

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Public Land Order 6744**

[CA-940-09-4214-10; CA 24903]

Partial Revocation of Public Land Order No. 2729; California**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Public land order.

SUMMARY: This order revokes a public land order insofar as it affects 80.79 acres of public land withdrawn for use of the Bureau of Reclamation in connection with the Central Valley Reclamation Project. This action will open the land to allow the sale of the Federally reserved minerals underlying privately owned lands to the surface owner.

EFFECTIVE DATE: October 6, 1989.

FOR FURTHER INFORMATION CONTACT: Judy Bowers, BLM California State Office, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, 916-978-4820.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 2729 which withdrew land for the Central Valley Project, Nashville Unit, Consumes River Division, is hereby revoked insofar as it affects the following described land:

Mount Diablo Meridian

T. 9 N., R. 10 E., Sec. 25, lots 1 to 4 inclusive. The area described contains 80.79 acres in El Dorado County.

2. At 10 a.m. on October 6, 1989, the land described in paragraph 1 shall be opened to the operation of Section 209 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2757; 43 U.S.C. 1719, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

Dated: August 28, 1989.

Frank A. Bracken,*Under Secretary of the Interior.*

[FR Doc. 89-20860 Filed 9-5-89; 8:45 am]

BILLING CODE 4310-40-M

43 CFR Public Land Order 6745

[OR-943-09-4214-10; GP9-235; OR 39912]

Withdrawal of Public Land for U.S. Air Force Radar Transmitter Site; Oregon**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Public land order.

SUMMARY: This order withdraws 2,622 acres of public land from surface entry and mining for 20 years to be used as a U.S. Air Force radar transmitter site. The land has been and remains open to mineral leasing.

EFFECTIVE DATE: September 6, 1989.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, or entry under the general lands laws, including the United States mining laws (30 U.S.C. ch. 2), but not from leasing under the mineral leasing laws, and reserved for use by the Department of the Air Force in connection with the Over-the-Horizon Backscatter West Coast Transmitter Site:

Willamette Meridian

A parcel of land situated in secs. 19, 30, 31, and 32, T. 26 S., R. 20 E., and sec. 6, T. 27 S., R. 20 E., described as follows:

Commencing at the southwest corner of said section 31; thence N. 0°50'01" E. along the west line of said section 4,682.15 feet to the Point of Beginning; thence continuing along said line N. 0°50'01" E., 18.26 feet; thence N. 67°22'48" E., 5,402.59 feet; thence N. 54°09'10" W., 4,023.04 feet; thence N. 35°51'06" E., 6,213.18 feet; thence S. 54°09'28" E., 6,100.18 feet; thence S. 35°50'47" W., 6,213.99 feet; thence S. 22°36'50" E., 2,985.54 feet; thence S. 78°51'00" E., 5,087.51 feet; thence S. 11°09'00" W., 6,499.77 feet; thence N. 78°50'00" W., 6,122.13 feet; thence N. 11°08'47" E., 4,055.50 feet; thence S. 67°22'48" W., 4,277.00 feet; thence N. 22°37'12" W., 6,196.46 feet to the Point of Beginning.

The area described contains approximately 2,622 acres in Lake County.

2. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal

Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary of the Interior determines that the withdrawal shall be extended.

3. If the site is abandoned, or the withdrawal is relinquished or expires without being extended, all structures and facilities shall be timely removed and the land shall be restored to the satisfaction of the Secretary of the Interior, in consultation with the head of the holding agency. In the event the withdrawal expires without being extended, the holding agency shall undertake no activities on the land except in connection with decontamination, restoration, and the removal of structures and facilities.

Dated: August 28, 1989.

Frank A. Bracken,*Under Secretary of the Interior.*

[FR Doc. 89-20861 Filed 9-5-89; 8:45 am]

BILLING CODE 4310-33-M

43 CFR Public Land Order 6746

[AK-932-09-4214-10; AA-721]

Partial Revocation of Air Navigation Site No. 157, Iliamna, for Selection of Land by the State of Alaska**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Public land order.

SUMMARY: This order revokes a Departmental Order insofar as it affects 4.77 acres of public land withdrawn for Air Navigation Site No. 157, at Iliamna, Alaska. The land is no longer needed for the purpose for which it was withdrawn. This action will also open the land for selection by the State of Alaska, if such land is otherwise available. If the land is not selected by the State, this order opens the land to metalliferous mining. The land has been and will remain closed to nonmetalliferous mining and mineral leasing pursuant to Public Land Order No. 5180, as amended.

