 also issued under 46 U.S.C. 8105.

§ 167.15-27 [Amended]

20. In §167.15–27(a), by removing the words "bilge injection valves" and by adding, in their place, the words "valves for the emergency bilge suction' and by removing the word "including".

§ 167.15-30 [Amended]

21. In § 167.15–30(a)(2), by removing the word "nine" and adding, in its place, the word "six".

22. In § 167.15–40, by revising the section heading and the first sentence of paragraph (a) to read as follows:

§ 167.15-40 Integral fuel oil tank examinations—T/ALL.

(a) Each fuel oil tank with at least one side integral to the vessel's hull and located within the hull ("integral fuel oil tank") is subject to inspection as provided in this section. * * *

* * * * *

PART 169—[AMENDED]

23. The authority citation for Part 169 is revised to read as follows:

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

§ 169.229 [Amended]

24. In § 169.229(a)(2), by removing the word "nine" and adding, in its place, the word "six".

§ 169.231 [Amended]

25. In § 169.231(a), by removing the words "bilge injection valves" and adding, in their place, the words "valves for the emergency bilge suction" and by removing the word "including".

§ 169.234 [Amended]

26. In § 169.234, by revising the section heading and the first sentence of paragraph (a) to read as follows:

§ 169.234 Integral fuel oil tank examinations.

(a) Each fuel oil tank with at least one side integral to the vessel's hull and located within the hull ("integral fuel oil tank") is subject to inspection as provided in this section. * * *

PART 189—[AMENDED]

27. The authority citation for Part 189 continues to read as follows:

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

§ 189.40-1 [Amended]

In § 189.40–1(a) and (c), by removing the words "bilge injection valves" and adding, in their place, the words "valves for the emergency bilge suction" and by removing the word "including".

§ 189.40-3 [Amended]

29. In § 189.40–3(a)(2), by removing the word "nine" and adding, in its place, the word "six".

Subpart 189.43-Integral Fuel Oil Tank Examinations

30. By revising Subpart 189.43 heading to read "Integral Fuel Oil Tank Examinations"

§ 189.43-1 [Amended].

31. In § 189.43-1(a), by revising the first sentence to read: "Each fuel oil tank with at least one side integral to the vessel's hull and located within the hull ("integral fuel oil tank") is subject to inspection as provided in this section."

Clyde T. Lusk, Jr.,

Vice Admiral, U.S. Coast Guard, Acting Commandant.

August 12, 1988.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 80482-8082]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: NOAA announces the closure of the commercial salmon fishery in the exclusive economic zone (EEZ) from Cape Falcon, Oregon, to the U.S.-Mexico border at midnight, August 19, 1988 to commercial salmon fishing for coho salmon. The commercial salmon fisheries in the areas that are currently open, i.e., from Cape Falcon to the Orford Reef Red Buoy, Oregon, and from Horse Mountain, California, to the U.S.-Mexico border, will continue for all species of salmon except coho salmon. The Director, Northwest Region, NMFS (Regional Director), has determined that the commercial fishery quota of 729,700 coho salmon for the area south of Cape Falcon will be reached by August 19, 1988. The closure is necessary to conform to the preseason announcement of 1988 management measures and ensure that the coho salmon quota for this area is not exceeded. This action is intended to ensure conservation of coho salmon.

EFFECTIVE DATE: Closure of the EEZ from Cape Falcon to the U.S.-Mexico border to commercial salmon fishing for coho salmon is effective at 2400 hours local time, August 19, 1988. Comments on this closure will be received through September 3, 1988.

ADDRESSES: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115-0070; or E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731-7415. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the Office of the NMFS Northwest Regional Director.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140, or Rodney R. McInnis at 213-514-6199.

SUPPLEMENTARY INFORMATION: Regulations governing the ocean salmon fisheries at 50 CFR Part 661 specify at § 661.21(a)(1) that "When a quota for the commercial or recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by publishing a notice in the **Federal Register** under § 661.23, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery, management area to which the quota applies as of the date the quota is projected to be reached."

Management measures for 1988 were effective on May 1, 1988 (53 FR 16002, May 4, 1988). The 1988 commercial fishery in the area from Cape Falcon, Oregon, to the U.S.-Mexico bordor is being managed not to exceed an impact quota of 684,700 coho salmon (hooking mortality of 59,400 fish and landings of 625,300 fish). This commercial coho quota was raised subsequently by 45,000 fish to 729,700 fish (equivalent to landings of 670,300 fish) because the portion of the recreational coho quota not needed to complete scheduled recreational seasons was reallocated to the commercial fishery (53 FR 31343), August 18, 1988) in accordance with provisions of the preseason regulations.

Based on the best available information, the commercial coho quota for the area from Cape Falcon, Oregon, to the U.S.-Mexico border is projected to be reached by midnight, August 19, 1988 (landings are projected to reach the catch quota of 670,300 coho salmon by that time). Therefore, the commercial fishery in this area must be closed to further fishing for coho salmon. The commercial salmon fisheries in the areas that are currently open, i.e., from Cape Falcon to the Orford Reef Red Buoy, Oregon, and from Horse Mountain, California, to the U.S.-Mexico border, will continue for all salmon species except coho salmon, as provided in the preseason notice of 1988 management measures (53 FR 16007-16009, May 4, 1988).

Consequently, NOAA issues this notice to close the commercial salmon fishery to commercial salmon fishing for coho salmon in the EEZ from Cape Falcon, Oregon, to the U.S.-Mexico border effective midnight, August 19, 1988. The commercial salmon fisheries for all species of salmon except coho salmon in the areas from Cape Falcon to the Orford Reef Buoy, Oregon, and from Horse Mountain, California, to the U.S.-Mexico border, remain open. This notice does not apply to other fisheries which may be operating in other areas.

The Regional Director consulted with representatives of the Pacific Fishery Management Council, the Oregon Department of Fish and Wildlife, and the California Department of Fish and Game regarding a closure of the commercial fishery to further fishing for coho salmon between Cape Falcon and the U.S.-Mexico border. The States of Oregon and California will close the commercial fishery for coho salmon in State waters adjacent to this area of the EEZ effective midnight, August 19, 1988.

The preseason notice contains an unintended error in the table on page 16009 concerning the commercial salmon from Horse Mountain to Point Arena which is herein corrected: the season in the subarea from Horse Mountain to Point Arena that reads "Coho quota thru September 30" should read "All except coho" instead of "All" under the column "Salmon species." This correction reflects a description in the text of the commercial fishery from Cape Falcon to the U.S.-Mexico border within item 5 on page 16008 (53 FR 16002, May 4, 1988).

Because of the need for immediate action, the Secretary of Commerce has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. Therefore, public comments on this notice will be accepted for 15 days after the effective date, through September 3, 1988.