EFFECTIVE DATE: September 6, 1989.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-3342.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and by section 17(d)(1) of the Alaska Native Claims Settlement Act, 85 Stat. 708 and 709; 43 U.S.C. 1616(d)(1), it is ordered as follows:

1. The Departmental Order dated April 19, 1941, as amended, which

withdrew public land for Air Navigation Site No. 157 is hereby revoked insofar as it affects the following described land:

Iliamna, Alaska

Beginning at meander corner No. 4 of U.S. Survey 2644, proceed approximately N. 60° W., 925 feet, more or less, to the center of the approximately 12 ft. x 36 ft. concrete slab (formerly supporting a generator building), thence N. 5° W., 240 feet, more or less, to the centerline of the Iliamna Airport-Roadhouse Bay Road, to corner No. 1, the true point of beginning:

From corner No. 1 by metes and bounds, N. 85° E., along the centerline of the Iliamna Airport-Roadhouse Bay Road, 267 feet, to corner No. 2;
S. 5° E., 390 feet, to corner No. 3;
S. 85° W., 533 feet, to corner No. 4;
N. 5° W., approximately 390 feet, to corner No. 5, a point on the centerline of the Iliamna Airport-Roadhouse Bay Road;
N. 85° E., 266 feet, to corner No. 1, the place of beginning.

The area described contains approximately 4.77 acres.

2. Subject to valid existing rights, the land described above is hereby opened to selection by the State of Alaska under either the Alaska Statehood Act of July 7, 1958, 72 Stat. 339, *et seq.*; 48 U.S.C. prec. 21, or section 906(b) of the Alaska National Interest Lands Conservation Act, 94 Stat. 2371, 2437-2438; 43 U.S.C. 1635.

3. As provided by section 6(g) of the Alaska Statehood Act, the State of Alaska is provided a preference right of selection for the land described above, for a period of ninety-one (91) days from the date of publication of this order, if the land is otherwise available. Any of the land described herein that is not selected by the State of Alaska will be subject to the terms and conditions of Public Land Order No. 5180, as amended, and any other withdrawal of record.

4. At 10 a.m. on December 6, 1989, the land will be opened to location and entry under the United States mining laws for metalliferous minerals, subject to valid existing rights, the provisions of existing withdrawals, and the requirement of applicable laws. Appropriation of any of the land described in this order under the general mining laws for metalliferous minerals prior to the date and the time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since

Congress has provided for such determinations in local courts.

Dated: August 22, 1989.

Frank A. Bracken,

Under Secretary of the Interior.

[FR Doc. 89-20862 Filed 9-5-89; 8:45 am]

BILLING CODE 4310-JA-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 42, 44, 45, 170, and 174

[CGD 76-080]

RIN 2115-AA11

Hopper Dredge Working Freeboard; Load Line and Stability Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: The U.S. Coast Guard is amending the load line and stability regulations to allow self-propelled hopper dredges to obtain working freeboards. This rulemaking was initiated because of the interest of a segment of the dredging industry to load to a deeper draft (working freeboard) in order to carry more spoil per trip and this rule will allow the authorization of that carriage.

EFFECTIVE DATE: October 6, 1989.

ADDRESSES: 1. The comments and materials referenced in this rulemaking are available for examination and copying between 8 a.m. and 4 p.m., Monday through Friday, except holidays, at the Marine Safety Council (G-LRA-2), U.S. Coast Guard Headquarters, Room 3600, 2100 Second Street SW., Washington, DC 20593-0001.

2. A Final Regulatory Evaluation is available for inspection or copying as explained in the preceding paragraph or by contacting the person listed below under **FOR FURTHER INFORMATION CONTACT**. The Categorical Exclusion from the requirements of the National Environmental Policy Act (NEPA) is available for inspection and copying at the same address or from the same person.

FOR FURTHER INFORMATION CONTACT: Dr. J.S. Spencer, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, (202) 267-2988.

SUPPLEMENTARY INFORMATION: On August 2, 1976, the Coast Guard published in the *Federal Register* (41 FR 32237) an Advance Notice of Proposed Rulemaking (ANPRM) to consider developing damage stability standards

for hopper dredges which elicited several responses. On December 10, 1979, a Notice of Proposed Rulemaking (NPRM) was published in the *Federal Register* (44 FR 70791). On January 24, 1980, a Supplemental Notice of Proposed Rulemaking (SNPRM) was published (45 FR 5780) to insert some inadvertently omitted text. Eight comments were received after publication of the NPRM raising some additional technical questions. Because of the time elapsed since the NPRM and the reconstruction of the proposal due to the eight comments, the Coast Guard published a second SNPRM in the *Federal Register* (52 FR 47422 of December 14, 1987) for public comment. This SNPRM incorporated all but two of the comments received after publication of the NPRM and was a complete restatement of the proposed rules as changed by those comments. On February 22, 1988, the comment period was reopened and extended until March 23, 1988 (53 FR 5200).

Drafting Information.

The principal persons involved in drafting this document are Mr. William Hayden, Project Manager, Office of Marine Safety, Security and Environmental Protection, and Mr. Stanley Colby, Project Counsel, Office of the Chief Counsel.

Discussion of Comments and Changes Made

Ten letters commenting on the proposed regulations were received. Eight letters were received following the publication of the NPRM in 1979 and some of the major comments from those were discussed in the December 14, 1987, SNPRM. The two other letters were received following the publication of that SNPRM. Of the ten letters, seven were from organizations having direct involvement in the dredging industry. Six letters were received from civilian dredge operators, one from an unidentified company, one from the Army Corp of Engineers, one from the Maritime Administration and one from a Coast Guard field office.

Several commenters questioned whether the proposed regulations applied to existing hopper dredges and to vessels which do not load their own hoppers yet still transport dredged material or processed sludge. One commenter requested that the definition of hopper dredge be clarified to reduce confusion.

The rules are applicable only to self-propelled dredges which have machinery permanently installed for the purpose of loading internal tanks

(hoppers) with dredge spoils. Also, the damage stability requirements are applicable only to those hopper dredges, both new and existing, for which a working freeboard assignment is desired. These regulations are not applicable to hopper barges, sludge barges or other vessels incapable of performing dredging functions. As such, the definition in § 44.310 has been clarified to avoid confusion.

Several commenters recommended, in response to the NPRM, to change the maximum specific gravity of the dredge spoils from 2.0 to 1.8. The SNPRM published on December 14, 1987, agreed with these comments and reduced the maximum specific gravity from 2.0 to 1.8. From the comments received in response to the second SNPRM, it appears that there is some disagreement as to what the maximum specific gravity of dredged spoils can be. In response to these comments, the Coast Guard is modifying § 174.210 (formerly § 174.830) to allow calculations to be performed at the highest specific gravity of dredge spoils the operator expects to encounter in the operation of the vessel. This maximum specific gravity will be stated on the load line certificate by the Assigning Authority.

Several commenters recommended that dumping of the spoils be allowed as one of the assumed situations to demonstrate compliance with the damage stability requirements. These commenters argue that the first action of the Master of a dredge after a casualty would be to dump the spoil.

The Coast Guard agrees with these commenters. Further, the Coast Guard agrees that the impact on the design and cost of a dredge resulting from the "no-dumping" assumption greatly exceeds the hazard that results from the few instances where the spoil may not be able to be dumped after a casualty. Therefore, the proposed regulations contained in the SNPRM, § 174.845 (now § 174.330), were relaxed to permit the designer to assume that the spoil has been dumped immediately after damage provided the dredge meets certain operating requirements, such as the time required to open and the means of opening the bottom dump doors.

One commenter felt that the proposed requirement in § 174.843(a) (now § 174.325(c)) for maintaining at least 2 inches of positive metacentric height should be applied only in the case of symmetric flooding. The commenter proposed several other criteria for maintaining positive stability after cross flooding.

The Coast Guard believes that the maintenance of at least 2 inches of metacentric height after damage is

necessary to provide for an acceptable amount of residual stability after damage and ensure that the righting arm curve is positive. This is also in keeping with the damage stability requirements of vessels that are not hopper dredges.

One commenter questioned why the proposed regulations would require that the stability calculations take into account the spillage of the dredge spoils resulting from the changing heel and trim of the vessel. They felt that in order to meet the requirements of § 174.310 it would require a significant amount of calculations which would dramatically increase the amount of work and cost involved.

The Coast Guard agrees with this comment; by not accounting for the spillage of dredge spoils, a more conservative righting arm curve will result. Therefore, the word "must" has been replaced with the word "may" in § 174.310(d) (formerly § 174.820(e)). The provision to account for the spillage is retained to provide a means for the designer who wishes to account for the spillage of dredge spoils.

Several commenters questioned why the proposed discharge area in § 174.845 (now § 174.335) for the hoppers must be 30% of the vessel waterplane area rather than some percentage of the hopper area.

The Coast Guard intended, in the proposed rules, that the discharge area should be 30% of the maximum hopper waterplane area, not the vessel's waterplane area. This wording as proposed has been redrafted for the final rule to prevent confusion.

Several commenters questioned the proposed requirements in § 174.845 (now § 174.330) that the bottom doors or split hull actuating mechanism be able to dump the spoils in two minutes or less even if the vessel is damaged.

The Coast Guard intends that the actuating systems be designed to fail in the open position so that in the event of damage or loss of power the spoils can be easily jettisoned. This requirement is necessary to validate the assumptions made for damage stability calculations that the spoil is dumped.

One commenter questioned why no special mark will be placed on the vessel when issued a working freeboard.

The International Load Line Convention and U.S. laws require that only one freeboard mark may be visible on the vessel at any time. This means that vessels with multiple load line marks must paint out one mark while operating in accordance with the second. The Coast Guard felt that it would be an undue burden on the industry to require the load line marks to change from the working freeboard

marks to the standard freeboard marks when the vessel changed service. Vessels meeting the requirements for the assignment of working freeboard marks will be issued a load line exemption certificate which will permit the operator to submerge the load line to the working freeboard. The Coast Guard expects the master will not load his vessel deeper than the authorized working freeboard but violations would subject the perpetrator to the penalty provisions of 46 U.S.C. 5116.

Several commenters felt that the requirements in proposed § 93.40.20 in the NPRM to demonstrate that the vessel would survive an assumed bottom damage would be overly burdensome to the industry.

This comment has been considered and the proposed calculation for bottom damage has been withdrawn.

During review of the comments on the SNPRM, the Coast Guard realized that some of the problems commenters found with the proposed regulations stemmed from its less than clear organization. In addition, much of the text of the proposed rules was not trenchantly stated. In order to assist readers in meeting these requirements, the Coast Guard has reorganized the final rule by combining material that was related, eliminating redundancies, and clarifying text when necessary. None of these editorial changes affect the substantive content of the proposal. The following table will help readers locate the proposed rules in the new system.

Section title	SNPRM sec.	Final rule sec.
Specific applicability	174.800	174.300
Definitions	174.810	174.305
Calculations (Renamed General)	174.820	174.310
Assumptions (Added to General)	174.830	174.310
Extent and character of damage	174.841	174.315
Permeability (Added to General)	174.842	174.310
Damage survival	174.843	174.320
Equalization	174.844	174.325
Jettisoning of spoil	174.845	174.330
Watertight doors	174.850	174.335
Collision bulkhead	174.860	174.340

RIN Number

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulation. 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.

Regulatory Evaluation

This rule is considered to be non-major under Executive Order 12291 and nonsignificant under the DOT regulatory policies and procedures (44 FR 11034; February 28, 1979).

The economic impact of this proposal would involve calculation hours spent by naval architecture and engineering firms hired by the dredge owners and operators. The dredge owners and operators would have to pay for the services of the naval architects and engineers but would recoup their costs quickly because they would be able to load to deeper drafts and carry more dredged spoil per trip to the dump site. Vessels which have been granted working freeboards during the past six years on a case by case basis already meet the damage stability requirements in the proposed rules. The proposed rules are not a requirement for all hopper dredges. Only those dredges desiring an increased capacity would be required to meet the requirements promulgated by this document.

Compared to the current procedure for obtaining a working freeboard, the procedures set out in these rules would cost dredge owners less money. This is because the necessary procedure would be clearly provided by the rules promulgated in this document. Costs are estimated at \$5800 for each new hopper dredge built over the next 10 years which is estimated to be 10 vessels. For that period, the estimated costs for existing vessels is \$17,400. The estimated cost for industry for the next ten years would be \$75,400.

Environmental Impact

It has been determined that this regulation is categorically excluded from further environmental documentation. The Categorical Exclusion for Hopper Dredge Working Freeboard, Load Line and Stability Requirements has been prepared and placed in the rulemaking docket (CGD 76.080). It is available for examination and copying as noted in the ADDRESSES above.

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 to warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act

An increase in information collection requirements for the vessels under these

rules would result to the extent that the industry chooses to utilize this voluntary rule. The OMB control number for this rulemaking is 2115-0565 which is approved through March 31, 1991.

Regulatory Flexibility Act

Based upon the information in the evaluation, 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. For the purposes of this rulemaking, a small entity has been defined as a business with gross revenues less than \$500,000 per year. The rules contained in this rulemaking are voluntary and provide an economic benefit to industry, therefore no further evaluation is necessary.

List of Subjects

46 CFR Part 42

Penalties, Reporting and record-keeping requirements, Vessels.

46 CFR Part 44

Reporting and record-keeping requirements, Vessels.

46 CFR Part 45

Great Lakes, Reporting and record-keeping requirements, Vessels.

46 CFR Part 170

Marine safety, Reporting and record-keeping requirements, Vessels.

46 CFR Part 174

Marine safety, Vessels.

In accordance with the foregoing, subchapters E and S of title 46, Code of Federal Regulations, are amended as follows:

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

1. The authority citation for part 42 continues to read as follows:

Authority: 46 U.S.C. 5115; 49 CFR 1.45, 1.46; sec. 42.01-5 also issued under the authority of 44 U.S.C. 3507.

2. Section 42.03-5 is amended by adding paragraph (e) to read as follows:

§ 42.03-5 U.S.-flag vessels subject to the requirements of this subchapter.

(e) Hopper dredges engaged in limited service domestic voyages. Self-propelled hopper dredges over 79 feet (24 meters) in length with working freeboards, on limited service domestic voyages within 20 nautical miles (37 kilometers) from the mouth of a harbor of safe refuge, are subject to the provisions of this

subchapter that apply to a Type "B" vessel and to the provisions of Subpart E of Part 44 of this chapter.

3. Section 42.03-30 is amended by adding paragraph (b)(4) to read as follows:

§ 42.03-30 Exemptions for vessels.

(b) * * *

(4) For self-propelled hopper dredges engaged on international voyages or on limited service domestic voyages by sea. These vessels may be exempt from applicable hatch cover requirements of § 42.15-25 of this part by showing they meet the requirements in § 174.310 of this chapter. When a Load Line Exemption Certificate is issued for this exemption, it must have an endorsement that only seawater is allowed in the vessel's hoppers.

* * *

4. Section 42.20-5 is amended by revising the introductory text of paragraph (c) to read as follows:

§ 42.20-5 Freeboard assignment: Type "B" vessel.

* * *

(c) Any Type "B" vessel that is greater than 100 meters (328 feet) in length and any hopper dredge meeting the requirements in Subpart C of Part 44 of this chapter may have a reduced freeboard from that assigned under Table 42.20-15(b)(1) in accordance with paragraph (d) or paragraph (e) of this section if—

* * *

PART 44—VARIANCE FOR CERTAIN VESSELS

5. The authority citation for part 44 continues to read as follows:

Authority: 46 U.S.C. 5115; 49 CFR 1.46.

6. Part 44 is amended by revising its title to read as follows:

PART 44—SPECIAL SERVICE LIMITED DOMESTIC VOYAGES

7. Part 44 is amended by redesignating subpart 44.01 as subpart A while retaining the title, "Administration", and redesignating subpart 44.05 as subpart B and revising the title of the new subpart B to read as follows:

Subpart B—Rules for Assigning Special Service Load Lines

8. Part 44 is amended by adding a new Subpart C to read as follows:

Subpart C—Rules for Assigning Working Freeboards to Hopper Dredges

Sec.

44.300 Applicability.

44.310 Definitions.

44.320 Submission of plans and calculations.

44.330 Obtaining working freeboards for hopper dredges.

44.340 Operating restrictions.

Subpart C—Rules for Assigning Working Freeboards to Hopper Dredges**§ 44.300 Applicability.**

This subpart applies to each self-propelled hopper dredge—

(a) For which a working freeboard assignment is desired after January 1, 1990; and

(b) That operates with a working freeboard assigned under this subpart.

§ 44.310 Definitions.

Hopper dredge means a self-propelled dredge with an open hold or hopper in the hull of the dredge that receives dredged material.

Working freeboard means one-half the distance between the mark of the load line assigned under this subchapter and the freeboard deck.

§ 44.320 Submission of plans and calculations.

To request a working freeboard, calculations, plans, and stability information necessary to demonstrate compliance with this subpart must be submitted to the:

(a) Commanding Officer, U.S. Coast Guard Marine Safety Center (G-MS), 400 Seventh Street SW., Washington, DC 20590-0001; or

(b) American Bureau of Shipping, 45 Eisenhower Drive, Paramus, New Jersey 07652-0910.

§ 44.330 Obtaining working freeboards for hopper dredges.

A hopper dredge may be issued a working freeboard on a limited service domestic voyage load line certificate or a Great Lakes load line certificate if the following are met:

(a) The hopper dredge structure must have adequate strength for any draft up to the working freeboard draft. Dredges built and maintained in conformity with the requirements of a classification society recognized by the Commandant usually meet this requirement.

(b) The hopper dredge must—

(1) Meet subpart I of part 174 of this chapter; and

(2) Have on its bridge remote draft indicators that:

(i) Show the fore, aft, and mean draft of the dredge at all times while the dredge is operating; and

(ii) Have each indicator marked with the assigned freeboard and the working freeboard.

§ 44.340 Operating restrictions.

(a) Each hopper dredge assigned a working freeboard may be operated at drafts from the normal freeboard to the working freeboard if the—

(1) Seas are not more than 10 feet;

(2) Winds are not more than 35 knots;

(3) Area of operation is not more than 20 nautical miles (37 kilometers) from the mouth of a harbor of safe refuge; and

(4) Specific gravity of the spoil carried is not more than the highest specific gravity of spoil used in the stability calculations required by subchapter S of this chapter.

(b) The Assigning Authority designates on the face of the dredge's load line certificate—

(1) Each restriction contained in paragraph (a)(1) through (a)(3) of this section; and

(2) The maximum specific gravity of the spoils allowed to be carried.

PART 45—GREAT LAKES LOAD LINES

9. The authority citation for part 45 continues to read as follows:

Authority: 46 U.S.C. 5115; 49 CFR 1.46.

10. Section 45.9 is amended by revising paragraph (b) to read as follows:

§ 45.9 Seasonal application of load lines for vessels not marked under this part.

(b) Except for hopper dredges operating at working freeboards in accordance with subpart C of part 44 of this chapter, the Assigning Authority may not allow for lesser freeboards.

PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS

11. The authority citation for part 170 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3703, 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

12. Section 170.110 is amended by adding paragraph (d)(16) to read as follows:

§ 170.110 Stability booklet.

(d) * * *

(16) For each self-propelled hopper dredge with a working freeboard, the

maximum specific gravity allowed for dredge spoil.

13. Section 170.248 is amended in paragraph (a) by adding the words "or paragraph (c)" after the words "paragraph (b)" and adding paragraph (c) to read as follows:

§ 170.248 Applicability.

(c) A watertight door on a self-propelled hopper dredge with a working freeboard must comply with § 174.335 of this subchapter.

14. Part 170 is amended by adding § 170.300 to read as follows:

§ 170.300 Special consideration for free surface of spoil in hopper dredge hoppers.

The calculations required by this subchapter for each self-propelled hopper dredge must include—

(a) The free surface effect of consumable liquids and the free surface effect of the dredged spoil in the hoppers; and

(b) Either of the following assumptions when performing the calculations required by § 174.310(b) of this chapter:

(1) If the dredged spoil is assumed to be jettisoned, the free surface of the dredged spoil may be disregarded.

(2) If the dredged spoil is not assumed to be jettisoned, the free surface of the dredged spoil must be calculated.

PART 174—SPECIAL RULES PERTAINING TO SPECIFIC VESSEL TYPES

15. The Authority citation for part 174 continues to read as follows:

Authority: 42 U.S.C. 9118, 9119, 9153; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703, 5115; E.O. 12334; 45 FR 58801, 3 CFR, 1980 comp. p. 277; 49 CFR 1.46.

16. Section 174.005 is amended by adding paragraph (f) to read as follows:

§ 174.005 Applicability.

(f) Self-propelled hopper dredge having an assigned working freeboard.

17. Part 174 is amended by adding subpart I to read as follows:

Subpart I—Hopper Dredges With Working Freeboard Assignments

Sec.

174.300 Specific applicability.

174.305 Definitions.

Calculations

174.310 General.

174.315 Extent and character of damage.

174.320 Damage survival.

174.325 Equalization.

Sec.
174.330 Jettisoning of spoil.

Design

174.335 Watertight doors.
174.340 Collision bulkhead.

Subpart I—Hopper Dredges With Working Freeboard Assignments

§ 174.300 Specific applicability.

This subpart applies to each self-propelled hopper dredge for which a working freeboard assignment is being sought under part 44, subpart C, of this chapter.

§ 174.305 Definitions.

Hopper dredge has the same meaning as contained in § 44.310 of this chapter.

Length has the same meaning as contained in § 42.13-15(d) of this chapter.

Working freeboard has the same meaning as contained in § 44.310 of this chapter.

Calculations

§ 174.310 General.

(a) Each hopper dredge under this subpart must be shown by design calculations based on the assumptions under paragraphs (b), (c), (d), and (e) of this section, that it meets—

(1) The requirements in §§ 170.170, 170.173, and 170.300 of this chapter in each condition of loading and operation; and

(2) The survival conditions of § 174.320 in each condition of loading and operation assuming the character and extent of damage specified in § 174.315.

(b) The calculations required by paragraph (a) of this section must assume:

(1) The hoppers are full of seawater;
(2) The permeability of flooded spaces is as provided by Table 174.310;

(3) The equalization provisions of § 174.325; and

(4) The jettisoning provisions of § 174.330.

(c) The calculations required by this section must take into account a sufficient number of loading conditions to identify the condition in which the vessel is least stable, including, but not limited to, the most severe loading condition, and the:

(1) Specific gravity of the dredge spoil, from 1.02 up to and including the maximum required by paragraph (e)(1) of this section; and

(2) Draft, up to and including the draft corresponding to the working freeboard for the full range of trim.

(d) The calculations required by this

section for a dredge with open hoppers may include spillage of spoil from the hopper resulting from changing the angle of heel and trim.

(e) The following assumptions must be made when doing the calculations required by this section:

(1) Dredged spoil in the hopper is a homogeneous liquid with a maximum specific gravity for the areas of operation.

(2) When calculating the vessel's righting arm, it is assumed at each angle of heel that the vessel trims free and the trimming moment is zero.

TABLE 174.310—PERMEABILITY OF FLOODABLE SPACES

Spaces and tanks	Permeability
Storerooms	0.60
Accommodation spaces....	0.95
Consumable liquid tanks....	0.00 or 0.95—whichever results in the more disabling condition.
Machinery space	0.85—unless otherwise supported by calculations.
Cargo tanks	Determined from the actual density and amount of liquid carried in the tank.

§ 174.315 Extent and character of damage.

(a) The calculations required by § 174.310 must show that the dredge can survive damage at any location along the length of the vessel including at a transverse bulkhead in accordance with paragraph (b) of this section.

(b) The calculations required by paragraph (a) of this section must assume the most disabling side penetration with the damage collision penetration provided by Table 174.315, except that if the most disabling damage collision penetrations would be less than those provided by Table 174.315, the smaller damage collision penetration must be assumed.

TABLE 174.315—EXTENT OF DAMAGE COLLISION PENETRATION

Longitudinal extent.....	0.495L ^{2/3} or 47.6 feet, [(1/3)L] ^{2/3} or 14.5 meters, whichever is less.
Transverse extent ¹	B/5 or 37.7 feet, (11.5 meters), whichever is less.
Vertical extent.....	From the base line upward without limit.

¹ Damage applied inboard from the vessel's side at a right angle to the centerline at the draft corresponding to the working freeboard assigned under subchapter E of this chapter.

§ 174.320 Damage survival.

A hopper dredge survives assumed damage if it meets the following conditions:

(a) The maximum angle of heel in each stage of flooding must not exceed 30 degrees or the angle of downflooding whichever is less.

(b) The final waterline, taking into account sinkage, heel, and trim, must be below the lowest edge of each opening through which progressive flooding may take place.

(c) The righting arm curve calculated after damage must:

(1) Have a minimum positive range of 20 degrees beyond the angle of equilibrium; and

(2) Reach a height of at least 4 inches (100mm) within the 20 degree positive range.

(d) Each opening within, or partially within, the 20 degree range beyond the angle of equilibrium must be weathertight.

(e) After flooding or equalization as allowed by § 174.325, the hopper dredge's metacentric height must be at least 2 inches (50mm) when the dredge is in an upright position.

§ 174.325 Equalization.

When doing the calculations required by § 174.310 of this subpart—

(a) Equalization arrangements requiring mechanical aids, such as valves, may not be assumed to be effective in reducing the angle of heel; and

(b) Spaces joined by ducts may be assumed to be common spaces only if equalization takes place within 15 minutes after flooding begins.

§ 174.330 Jettisoning of spoil.

(a) When doing the calculations required by § 174.310 for a hopper dredge with bottom doors, it may be assumed that the spoil is jettisoned immediately after damage and that the bottom doors remain open if:

(1) The bottom doors are designed so that they may be fully opened from:

(i) The closed position within two minutes even if the main power source is lost or the bottom door actuating mechanism is damaged; and

(ii) The navigating bridge;

(2) The discharge area through the bottom doors is equal to or greater than 30 percent of the maximum cross sectional area of the hopper measured in a plane parallel to the waterline; and

(3) Asymmetrical jettisoning of the spoil is impossible.

(b) When doing the calculations required by § 174.310 for a hopper dredge with a split hull, it may be assumed that the spoil is jettisoned immediately after damage if—

(1) The hull is designed so that—

(i) The complete separation is effected within two minutes even if the main power source is lost or the actuating means is damaged; and

(ii) The actuating means can be operated from the navigating bridge;

(2) It is shown to the Commanding Officer, Marine Safety Center, either by calculations or by operational tests, that the hulls can separate sufficiently to allow the dredged material to dump without bridging; and

(3) Asymmetrical jettisoning of the spoil is impossible.

Design

§ 174.335 Watertight doors.

(a) Each hopper dredge must have sliding watertight doors (Class 3) approved under subpart 163.001 of this chapter if the sill for the door is—

(1) Installed below the bulkhead deck; and

(2) Less than 24 inches above the final waterline as shown by the calculations required by § 174.310 in each damage condition up to and including the maximum amount of assumed damage.

(b) Each hopper dredge must have sliding watertight doors (Class 3) approved under subpart § 163.001 of this chapter, or quick acting hinged watertight doors (Class 1) approved under the same Subpart if the sill of the watertight door is—

(1) Installed below the bulkhead deck; and

(2) Greater than 24 inches above the final waterline as shown by the calculations required by § 174.310 in each damage condition up to and including the maximum amount of assumed damage.

§ 174.340 Collision bulkhead.

Each hopper dredge must have a collision bulkhead that is located not less than 5 percent of the length abaft of the forward perpendicular.

Dated: August 11, 1989.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 89-20817 Filed 9-5-89; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1515 and 1552

[FRL-3640-5]

Acquisition Regulation; Submission of General Financial and Organizational Information and Purchasing System Information by Offerors

AGENCY: Environmental Protection Agency.

ACTION: Provisional rule.

SUMMARY: This document establishes a provisional rule on the submission of general financial and organizational information and purchasing system information by offerors. This rule is necessary to permit a more thorough initial evaluation of proposals received from offerors, and to identify those contractors which the Environmental Protection Agency (EPA) has the responsibility for the conduct of Contractor Purchasing System Reviews (CPSR). The intended effect of this rule is to require offerors to submit information with their proposals to assist in the evaluation process and determination of CPSR responsibility.

EFFECTIVE DATE: October 15, 1989.

FOR FURTHER INFORMATION CONTACT:

Edward N. Chambers, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, telephone: (202) 382-5028.

SUPPLEMENTARY INFORMATION:

A. Background

The EPA currently requires general financial and organizational information only from offerors in the competitive range. This information is obtained by offerors' completion of the questions under Environmental Protection Agency Acquisition Regulation (EPAAR) 1552.215-76, or their certification or updating of previously submitted information as directed by EPAAR 1552.215-75. Pertinent general financial and organizational information has therefore not been available for the initial evaluation of proposals.

Federal Acquisition Regulation 44.302 requires that Contractor Purchasing System Reviews (CPSR) be conducted for each contractor whose qualifying sales to the Government are expected to exceed \$10 million over the next 12 months. The cognizant contract administration agency conducts these reviews at least every three years for contractors that continue to exceed the \$10 million threshold.

The general and organizational information prescribed under EPAAR

1552.215-76 does not include information concerning an offeror's purchasing system. The EPA attempts to identify contractors for which it has CPSR responsibility through its Contract Information System (CIS). The CIS is an automated tracking system of all contract actions processed by EPA. The CIS does not enable EPA to identify all contractors for which EPA has CPSR responsibility since the CIS does not contain information on subcontractors and contracts with other Government agencies.

Information to be provided by offerors under this rule will enable EPA to identify contractors with qualifying Government sales in excess of \$10 million and to ascertain the cognizant contract administration agency for these contractors.

This rule was published as a proposed rule in the *Federal Register* on February 16, 1989. The Office of Federal Procurement Policy (OFPP) by letter of March 29, 1989, identified provisions of the rule as having potential government-wide application. In accordance with the OFPP letter, EPA has submitted a request to the FAR Councils for initiation of a FAR case. When a rule contains issues submitted to the FAR Councils for initiation of a FAR case, OFPP guidance permits publication of the rule as provisional. If the FAR Councils adopt a rule, EPA will rescind the provisional rule. If FAR coverage is determined to be unnecessary, EPA will publish this provisional rule as final, taking the FAR Councils' deliberations into account.

B. Executive Order 12291

Office of Management and Budget (OMB) Bulletin No. 85-7, dated December 14, 1984, establishes the requirements for OMB review of agency acquisition regulations. This regulation does not fall within any of the categories cited in the Bulletin requiring review.

C. Paperwork Reduction Act

The information collection requirements contained in this provisional rule were approved by the Office of Management and Budget and have been assigned OMB Control Number 2030-0006.

D. Regulatory Flexibility Act

The provisional rule is not expected to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. The information requested for submission is readily available and will require only a minimal effort for offerors to compile.

The EPA certifies that this provisional rule will not exert a significant economic impact on a substantial number of small entities. Therefore, no regulatory flexibility analysis has been prepared.

E. Public Comments

No comments were received in response to the notice of proposed rule making.

List of Subjects in 48 CFR Parts 1515 and 1552

Government procurement.

For the reasons set out in the preamble, chapter 15 of title 48 Code of Federal Regulations is amended as set forth below.

1. The authority citation for 48 CFR Parts 1515 and 1552 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

PART 1515—[AMENDED]

2. Section 1515.407 is amended by revising paragraph (a)(3) to read as follows:

1515.407 Solicitation provisions.

(a) * * *

(3) 1552.215-76, General Financial and Organizational Information.

* * *

1515.407 [Amended]

3. In § 1515.407, paragraph (b) is deleted and paragraph (c) is redesignated as paragraph (b).

PART 1552—[AMENDED]

1552.215-75 [Removed and Reserved]

4. Section 1552.215-75 is removed and reserved.

5. Section 1552.215-76 is amended by revising the introductory paragraph and paragraph (q) to read as follows:

1552.215-76 General financial and organizational information.

As prescribed in 1515.407(a)(3), insert the following provisions:

* * *

(q) Purchasing System: FAR 44.302 requires EPA, where it is the cognizant Government agency, to conduct a Contractor Purchasing System Review for each contractor whose sales to the Government, using other than sealed bid procedures, are expected to exceed \$10 million (annual billings) during the next twelve months. The \$10 million sales threshold is comprised of prime contracts, subcontracts under Government prime contracts, and modifications (except when the negotiated price is based on established

catalog or market prices or is set by law or regulation). Has your purchasing system been approved by a Government agency?

Yes _____ No _____

If yes, name and location of the Government agency:

Period of Approval: _____

If no, do you estimate that your negotiated sales to the Government during the next twelve months will meet the \$10 million threshold?

Yes _____ No _____

If you respond yes to the \$10 million threshold question, is EPA the cognizant agency for your organization based on the preponderance of Government contract dollars?

Yes _____ No _____

If EPA is not your cognizant Government agency, provide the name and location of the cognizant agency: _____

Are your purchasing policies and procedures written?

Yes _____ No _____

* * *

Date: August 18, 1989.

Harvey Pippen, Jr.,

Acting Director, Office of Administration.

[FR Doc. 89-20761 Filed 9-5-89; 8:45 am]

BILLING CODE 6560-50-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1056

[Ex Parte No. MC-19 (Sub-No. 40)]

Return of Proportional Freight Charges by Motor Carriers of Household Goods

AGENCY: Interstate Commerce Commission.

ACTION: Adoption of final rule.

SUMMARY: After review of the comments of the parties to this proceeding we adopt the revision of our rule at 49 CFR 1056.15 proposed in our Notice of Proposed Rulemaking previously entitled *Refund of Tariff Charges on Shipments With Less Than Total Loss or Destruction*, 53 FR 50270, published December 14, 1988. The docket number is also corrected in this notice and in our decision adopting the final rule from Ex Parte No. MC-19 (Sub-No. 39) to Ex Parte No. MC-19 (Sub-No. 40) because Docket No. Ex Parte No. MC-19 (Sub-No. 39) was used in another proceeding. The revised rule requires motor common carriers of household goods to refund proportional freight charges on shipments with less than total loss or destruction in transit at the time

corresponding loss and damage claims are processed. We believe that the rule change will eliminate the difficulties the moving industry has experienced in complying with the present rule and, at the same time, will assure that shippers will be refunded appropriate tariff charges for articles lost or destroyed in transit.

EFFECTIVE DATE: The revised rule is effective October 6, 1989.

FOR FURTHER INFORMATION CONTACT:

Heber P. Hardy (202) 275-7148 or John W. Fristoe (202) 275-7844, [TDD for hearing impaired (202) 275-1721].

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call or pickup in person from Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (DC Metropolitan area), [assistance for the hearing impaired is available through TDD services (202) 275-1721].

Energy and Environmental Considerations

This action does not affect significantly either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

We certify that the adoption of this final rule will not have a significant impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 1056

Advertising, Consumer protection, Freight, Insurance, Motor carriers, Moving of household goods, Reporting and recordkeeping requirements.

This action is taken under the authority of 49 U.S.C. 10321, 11109, 11110 and 5 U.S.C. 553.

Decided: August 28, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners André, Lamboley, and Phillips.

Noreta R. McGee,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1056 of the Code of Federal Regulations is amended as follows:

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

1. The authority citation for Part 1056 continues to read as follows: