Sunshine Act Meetings

Federal Register
Vol. 55, No. 30
Tuesday, February 13, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

Meeting Agenda

TIME AND DATE: Monday, February 12, 1990, 10:00 a.m.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

**Choking Hazard Options*

The staff will brief the Commission on regulatory options available to the Commission to address choking hazards associated with toys and other children's articles. This is a continuation of the briefing on this subject held on Thursday, February 8, 1990.

*The Commission by unanimous vote decided that agency business required holding this meeting without the normal seven day advance notice.

For a recorded message containing the latest agenda information, call: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207, 301-492-6800.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 90-3498 Filed 2-9-90; 1:47 pm]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Closed Meeting

February 7, 1990.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-4109), 5 U.S.C. 552b:

DATE AND TIME: February 14, 1990, 8:30 a.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, DC 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Project No. 2545, Washington Power Company

(2) Project Nos. 2404-008 and 2404-009, Alpena Power Company

(3) Project No. 9282, Winslow H. MacDonald

(4) Project No. 1413, Island Park Resorts, Inc.

(5) Project No. 6572, Indian Falls Hydro, Inc.

(6) Project No. 3071, Rapidan Development Ltd.

(7) Project 2161, Rhinelander Paper Company

(8) Project No. 7178, Arbuckle Mountain Hydro Partners

(9) Project No. 7477, Burt Dam Power Company

(10) Project No. 9000, STS Consultants, Ltd., Morrow Dam

(11) Project No. IN85-5-000, Herbert D. Patrick

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 357-8400.

Lois D. Cashell,

Secretary.

[FR Doc. 90-3421 Filed 2-8-90; 4:48 pm]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Meeting

February 7, 1990.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-49), 5 U.S.C. 552B:

DATE AND TIME: February 14, 1990, 10:00 a.m.

PLACE: 825 North Capitol Street, N.E., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note: Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Note: The agenda format has been revised to incude new agenda prefixes: CAH, CAE, H, E, PR, PF and PC. All parts of the consent agenda will continue to be called and voted on as a single group. Consent items which are called separately at the request of a member of the Commission will be called at the end of that part of the regular agenda for the applicable substantive area (for example, CAH-5 would be considered after the last regular Hydro agenda item).

Consent Agenda—Hydro, 909th Meeting—February 14, 1990, Regular Meeting (10:00 a.m.)

CAH-1.
Project No. 7497-005, Metropolitan Sewerage District of Buncombe County, North Carolina
CAH-2.
Project No. 2716-018, Virginia Electric and Power Company
CAH-3.
Project No. 8291-004, North Star Hydro, Ltd.
CAH-4.
Project No. 10635-001, Town of Summersvile, West Virginia
CAH-5.
Project No. 2971-005, Allegheny Electric Cooperative
Project No. 7914-007, Allegheny Hydropower, Inc.
Project No. 8908-007, Borough of Brownsville, Pennsylvania, Washington County Board of Commissioners, and Pennsylvania Renewable Resources, Inc.
Project No. 4675-007, Borough of Charleroi, Pennsylvania, Washington County Board of Commissioners, and Pennsylvania Renewable Resources, Inc.
Project No. 4474-009, Borough of Cheswick, Pennsylvania, and Allegheny Valley North Council of Governments
Project No. 7660-005, Borough of Point Marion, Pennsylvania, and Noah Corporation
Project No. 7307-005, City of Grafton, West Virginia
Project No. 6939-009, City of Jackson, Ohio
Project Nos. 6901-006 and 6902-009, City of New Martinsville, West Virginia
Project No. 3218-005, City of Orrville, Ohio
Project No. 4017-006, City of Pittsburgh, Pennsylvania
Project No. 10098-002, City of Point Pleasant, West Virginia, and WV Hydro, Inc.
Project No. 9999-003, City of St. Marys, West Virginia, and WV Hydro, Inc.
Project Nos. 7568-004 and 7909-005, Allegheny County, Pennsylvania
Project No. 9042-004, Gallia Hydro Partners
Project Nos. 7399-007, 8990-003 and 8654-005, Noah Corporation
Project Nos. 3490-006 and 7041-006, Potter Township, Pennsylvania
Project No. 6998-003, Upper Mississippi Water Company, Inc.
Project No. 10332-002, WV Hydro, Inc.
CAH-6.
Project No. 4639-010, Christine Falls Corporation
Project Nos. 4900-030, 5000-018, 9685, 9709-014 and 9821-023, Trafalgar Power, Inc.
CAH-7.
Project No. 9885-004, Environmental Energy Company

CAH–8.
Project No. 8662–007, Nockmaxin Hydro Associates
CAH–9.
Project No. 3194–007, Joseph M. Keating
CAH–10.
Project No. 8863–004, Northeast Hydrodevelopment Corporation
CAH–11.
Docket No. RM87–33–002; Hydroelectric Relicensing Regulations Under the Federal Power Act
CAH–12.
Project No. 137–002, Pacific Gas and Electric Company

Consent Agenda—Electric

CAE–1.
Docket No. ER90–56–000, Minnesota Power & Light Company
CAE–2.
Docket No. ER90–116–000, Puget Sound Power & Light Company
CAE–3.
Docket No. ER90–80–000, Doswell Limited Partnership
CAE–4.
Docket No. ER89–672–001, Public Service Company of Indiana
CAE–5.
Docket No. ER85–477–006, Southwestern Public Service Company
CAE–6.
Docket No. EL89–50–001, Golden Spread Electric Cooperative, Inc. v. Southwestern Public Service Company
Docket No. EL89–51–001, Lubbock Power & Light Company of the City of Lubbock, Texas, and the Cities of Brownfield, Floydada, and Tulia, Texas v. Southwesern Public Service Company
CAE–7.
Docket No. ER90–26–002, American Electric Power Service Corporation
Docket No. ER89–470–003, AEP Generating Company
CAE–8.
Docket No. ER76–205–006, Southern California Edison Company
CAE–9.
Docket No. EL89–43–001, Boston Edison Company v. The Town of Concord, Massachusetts
CAE–10.
Docket No. EL84–560–023, Union Electric Company
CAE–11.
Docket No. EL89–26–000, Southern California Edison Company v. Arizona Public Service Company
Docket No. FA89–265–000, Arizona Public Service Company
CAE–12.
Docket No. FA85–63–002, Long Island Lighting Company
CAE–13.
Omitted
CAE–14.
Docket No. QF88–189–001, HL Power Company

Consent Agenda—Gas and Oil

CAG–1.
Docket Nos. RP90–59–000 and 001, Northwest Pipeline Corporation
CAG–2.
Docket No. RP88–69–003, Stingray Pipeline Company
CAG–3.
Docket No. RP90–72–000, Carnegie Natural Gas Company
CAG–4.
Docket No. TA90–1–27–000, North Penn Natural Gas Company
CAG–5.
Docket No. TM90–3–18–000, Texas Gas Transmission Corporation
CAG–6.
Docket No. TQ90–1–82–000, Viking Gas Transmission Company
CAG–7.
Docket No. TQ90–5–4–000, Granite State Gas Transmission, Inc.
CAG–8.
Docket No. RP90–47–000, Colorado Interstate Gas Company
CAG–9.
Docket Nos. RP90–25–003, 004, TM90–2–42–002 and 003, Transwestern Pipeline Company
CAG–10.
Docket Nos. TA89–1–17–000 and 001, Texas Eastern Transmission Corporation
CAG–11.
Docket Nos. RP88–94–000, 001, 010, 014, 015, 019, 020 and RP89–189–000, Natural Gas Pipeline of America
CAG–12.
Docket No. RP90–63–000, Bayou Interstate Pipeline System
CAG–13.
Docket No. RP90–68–000, Pelican Intersate Gas System
CAG–14.
Docket Nos. RP87–73–006 and RP90–22–003, Algonquin Gas Transmission Company
CAG–15.
Docket No. RP90–46–001, ANR Pipeline Company
CAG–16.
Docket No. RP90–54–001, ANR Pipeline Company
CAG–17.
Docket No. RP89–135–004, Arkla Energy Resources
CAG–18.
Docket No. RP89–230–004, El Paso Natural Gas Company
CAG–19.
Docket Nos. RP90–50–003 and TM90–4–37–002, Northwest Pipeline Corporation
CAG–20.
Docket No. TA87–1–37–014, Northwest Pipeline Corporation
CAG–21.
Docket No. RM87–5–003, Northern Border Pipeline Company, Ozark Gas Transmission System and Tenneco Gas
Docket No. MG88–41–001, Superior Offshore Pipeline Company and Texas Sea Rim Pipeline, Inc.
CAG–22.
Docket No. OR89–2–001, Trans Alaska Pipeline system
Docket No. IS89–7–002, Amerada Hess Pipeline Corporation
Docket No. IS89–8–002, ARCO Pipe Line Company
Docket No. IS89–10–002, BP Pipelines, Inc.
Docket No. IS89–11–002, Exxon Pipeline Company
Docket No. IS89–12–002, Mobil Alaska Pipeline Company
Docket No. IS89–13–002, Phillips Alaska Pipeline Corporation
CAG–23.
Docket No. RP90–2–001, Williston Basin Interstate Pipeline Company
CAG–24.
Docket No. RP90–6–001, El Paso Natural Gas Company
CAG–25.
Docket No. RP89–196–002, Northwest Pipeline Corporation.
CAG–26.
Docket No. RP89–225–001, South Georgia Natural Gas Company
CAG–27.
Docket Nos. RP86–41–008 and RP87–14–008, Algonquin Gas Transmission Company
CAG–28.
Docket Nos. CP82–487–017, RP84–62–001 and RP84–93–008 (Phase II), Williston Basin Interstate Pipeline Company
CAG–29.
Docket Nos. CP82–487–018 and TA87–4–49–017 (Phase V), Williston Basin Interstate Pipeline Company
CAG–30.
Docket Nos. CP82–487–019, RP84–62–002, RP84–93–009, TA84–2–49–002 and TA85–1–49–004 (Phase II and III), Williston Basin Interstate Pipeline Company
CAG–31.
Docket No. CP82–487–024, Williston Basin Interstate Pipeline Company
CAG–32.
Docket Nos. RP88–67–024, RP88–81–012 and RP88–221–008, Texas Eastern Trasmission Corporation
CAG–33.
Docket No. ST89–4756–000, Supenn Pipeline
CAG–34.
Docket No. ST89–4368–000, SNG Intrastate Pipeline Inc.
CAG–35.
Docket No. ST89–3406–000, K–M Mississippi, Inc.
CAG–36.
Docket No. CP73–184–006, Colorado Interstate Gas Company, a Division of Colorado Interstate Gas Company
Docket No. CI73–485–005, CIG Exploration, Inc.
CAG–37.
Docket No. CI87–290–000, El Paso Production Company
Docket No. CP87–553–000, El Paso Natural Gas Company
CAG–38.
Docket No. CI85–513–012, Tenngasco Gas Supply Company, *et al.*, v. Southland Royalty Company, *et al.*
CAG–39.
Docket No. GP89–49–000, New York State Departemnt of Environmental Conservation, Section 108 NGPA Determination, National Fuel Gas Supply Corporation, Potter No. SC–419 Well, FERC No. JD 83–27247
CAG–40.
Docket No. GP89–38–001, Corinne B. Grace, Complainant v. El Paso Natural Gas Company, Respondent
CAG–41.
Docket No. CP89–252–002, Mississippi Valley Gas Company v. Gulf Fuels Inc. and ANR Pipeline Company

CAG–42.
Docket No. CP88–266–007, Viking Gas Transmission Company
CAG–43.
Docket No. CP88–265–001, Stingray Pipeline Company
CAG–44.
Docket No. CP78–123–030, Northwest Alaskan Pipeline Company
Docket No. RP90–16–001, Northwest Alaskan Pipeline Company
Docket No. CP78–124–015, Northern Border Pipeline Company
Docket No. CP79–400–006, United Gas Pipe Line Company
Docket No. CP79–396–009, Northern Natural Gas Company, Division of Enron Corp. and Natgas (U.S.) Inc.
Docket No. CP90–93–002, Natgas (U.S.) Inc.
Docket No. CI89–348–002, Natgas (U.S.) Inc.
Docket No. RP87–34–001, Northwest Alaskan Pipeline Company
Docket No. RP89–109–001, United Gas Pipeline Company
Docket No. CP88–699–002, Northern Natural Gas Company, Division of Enron Corp.
CAG–45.
Docket Nos. CP87–57–010, CP87–166–008, CP87–316–006, CP87–386–006 and CP87–406–004, Florida Gas Transmission Company
CAG–46.
Docket No. CP85–806–012, Texas Eastern Transmission Corporation
CAG–47.
Docket No. CP82–433–005, Northwest Pipeline Corporation
CAG–48.
Docket No. CP88–825–001, Northwest Pipeline Corporation
CAG–49.
Docket No. CP89–267–001, Atlantic Richfield Company and Intalco Aluminum Corporation
CAG–50.
Docket No. CP87–458–002, Arkla Energy Resources, a Division of Arkla, Inc.
CAG–51.
Docket No. CP88–99–009, Transwestern Pipeline Company
CAG–52.
Docket Nos. CP89–1580–000 and CP86–578–025, Northwest Pipeline Corporation
Docket No. G–17350–008, Pacific Gas Transmission Company
CAG–53.
Docket Nos. CP78–545–007, CP79–129–002, CP80–164–004, ANR Pipeline Company
Docket No. CP78–132–010, ANR Storage Company
Docket No. CP78–527–005, Great Lakes Gas Transmission Company
Docket No. CP78–433–005, Michigan Consolidated Gas Company-Interstate Storage Division
CAG–54.
Docket No. CP89–1864–000, CNG Transmission Corporation
CAG–55.
Docket No. CP90–174–000, Midwestern Gas Transmission Company
CAG–56.
Docket Nos. CP90–552–000, CP90–553–000, CP90–576–000, CP90–593–000 and CP90–594–000, Colorado Interstate Gas Company
CAG–57.
Docket No. CP90–603–000, Texas Eastern Transmission Corporation
CAG–58.
Docket No. CP89–1808–000, Transco Energy Ventures Company
CAG–59.
Docket No. CP86–317–006, Panhandle Eastern Pipe Line Company
CAG–60.
Docket No. RP89–157–000, Valley Gas Transmission Inc.
CAG–61.
Docket No. RP88–256–001, West Texas Gas, Inc.
CAG–62.
Docket No. RP86–135–000, Caprock Pipeline Company
CAG–63.
Omitted
CAG–64.
Docket No. CP89–1119–000, Texas Gas Transmission Corporation

Hydro Agenda

H–1.
Project No. 1417–012, Central Nebraska Public Power and Irrigation District
Project No. 1835–025, Nebraska Public Power District. Order on petitions for interim license conditions.

Electric Agenda

E–1.
Docket Nos. EC90–10–000, ER90–143–000, ER90–144–000, ER90–145–000 and EL90–9–000, Northeast Utilities Service Company. Order on petition for declaratory order, rate filings and application for authorization to dispose of facilities.
E–2.
Docket No. QF90–8–000, Pinellas County, Florida. Order on application for qualifying status of a Small Power Production Facility and petition for waiver.

Gas and Oil Agenda

I. Pipeline Rate Matters

PR–1.
(A) Docket Nos. RP84–94–003, RP85–66–001, CP86–720–002 and RP90–9–001, Trailblazer Pipeline Company. Rehearing of order accepting rate settlement.
(B) Docket No. RP84–53–000, Ozark Gas Transmission Company. Remand concerning rate base methodology.
PR–2.
Docket Nos. IS88–24–000, IS89–2–000, IS89–3–000 and IS89–5–000, Texas Eastern Products Pipeline Company. Concerning whether to terminate oil pipeline proceeding.

II. Producer Matters

PR–1.
Reserved

III. Pipeline Certificate Matters

PC–1
Docket No. CP88–136–012, Texas Eastern Transmission Corporation. Order on rehearing of blanket certificate authorizing a transportation assignment program.
PC–2
Docket No. CP88–651–000, Northwest Pipeline Corporation. Order on application for certificate authorization to provide open access storage.
PC–3
Docket Nos. CP88–171–000 and 001, Tennessee Gas Pipeline Company
Docket Nos. CP88–94–000, 001, CP88–194–000 and 001, National Fuel Gas Supply Corporation
Docket Nos. CP88–92–000 and 001, Transcontinental Gas Pipeline Corporation
Docket Nos. CP88–195–000, 001, 002, and 005, PennEast Gas Services Corporation, CNG Transmission Corporation and Texas Eastern Transmission Corporation
Docket Nos. CP87–131–002 and CP87–132–002, Texas Eastern Transmission Corporation. Order on an application to construct and operate a portion of the Niagara spur loop line project proposed by Tennessee Gas Pipeline Company.

Lois D. Cashell,
Secretary.

[FR Doc. 90–3422 Filed 2–8–90; 4:48 pm.]
BILLING CODE 6717–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of February 12, 19, 26, and March 5, 1990.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of February 12

Monday, February 12

3:00 p.m.
Briefing by Executive Branch (Closed—Ex. 1)

Wednesday, February 14

2:00 p.m.
Briefing on Status of Industry's Implementation of Unresolved Safety Issues (Public Meeting)

Thursday, February 15

9:00 a.m.
Periodic Briefing on Operating Reactors and Fuel Facilities (Public Meeting)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Final Rule to Prohibit Agreements Related to Employment that Would Restrict the Free Flow of Information to the Commission (Tentative) (postponed from February 8)

Week of February 19—Tentative

Tuesday, February 20

2:00 p.m.
Annual Briefing on Medical use of Byproduct Material (Public Meeting)

Wednesday, February 21

1:00 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

2:00 p.m.

Briefing by Advisory Committee on Nuclear Waste (ACNW) (Public Meeting)

Week of February 26—Tentative

Thursday, March 1

10:00 a.m.

Briefing on Recommended Action for Substandard Parts (Public Meeting)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of March 5—Tentative

Thursday, March 8

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING). (301) 492–0292

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 492–1661.

Dated: February 8, 1990.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 90–3503 Filed 2–9–90; 2:49 pm]

BILLING CODE 7590–01–M

Corrections

Federal Register
Vol. 55, No. 30
Tuesday, February 13, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 55, 56, 59, and 70

[Docket No. PY-90-001]

Increase In Fees and Charges

Correction

In proposed rule document 90-2699 beginning on page 3963 in the issue of Tuesday, February 6, 1990, make the following correction:

1. On page 3963, in the third column, in the fourth complete paragraph, in the fourth line insert "Federal employee retirement fringe costs increased 12%," between "percent," and "and".

2. On the same page, in the same column, in the last line, the last word "costs" should read "expenses".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 433

[BQC-064-F]

RIN 0938-AC64

Medicaid Program; State Plan Requirements and Other Provisions Relating to State Third Party Liability Programs

Correction

In rule document 90-947 beginning on page 1423 in the issue of Tuesday, January 16, 1990, make the following corrections:

§ 433.138 [Corrected]

1. On page 1432, in the third column, in § 433.138(k), in the second line, "process" should read "processing".

2. On the same page, in the same column, in § 433.138(k)(4), in the 10th line, "of" should be removed.

§ 433.139 [Corrected]

3. On page 1433, in the first column, in § 433.139(b)(3)(i), in the third line, "service" should read "services".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket Nos. H-004E, F, G, H, I, and J]

Occupational Exposure to Lead

Correction

In rule document 90-1746 beginning on page 3146 in the issue of Tuesday, January 30, 1990, make the following correction:

On page 3166, in the third column, under part 1910, in the last line of the authority citation above "59 U.S.C. 553" should read "5 U.S.C. 553".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56, 57, 58, 70, 71, 72, 75, and 90

RIN 1219-AA48

Air Quality, Chemical Substances, and Respiratory Protection Standards; Extension of Comment Period; Public Hearings

Correction

In proposed rule document 90-1632 beginning on page 2535 in the issue of Thursday, January 25, 1990, make the following correction:

On page 2536, in the second column, in the first complete paragraph, the fourth sentence should read "Due to the scope and complexity of the issues involved in this rulemaking and in response to further requests from the mining community, MSHA is organizing the comment periods on this rulemaking to allow all parties sufficient time to prepare their comments and participate in the series of forthcoming public hearings."

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

31 CFR Part 2

National Security Information

Correction

In rule document 90-891 beginning on page 1644 in the issue of Wednesday, January 17, 1990, make the following correction:

§ 2.36 [Corrected]

On page 1657, in the third column, in § 2.36 in the next to last line of the introductory text "3/22'" should read "3/32'".

BILLING CODE 1505-01-D

federal register

Tuesday
February 13, 1990

Part II

Department of Transportation

Coast Guard

46 CFR Parts 32, 35, 78, 97, 108, 109, 167, 169, 170, 171, 185, 196
Stability Design and Operational Regulations; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 32, 35, 78, 97, 108, 109, 167, 169, 170, 171, 185, 196

[CGD 89-037]

RIN 2115-AD33

Stability Design and Operational Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend the stability design and operational regulations for inspected vessels to incorporate requirements of recently adopted amendments to the Safety of Life at Sea Convention of 1974 (SOLAS). These amendments come into force on April 29, 1990. They contain requirements concerning draft indicators, on board computers to calculate stability, periodic stability tests, the closing of loading doors before going to sea, and the stability of new passenger ships after damage. With certain exceptions, the requirements proposed in this notice would apply to all new and existing vessels. These proposed regulations are intended to minimize the potential for vessel capsizing, such as recently occurred to the British vessel HERALD OF FREE ENTERPRISE, as well as other vessel casualties caused by inadequate damage stability and related operational considerations.

DATES: Comments on this notice must be received on or before April 16, 1990.

ADDRESSES: Comments should be submitted in writing to the Executive Secretary, Marine Safety Council (G-LRA-2/3600) (CGD 89-037), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001. The comments and materials referenced in this notice will be available for examination and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, except federal holidays, at the Marine Safety Council (G-LRA-2), Room 3600, Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ms. P.L. Carrigan, Office of Marine Safety, Security, and Environmental Protection (G-MTH-3), Room 1308, U.S. Coast Guard Headquarters, Washington, DC 20593-0001, (202) 267-2988.

SUPPLEMENTARY INFORMATION:

Requests For Comments

Interested persons are invited and encouraged to participate in this proposed rulemaking by submitting written views, data or arguments. As is discussed in this preamble, it is the goal of the Coast Guard to propose regulations that will best address both the safety and operational needs of vessels. However, due to the variety of vessels affected by this proposed rulemaking, it is difficult to adequately address and analyze the effect that the proposed regulations would have on all vessles. Therefore, the Coast Guard seeks input on all aspects of the proposed regulations from vessel owners, operators, architects, builders, consumers, and others involved with the affected vessels.

Persons submitting comments should include their names and addresses, identify this notice (CGD 89-037), identify the specific section of the proposed regulations to which each comment applies, and include supporting documents or sufficient detail to indicate the reason for each comment. Receipt of comments will be acknowledged if a stamped self-addressed post card or envelope is enclosed with the comments. All comments received before the expiration of the comment period will be considered before further action is taken on this proposal. No public hearing is currently planned for this notice. However, one may be held at a time and place to be set in a later notice in the **Federal Register** if written requests for a hearing are received and the Coast Guard determines that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in the drafting of this notice are Ms. P.L. Carrigan, Project Manager, Officer of Marine Safety, Security and Environmental Protection and Mr. W. Register, Project Counsel, Office of the Chief Counsel.

Background

Origin of Proposed Requirements

The United States is a member of the International Maritime Organization (IMO) and is signatory to the Safety Of Life At Sea Convention of 1974 (SOLAS). As such, the U.S. is obligated to enforce the requirements of SOLAS and its amendments. In October 1988, at the 56th session of the Maritime Safety Committee of the IMO, a series of stability related amendments to SOLAS were adopted. These amendments relate to the stability of passenger ships after damage, the use of draft marks and indicators, optional use of stability computers, periodic determination of lightship characteristics, the use of stability information, and the closing of loading doors before going to sea. These amendments come into force on April 29, 1990.

All of the amendments, except the amendment concerning the stability of passenger vessels after damage, were initiated by the United Kingdom following the tragic capsizing of the English Channel ferry, HERALD OF FREE ENTERPRISE, in the spring of 1987, where nearly 200 people lost their lives. The amendment on residual stability of passenger vessels after damage had previously been under consideration in the IMO Subcommittee on Stability and Load Lines and on Fishing Vessel Safety. However, the international concern for the HERALD OF FREE ENTERPRISE disaster provided the impetus to promote rapid adoption of all of the amendments at IMO.

Proposed Damage Stability Requirement

Since the first SOLAS Convention in 1913, the United States has actively pursued meaningful damage stability requirements for passenger vessels, which would afford passengers and crew time to safely leave a stricken ship. Prior to the recently passed damage stability amendment, SOLAS required only that vessels be designed to maintain a metacentric height (GM) of at least 2 inches in the upright condition and less than 7 degrees of heel at equilibrium after damage. Current U.S. regulations (46 CFR 171.080) are similar, but provide additional authority for the Coast Guard to require an approved range of stability for vessels that heel more than 7 degrees after the assumed damage. These minimum requirements were sufficient for conventional passenger vessels designed with larger freeboards and deeper drafts as was previously common, because their range of stability was large. Today, however, vessels are being built with new hull designs and interior arrangements of watertight boundaries, lower bulkhead decks, and an increased number of decks above the bulkhead deck. Such changes in vessel design have decreased the residual stability significantly. The damage stability survival criteria in the new SOLAS amendment are necessary measures which will assure adequate residual stability on new vessels in reasonably assumed damage situations.

In November 1987, the Coast Guard began a control verification program to verify that foreign flag cruise ships embarking U.S. passengers in U.S. ports comply with the subdivision and

stability requirements in SOLAS. Over 15 of these ships were checked and found to comply with the minimum requirements. During the verification program, the Coast Guard encouraged the owners of foreign flag passenger ships scheduled for construction prior to the effective date of the new SOLAS damage stability amendment to voluntarily comply with this new amendment, which is included in this NPRM as proposed § 171.080(e). Some owners found their ships did not comply; however, they readily made the design changes necessary to meet the higher level of safety. These changes have proved to be easily accommodated in the design stage of these foreign flag passenger ships.

Proposed Periodic Determination Of Lightship Characteristics

The Coast Guard does not closely monitor draft and lightship characteristics of vessels after delivery. However, some stability tests done after major alterations have confirmed that unaccounted for weight growth, such as was observed in the case of the HERALD OF FREE ENTERPRISE, can occur on cargo and industrial vessels as well as passenger vessels. Modifications and minor changes are often made without regard to weight variations and can result in a degradation of vessel stability. The proposed requirement for periodic verification of lightship characteristics, as proposed § 170.210, should adequately address situations where weight changes result in inadequate stability.

Because of the importance of this proposal, it would be applied to all vessels except those with stability established through the use of a simplified stability test or an estimated center of gravity. Smaller vessels that are evaluated with a simplified stability test are employed in operations that result in little or no weight change over time and therefore, would not need periodic testing to assure adequate stability. This proposal would also not address vessels, mainly tank vessels, whose operation is such that their stability is evaluated by an estimated center of gravity pursuant to 46 CFR 170.200.

Operations Requirements

This rulemaking also proposes to adopt new SOLAS provisions on optional use of a computer as an adjunct to the required stability book, operational procedures for doing on board stability calculations, requirements concerning draft marks and indicators, and provisions concerning the closing of loading doors.

The proposed provision allowing for the use of a computer system as an optional adjunct to the required stability book is already a part of Coast Guard policy. Currently, the Coast Guard reviews stability computer systems for acceptance as an adjunct to the required hard copy stability book, by running test cases to compare accuracy of the computer system against the stability book. A system that is accepted for use as an adjunct is then mentioned in the vessel's stability letter.

The proposed requirement for draft marks already exists for large passenger vessels, mobile offshore drilling units, oceanographic research vessels and all other vessels greater than 50 gross tons. This proposed requirement would not be applied to vessels whose stability is determined through the use of a simplified stability test. These latter vessels are not given operational guidance that depends on vessel draft and therefore, do not need draft marks. Requiring draft marks or indicators on the few vessels that need such marks or indicators but do not already have them should help prevent overloading and aid in determining compliance with existing stability regulations and applicable stability criteria.

The proposed requirements for stability verification and closing of loading doors prior to departing are already a part of good seamanship practice and would be applied to all vessels. These requirements should help prevent stability casualties caused by improper loading or stowage on vessels and unintentional flooding through loading doors.

Vessel Casualties

Internationally known casualties such as the HERALD OF FREE ENTERPRISE, EUROPEAN GATEWAY, and DONA PAZ have brought much attention to the issue of vessel stability and passenger safety. The English passenger/cargo ferry, HERALD OF FREE ENTERPRISE, sank within five minutes from a primary cause of unintentional flooding through open loading doors. Because of the lack of vessel damage stability, there was no time for passengers and crew to abandon the vessel, and as a result, 193 people died. The lack of knowledge regarding the actual loading of the vessel and the vessel's resulting stability condition added to the severity of the casualty.

The EUROPEAN GATEWAY also sank within minutes following a collision from a primary cause of rapid flooding through open watertight doors. The rapid loss of the vessel was a direct result of the lack of residual stability when damaged. Six of the seventy persons aboard the EUROPEAN GATEWAY died. If this casualty had occurred in deeper waters, where help was not immediately available, the results could have been catastrophic.

The casualty involving the Phillipine ferry, DONA PAZ, was also initiated by a collision, but this casualty was aggravated by overloading of the vessel and the lack of lifesaving equipment. This casualty took a very high toll; more than three thousand people died. If the provisions of this proposed rulemaking had been applied to the DONA PAZ, EUROPEAN GATEWAY, or HERALD OF FREE ENTERPRISE, the severity of the casualties would have been greatly reduced and many of those who died in these catastrophic casualties would still be alive.

As a part of this proposed rulemaking, data on vessel casualties under U.S. jurisdiction involving tank vessels, cargo and miscellaneous vessels, passenger vessels, mobile offshore drilling units, oceanographic research vessels, and nautical school vessels was reviewed to ascertain types of casualties which might be avoided or mitigated by the requirements proposed in this rulemaking.

Data concerning 148 casualties was retrieved for the period 1981–1988 (partial). These casualties resulted in 15 deaths, 6 reported injuries, and more than $42 million in associated property damage. In most cases, more than one cause contributed to the vessel casualty. From this casualty review, the Coast Guard has determined that in approximately 85% of the casualty cases, adherence to the requirements proposed in this rulemaking would have avoided or mitigated the circumstances leading up to the casualty. The remaining casualties were principally of such a nature that existing regulations, if followed, would most probably have prevented the casualties from ever occurring.

Discussion of Proposed Requirements

The proposed requirements to calculate stability and close loading doors would apply to all new and existing vessels. The proposal for the periodic determination of a vessel's lightweight characteristics would apply to all new and existing vessels, except those vessels for which stability is determined from a simplified stability test or from an estimated lightweight center of gravity. The provisions of the new amendments requiring draft indicators or draft marks would apply to all new and existing vessels except those vessels for which stability is determined from a simplified stability

test. Finally, new passenger vessels would be subject to new damage stability survival criteria in subchapter S, § 171.080. Specific discussion of each proposed change in the regulations follows:

Draft marks and draft indicating systems.
Tank Vessels—§32.05–1
Large Passenger Vessels—§ 78.50–10
Cargo and Miscellaneous Vessels—§ 97–40–10
Mobile Offshore Drilling Units—§ 108.661(e)
Public Nautical School Ships—§ 167.55–1
Sailing School Vessels—§ 169.755
Small Passenger Vessels [1]—§ 185.602(e)
Oceanographic Research Vessels—§ 196.40–10

This proposed revision would require that all vessels have draft marks, and that vessels with draft marks not easily readable due to vessel design or operational constraints also have a reliable draft indicating system to determine the bow and sterm drafts. Large passenger vessels, mobile offshore drilling units, oceanographic research vessels, and all other vessels greater than 50 gross tons are already required to have draft marks. Vessels excepted from the draft marks requirement would be those that use the simplified stability test since these vessels are not given stability information that is dependent on draft marks. Compliance with this proposed requirement would help prevent overloading and improper stowage of cargo and help in the determination that the vessel meets all applicable stability requirements.

Actions required to be logged.
Tank Vessels—§35.07–15 b(4) and c(4)
Large Passenger Vessels—§ 78.37.5 a(7) and a(8)
Cargo and Miscellaneous Vessels—§ 97.35–5 a(4) and a(5)
Mobile Offshore Drilling Units—§ 109.433 (k)
Oceanographic Research Vessels—§ 196.35–5 a(4) and a(5)

This proposed revision would add a logging requirement for the verification of vessel compliance with applicable stability and loading door closure requirements to the summary listing of logging requirements in each affected subchapter, as applicable.

Verification of vessel compliance with applicable stability requirements.
Tank Vessels—§ 35.20–7
Large Passenger Vessels—§ 78.17–22
Cargo and Miscellaneous Vessels—§ 97.15–7
Mobile Offshore Drilling Units—§ 109.227
Public Nautical School Ships—§ 167.65–42
Sailing School Vessels—§ 169.840
Small Passenger Vessels [2]—§ 185.315
Oceanographic Research Vessels—§ 196.15–7.

This new section would require the master to verify, and log as applicable, that the vessel is in compliance with any applicable stability requirements in the vessel's trim and stability book, stability letter, Certificate of Inspection, and Load Line Certificate, as the case may be. Compliance with these requirements would help prevent casualties due to overloading and improper stowage of cargo and the accompanying loss of vessel stability.

Loading doors.
Large Passenger Vessels—§ 78.17–33
Cargo and Miscellaneous Vessels—§ 97.15–17
Public Nautical School Ships—§ 167.65–38
Small Passenger Vessels [3]—§ 185.335
Oceanographic Research Vessels—§ 196.15–18.

This new section would require the master to assure, and log as applicable, the closure of all loading doors in the collision bulkhead, the side shell, and the boundaries of enclosed superstructures that are continuous with the shell of the vessel before getting underway. Compliance with this requirement would reduce the probability of a casualty due to unintentional flooding through loading doors in these locations.

Stability Requirements For All Inspected Vessels.

Stability booklet.—§ 170.110 (c) and (f)

The proposed revision to § 170.110(c) would require that the information in the stability book on loading restrictions take into account the entire range of operating trims and operating drafts. The proposed revision to § 170.110(c) would also require that the information in the stability book contain an effective procedure for supervising and reporting the opening and closing of all loading doors.

The proposed revision to § 170.110(f) would allow use of a stability computer as an optional adjunct to the required stability book. The Coast Guard, as a matter of longstanding practice, has been accepting stability computers as an adjunct to the required trim and stability book.

Lightweight verification.—§ 170.210

This section would require verification that a vessel's lightweight characteristics have not changed more than a given amount due to undocumented modifications. The owner would be responsible for conducting a deadweight survey at least every 5 years and for certifying to the Coast Guard that the vessel's lightweight has not changed, or if it has, for having a new stability test performed. These proposed requirements would apply to all vessels except those using an estimated lightweight center of gravity or a simplified stability test.

Damage stability standards for passenger vessels with Type I or Type II subdivision—§ 171.080 (d) and (e)

The proposed rules would establish minimum damage stability survival criteria for new passenger vessels that would provide a reasonable probability of not capsizing when subjected to flooding scenarios in existing U.S. regulations and SOLAS. They would require that survival craft be able to be safely deployed from a vessel after damage and that a vessel be designed not to capsize after damage in a moderate sea when subjected to a moderate wind.

This proposal would be applicable to all passenger vessels constructed after April 29, 1990, that are subject to 46 CFR 171.080, including vessels on domestic routes not subject to SOLAS. The need to require survival after damage is not a function of international service or route. The potential hazard that this proposal addresses, the potential for capsizing in a moderate sea after reasonable assumed damage, is present on both domestic as well as international voyages. The application of requirements to all services and routes is consistent with the current requirements of this section.

Draft Evaluation

This proposed rulemaking is considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under the DOT regulatory policies and procedures (DOT Order 2100.5 of May 22, 1980). A draft regulatory evaluation has been prepared and placed in the rulemaking docket. It may be inspected and copied at the address listed under ADDRESSES. Copies may also be obtained by contacting the person listed under FOR FURTHER INFORMATION CONTACT.

The marine industry would incur an estimated first year cost of $6.2 million and a subsequent annual cost of $6.0 million as a result of this rulemaking. Although this cost may be sizeable for

[1] References section numbers as used in the Small Passenger Vessel Inspection and Certification; Notice of Proposed Rulemaking; 54 FR 4412 dated Monday, January 30, 1989.

[2] *Ibid.*
[3] *Ibid.*

some segments of the industry, the need for and potential benefits of the proposed regulations are considered to outweigh the anticipated costs involved.

The primary benefits of the proposed regulations relate to increasing the accuracy of the available stability information and vessel survivability after damage thereby producing a safer vessel and reducing the number of stability related casualities and resulting lives lost, associated injuries, and property damage. The minimum potential benefits of these proposed regulations are estimated to be $7.3 million annually. However, this estimate does not take into account the potential substantial additional benefits derived from averting a catastrophic casualty, such as occurred with the HERALD OF FREE ENTERPRISE casualty. When taking into account major casualties such as the HERALD OF FREE ENTERPRISE, the potential benefits of these proposed regulations, in terms of lives saved, would far outweigh associated costs.

Environmental Impact

This rulemaking has been reviewed by the Coast Guard and it has been determined that it is not likely to have a significant impact on the environment. This proposed rulemaking will have no effect upon the manner in which potential pollutants or hazardous materials are carried on board vessels. Improved vessel stability should reduce the number of uncontrolled releases of pollutants or hazardous materials into the environment resulting from vessel casualties. However, based on a review of historical data, the Coast Guard considers the benefit to the aquatic environment to be insignificant. An environmental impact statement is not necessary. A draft finding of no significant impact is to be placed in the public docket for this rulemaking during the public comment period. At the close of the public comment period, the Coast Guard expects to complete the finding of no significant impact.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 through 612), the Coast Guard is required to consider whether this rule would have a significant economic impact on a substantial number of small entities. The small entities addressed in this rulemaking are primarily small passenger vessels. Most of the proposed requirements would either not affect small entities or have only a major impact. The few new small passenger vessels affected by the proposed damage stability criteria could easily accommodate the design and construction requirements with minimal effort and cost. The placement of draft marks or indicators on the few vessels that would need them would result in only minor expense. Small passenger vessels using the simplified stability test would be exempt from the draft marks requirement. The lightweight verification requirement would not be applied to those vessels using the simplified stability test. The logging requirements would have minimal cost on the small passenger vessels that do have log books. Based on the essentially minor impact of the proposed requirements to the small passenger vessel fleet, the Coast Guard has determined that this proposed rulemaking would not have a significant impact on a substantial number of small entities.

Federalism

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

Paperwork Reduction Act

This rulemaking contains information collection requirements in the following sections of 46 CFR: 35.20–7, 78.17–22, 78.17–33, 97.15–7, 97.15–17, 109.227, 167.65–43, 167.65–38, 169.840, 170.110(c), 170.210, 171.080, 185.315, 185.335, 196.15–7, 196.15–18.

The information collection requirements have been submitted to the Office of Management and Budget (OMB) for review under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) Persons desiring to comment on these regulations should submit their comment to: Office of Regulatory Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, ATTN: Desk Officer, Coast Guard. Persons submitting comments to OMB are also requested to submit a copy of their comments to the Coast Guard as indicated under ADDRESSES.

Regulatory Identification Number

A regulatory information number (RIN) is assigned to each regulatory action listed on 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.

List of Subjects

46 CFR Part 32

Marine Safety, Vessels.

46 CFR Part 35

Marine Safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 78

Marine Safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 97

Marine Safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 108

Marine Safety, Vessels.

46 CFR Part 109

Marine Safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 167

Marine Safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 169

Marine Safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 170

Marine Safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 171

Marine Safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 185

Marine Safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 196

Marine Safety, Reporting and recordkeeping requirements, Vessels.

Proposed Rules

In consideration of the foregoing, the Coast Guard proposes to amend 46 CFR chapter I as follows:

SUBCHAPTER D—TANK VESSELS

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

1. The authority citation for part 32 continues to read as follows:

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

2. Section 32.05–1 is amended by revising paragraph (a); by redesignating paragraphs (b) and (c) as paragraphs (c) and (d); and by adding new paragraphs (b), (e), (f), and (g) to read as follows:

§ 32.05-1 Draft marks and draft indicating systems—TB/ALL.

(a) All tank vessels must have the draft of the vessel marked plainly and legibly upon the stem and upon the sternpost or rudderpost or at any place at the stern of the vessel as may be necessary for easy observance. The bottom of each mark must indicate the draft.

(b) The draft must be taken from the bottom of the keel to the surface of the water at the location of the marks.

* * * * *

(e) Draft marks must be separated so that the projections of the marks onto a vertical plane are of uniform height equal to the vertical spacing between consecutive marks.

(f) Draft marks must be painted in contrasting color to the hull.

(g) In cases where draft marks are obscured due to operational constraints or by protrusions, the vessel must be fitted with a reliable draft indicating system from which the bow and stern drafts can be determined.

PART 35—OPERATIONS

3. The authority citation for part 35 continues to read as follows:

Authority: 46 U.S.C. 3102, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

4. Section 35.07-10 is amended by redesignating paragraphs (b)(4) through (b)(9) as paragraphs (b)(5) through (b)(10) and by adding new paragraphs (b)(4) and (c)(4) to read as follows:

§ 35.07-10 Actions required to be logged—TB/ALL.

* * * * *

(b) * * *

(4) Verification of vessel compliance with applicable stability requirements. After loading and prior to departure and at all other times necessary to assure the safety of the vessel. See § 35.20-7.

* * * * *

(c) * * *

(4) Verification of vessel compliance with applicable stability requirements. After loading and prior to departure and at all other times necessary to assure the safety of the vessel. See § 35.20-7.

5. Part 35 is amended by adding a new section to read as follows:

§ 35.20-7 Verification of vessel compliance with applicable stability requirements—TB/ALL.

(a) After loading and prior to departure and at all other times necessary to assure the safety of the vessel, the master shall determine and enter a statement in the log book that the vessel complies with all applicable stability requirements in the vessel's trim and stability book, stability letter, Certificate of Inspection, and Load Line Certificate, as the case may be. The vessel may not depart until it is in compliance with these requirements.

(b) When determining compliance with applicable stability requirements the vessel's draft, trim, and stability must be determined as necessary and any stability calculations made in support of the determination must be retained on board the vessel for the duration of the voyage.

SUBCHAPTER H—LARGE PASSENGER VESSELS

PART 78—OPERATIONS

6. The authority citation for part 78 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 6101, 8105; 49 U.S.C. App. 1804; E.O. 11735, 38 FR 21243; 3 CFR, 1971-1975 Comp., p. 793; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

7. Part 78 is amended by adding a new section to read as follows:

§ 78.17-22 Verification of vessel compliance with applicable stability requirements.

(a) After loading and prior to departure and at all other times necessary to assure the safety of the vessel, the master shall determine and enter a statement in the log book that the vessel complies with all applicable stability requirements in the vessel's trim and stability book, stability letter, Certificate of Inspection, and Load Line Certificate, as the case may be. The vessel may not depart until it is in compliance with these requirements.

(b) When determining compliance with applicable stability requirements the vessel's draft, trim, and stability must be determined as necessary and any stability calculations made in support of the determination must be retained on board the vessel for the duration of the voyage.

8. Part 78 is amended by adding a new section to read as follows:

§ 78.17-33 Loading doors.

(a) The master shall assure that all loading doors are closed watertight and secured during the entire voyage except that—

(1) If a door cannot be opened or closed while the vessel is at a dock, it may be open while the vessel approaches and draws away from the dock, but only as far as necessary to enable the door to be immediately operated.

(2) If needed to operate the vessel, or embark and disembark passengers when the vessel is at anchor in protected waters, loading doors may be open provided that the master determines that the safety of the vessel is not impaired.

(b) Loading doors include all weathertight ramps, bow visors, and openings used to load personnel, equipment, and stores, located in the collision bulkhead, the side shell, or the boundaries of enclosed superstructures that are continuous with the shell of the vessel.

(c) The master shall enter into the log book the time and door location of every closing of the loading doors.

(d) The master shall enter into the log book any opening of the doors in accordance with paragraph (a)(2) of this section setting forth the time of the opening of the doors and the circumstances warranting this action.

9. Section 78.37-5 is amended by redesignating paragraphs (a)(7) through (a)(13) as paragraphs (a)(9) through (a)(15) and by adding new paragraphs (a)(7) and (a)(8) to read as follows:

§ 78.37-5 Actions required to be logged.

* * * * *

(a) * * *

(7) Verfication of vessel compliance with applicable stability requirements. After loading and prior to departure and at all other times necessary to assure the safety of the vessel. See § 78.17-22.

(8) Loading doors. Every closing and any opening when not docked. See § 78.17-33.

* * * * *

10. Section 78.50-10 is amended by revising paragraph (a); by redesignating paragraphs (b) and (c) as paragraphs (c) and (d); and by adding new paragraphs (b), (e), (f), and (g) to read as follows:

§ 78.50-10 Draft marks and draft indicating system.

(a) All vessels must have the draft of the vessel marked plainly and legibly upon the stem and upon the sternpost or rudderpost or at any place at the stern of the vessel as may be necessary for easy observance. The bottom of each mark must indicate the draft.

(b) The draft must be taken from the bottom of the keel to the surface of the water at the location of the marks.

* * * * *

(e) Draft marks must be separated so that the projections of the marks onto a vertical plane are of uniform height equal to the vertical spacing between consecutive marks.

(f) Draft marks must be painted in contrasting color to the hull.

(g) In cases where draft marks are obscured due to operational constraints

or by protrusions, the vessel must be fitted with a reliable draft indicating system from which the bow and stern drafts can be determined.

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 97—OPERATIONS

11. The authority citation for part 97 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 6101; 49 U.S.C. App. 1804; E.O. 11735, 38 FR 21243, 3 CFR, 1971–75 Comp., p.793; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 227; 49 CFR 1.46.

12. Part 97 is amended by adding a new section to read as follows:

§ 97.15–7 Verification of vessel compliance with applicable stability requirements.

(a) After loading and prior to departure and at all other times necessary to assure the safety of the vessel, the master shall determine and enter a statement in the log book that the vessel complies with all applicable stability requirements in the vessel's trim and stability book, stability letter, Certificate of Inspection, and Load Line Certificate, as the case may be. The vessel may not depart until it is in compliance with these requirements.

(b) When determining compliance with applicable stability requirements the vessel's draft, trim, and stability must be determined as necessary and any stability calculations made in support of the determination must be retained on board the vessel for the duration of the voyage.

13. Part 97 is amended by adding a new section to read as follows:

§ 97.15–17 Loading doors.

(a) The master shall assure that all loading doors are closed watertight and secured during the entire voyage except that—

(1) If a door cannot be opened or closed while the vessel is at a dock, it may be open while the vessel approaches and draws away from the dock, but only as far as necessary to enable the door to be immediately operated.

(2) If needed to operate the vessel, or embark and disembark passengers when the vessel is at anchor in protected waters, loading doors may be open provided that the master determines that the safety of the vessel is not impaired.

(b) Loading doors include all weathertight ramps, bow visors, and openings used to load personnel, equipment, cargo, and stores, in the collision bulkhead, the side shell, and the boundaries of enclosed superstructures that are continuous with the shell of the vessel.

(c) The master shall enter into the log book the time and door location of every closing of the loading doors.

(d) The master shall enter into the log book any opening of the doors in accordance with paragraph (a)(2) of this section setting forth the time of the opening of the doors and the circumstances warranting this action.

14. Section 97.35–5 is amended by redesignating paragraphs (a)(4) through (a)(10) as paragraphs (a)(6) through (a)(12) and by adding new paragraphs (a)(4) and (a)(5) to read as follows:

§ 97.35–5 Actions required to be logged.

* * * * *

(a) * * *

(4) Verification of vessel compliance with applicable stability requirements. After loading and prior to departure and at all other times necessary to assure the safety of the vessel. See § 97.15–7.

(5) Loading doors. Every closing and any opening when not docked. See § 97.15–17.

* * * * *

15. Section 97.40–10 is amended by revising paragraph (a); by redesignating paragraphs (b) and (c) as paragraphs (c) and (d); and by adding new paragraphs (b), (e), (f), and (g) to read as follows:

§ 97.40–10 Draft marks and draft indicating systems.

(a) All vessels must have the draft of the vessel marked plainly and legibly upon the stem and upon the sternpost or rudderpost or at any place at the stern of the vessel as may be necessary for easy observance. The bottom of each mark must indicate the draft.

(b) The draft must be taken from the bottom of the keel to the surface of the water at the location of the marks.

* * * * *

(e) Draft marks must be separated so that the projections of the marks onto a vertical plane are of uniform height equal to the vertical spacing between consecutive marks.

(f) Draft marks must be painted in contrasting color to the hull.

(g) In cases where draft marks are obscured due to operational constraints or by protrusions, the vessel must be fitted with a reliable draft indicating system from which the bow and stern drafts can be determined.

SUBCHAPTER I–A—MOBILE OFFSHORE DRILLING UNITS

PART 108—DESIGN AND EQUIPMENT

16. The authority citation for part 108 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3102, 3306, 5115; 49 CFR 1.46.

17. Section 108.661 is amended by adding new paragraph (e) to read as follows:

§ 108.661 Unit markings: Draft marks.

* * * * *

(e) In cases where draft marks are obscured due to operational constraints or by protrusions, the vessel must be fitted with a reliable draft indicating system from which the bow and stern drafts can be determined.

PART 109—OPERATIONS

18. The authority citation for part 109 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 5115, 6101, 10104; 49 CFR 1.46.

19. Part 109 is amended by adding a new section to read as follows:

§ 109.227 Verification of vessel compliance with applicable stability requirements.

(a) The master or person-in-charge shall determine and enter a statement in the log book that the vessel complies with all applicable stability requirements in the vessel's trim and stability book, operating manual, stability letter, Certificate of Inspection, and Load Line Certificate, as the case may be, at the following times:

(1) Prior to transitioning from the transit condition to the operating condition;

(2) Prior to transitioning from the operating condition to the transit condition;

(3) Prior to significant changes in deck load or ballast;

(4) At other times as required by the vessel's trim and stability book or operating manual; and

(5) At all other times necessary to assure the safety of the vessel.

(b) When determining compliance with applicable stability requirements the vessel's draft, trim, and stability must be determined as necessary and any stability calculations made in support of the determination must be retained on board the vessel for a six month period.

20. Section 109.433 is amended by redesignating paragraphs (k) through (m) as paragraphs (l) through (n) by adding new paragraph (k) to read as follows:

§ 109.433 Log book entries.

* * * * *

(k) After loading and prior to getting underway and at all other times necessary to assure the safety of the vessel, a statement verifying vessel

compliance with applicable stability requirements.

* * * * *

SUBCHAPTER R—NAUTICAL SCHOOLS

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

21. The authority citation for part 167 continues to read as follows:

Authority: 46 U.S.C. 3306, 6101, 8105; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

22. Section 167.55–1 is revised to read as follows:

§ 167.55–1 Draft marks and draft indicating systems.

(a) All vessels must have the draft of the vessel marked plainly and legibly upon the stem and upon the sternpost or rudderpost or at any place at the stern of the vessel as may be necessary for easy observance. The bottom of each mark must indicate the draft.

(b) The draft must be taken from the bottom of the keel to the surface of the water at the location of the marks.

(c) In cases where the keel does not extend forward or aft to the location of the draft marks, due to a raked stem or cut away skeg, the draft must be measured from a line projected from the bottom of the keel forward or aft, as the case may be, to the location of the draft marks.

(d) In cases where a vessel may have a skeg or other appendage extending locally below the line of the keel, the draft at the end of the vessel adjacent to such appendage must be measured to a line tangent to the lowest part of such appendage and parallel to the line of the bottom of the keel.

(e) Draft marks must be separated so that the projections of the marks onto a vertical plane are of uniform height equal to the vertical spacing between consecutive marks.

(f) Draft marks must be painted in contrasting color to the hull.

(g) In cases where draft marks are obscured due to operational constraints or by protrusions, the vessel must be fitted with a reliable draft indicating system from which the bow and stern drafts can be determined.

23. Part 167 is amended by adding a new section to read as follows:

§ 167.65–42 Verification of vessel compliance with applicable stability requirements.

(a) After loading and prior to departure and at all other times necessary to assure the safety of the vessel, the master shall determine and enter a statement in the log book that the vessel complies with all applicable stability requirements in the vessel's trim and stability book, stability letter, Certificate of Inspection, and Load Line Certificate, as the case may be. The vessel may not depart until it is in compliance with these requirements.

(b) When determining compliance with applicable stability requirements the vessel's draft, trim, and stability must be determined as necessary and any stability calculations made in support of the determination must be retained on board the vessel for the duration of the voyage.

24. Part 167 is amended by adding a new section to read as follows:

§ 167.65–38 Loading doors.

(a) The master shall assure that all loading doors are closed watertight and secured during the entire voyage except that—

(1) If a door cannot be opened or closed while the vessel is at a dock, it may be open while the vessel approaches and draws away from the dock, but only as far as necessary to enable the door to be immediately operated.

(2) If needed to operate the vessel, or embark and disembark passengers when the vessel is at anchor in protected waters, loading doors may be open provided that the master determines that the safety of the vessel is not impaired.

(b) Loading doors include all weathertight ramps, bow visors, and openings used to load personnel, equipment, and stores, in the collision bulkhead, the side shell, and the boundaries of enclosed superstructures that are continuous with the shell of the vessel.

(c) The master shall enter into the log book the time and door location of every closing of the loading doors.

(d) The master shall enter into the log book any opening of the doors in accordance with paragraph (a)(2) of this section setting forth the time of the opening of the doors and the circumstances warranting this action.

PART 169—SAILING SCHOOL VESSELS

25. The authority citation for part 169 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 5115, 6101; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; 49 CFR 1.45, 1.46; section 169.117 also issued under the authority of 44 U.S.C. 3507.

26. Part 169 is amended by adding a new section to read as follows:

§ 169.755 Draft marks and draft indicating systems.

(a) All vessels must have the draft of the vessel marked plainly and legibly upon the stem and upon the sternpost or rudderpost or at any place at the stern of the vessel as may be necessary for easy observance. The bottom of each mark must indicate the draft.

(b) The draft must be taken from the bottom of the keel to the surface of the water at the location of the marks.

(c) In cases where the keel does not extend forward or aft to the location of the draft marks, due to a raked stem or cut away skeg, the draft must be measured from a line projected from the bottom of the keel forward or aft, as the case may be, to the location of the draft marks.

(d) In cases where a vessel may have a skeg or other appendage extending locally below the line of the keel, the draft at the end of the vessel adjacent to such appendage must be measured to a line tangent to the lowest part of such appendage and parallel to the line of the bottom of the keel.

(e) Draft marks must be separated so that the projections of the marks onto a vertical plane are of uniform height equal to the vertical spacing between consecutive marks.

(f) Draft marks must be painted in contrasting color to the hull.

(g) In cases where draft marks are obscured due to operational constraints or by protrusions, the vessel must be fitted with a reliable draft indicating system from which the bow and stern drafts can be determined.

27. Part 169 is amended by adding a new section to read as follows:

§ 169.840 Verification of vessel compliance with applicable stability requirements.

(a) After loading and prior to departure and at all other times necessary to assure the safety of the vessel, the master shall determine and enter a statement in the log book that the vessel complies with all applicable stability requirements in the vessel's trim and stability book, stability letter, Certificate of Inspection, and Load Line Certificate, as the case may be. The vessel may not depart until it is in compliance with these requirements.

(b) When determining compliance with applicable stability requirements the vessel's draft, trim, and stability must be determined as necessary and any stability calculations made in support of the determination must be retained on board the vessel for the duration of the voyage.

SUBCHAPTER S—SUBDIVISION AND STABILITY

PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS

28. 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.

29. Section 170.110 is amended by revising paragraph (c) and adding a new paragraph (f) to read as follows:

§ 170.110 Stability booklet.

* * * * *

(c) Each stability book must contain sufficient information to enable the master to operate the vessel in compliance with applicable regulations in this subchapter. Information on loading restrictions used to determine compliance with applicable intact and damage stability criteria must encompass the entire range of operating drafts and the entire range of the operating trims. Information must include an effective procedure of supervision and reporting of the opening and closing of all loading doors.

* * * * *

(f) On board electronic stability computers may be used as an adjunct to the required booklet, but the required booklet must contain all necessary information to allow for the evaluation of the stability of any condition that can be evaluated by use of the computer.

30. Section 170.210 is added to read as follows:

§ 170.210 Lightweight verification.

(a) Except as provided in paragraph (b) of this section, verification of a vessel's lightweight displacement and longitudinal center of gravity is required as follows:

(1) Unless otherwise authorized by the Commandant, at intervals not exceeding five years the owner must conduct a deadweight survey to determine the lightweight displacement and longitudinal center of gravity.

(2) An authorized Coast Guard representative must be present at each deadweight survey conducted under this section.

(3) If a deviation from the previously approved lightweight displacement and longitudinal center of gravity exceeds two percent of the lightweight displacement or one percent of LBP (length between perpendiculars), the owner must conduct a stability test in accordance with part 170, subpart F. The deadweight survey required in paragraph (a)(1) of this section must be repeated as part of this required stability test unless the entire stability test including the deadweight survey is completed on the same day.

(4) If the deviation from the lightweight displacement and longitudinal center of gravity does not exceed the values in paragraph (a)(3) of this section, the owner must certify to the Commanding Officer of the Marine Safety Center that the lightweight characteristics have not changed. The Commanding Officer of the Marine Safety Center may accept the certification or require the owner to provide supporting calculations for review and approval.

(b) Periodic lightweight verification is not required for the following:

(1) Vessels to which the simplified stability test of § 171.030 was applied; or

(2) Vessels with an estimated lightweight center of gravity determined in accordance with § 170.200.

PART 171—SPECIAL RULES PERTAINING TO VESSELS CARRYING PASSENGERS

31. The authority citation for part 171 continues to read as follows:

Authority: 43 U.S.C. 3306, 5515; E.O. 12234, 45 FR 58801; 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

32. Section 171.080 is amended by revising the introductory text of paragraph (d) to read as follows:

§ 171.080 Damage stability standards for vessels with Type I or Type II subdivision.

* * * * *

(d) Damage survival for vessels constructed prior to April 29, 1990. A vessel is presumed to survive assumed damage if it meets the following conditions in the final stage of flooding:

* * * * *

33. Section 171.080 is amended by redesignating paragraph (e) as paragraph (f) and by adding new paragraph (e) to read as follows:

§ 171.080 Damage stability standards for vessels with Type I or Type II subdivision.

* * * * *

(e) Damage survival for vessels constructed on or after April 29, 1990. A vessel is presumed to survive assumed damage if it is shown by calculations to meet the conditions set forth in paragraphs (e)(1) through (e)(5) of this section in the final stage of flooding and the conditions set forth in paragraphs (e)(6) and (e)(7) of this section in each earlier stage of flooding as specified:

(1) Each vessel must have positive righting arms for at least 15 degrees beyond the final angle of equilibrium.

(2) Each vessel must not have any opening through which progressive flooding can occur within 15 degrees of the angle of equilibrium unless the vessel can meet all survival criteria prescribed in this section after progressive flooding. Openings fitted with effective weathertight closures must be considered as progressive flooding locations if the openings lead to spaces frequented by passengers or the crew.

(3) Each vessel must have an area under each righting arm curve of at least 2.82 foot-degrees (0.015 meter-radians), measured from the angle of equilibrium to the small of the following angles:

(i) The angle at which progressive flooding occurs; or

(ii) 22 degrees from the upright in the case of one compartment flooding or 27 degrees from the upright in the case of two compartment flooding.

(4) Each vessel must have a maximum righting arm within 15 degrees of the angle of equilibrium of at least 0.13 feet (0.04 meters) greater than each of the following heeling arms, but in no case less than 0.33 feet (0.10 meters):

(i) Passenger heeling moment divided by vessel displacement where the heeling moment is calculated assuming:

(A) Each passenger weighs 165 pounds (75 kilograms);

(B) Each passenger occupies 2.69 square feet (0.25 square meters) of deck area; and

(C) All passengers are distributed on available deck areas towards one side of the vessel on the decks where muster stations are located and in such a way that they produce the most adverse heeling moment.

(ii) Asymmetric passenger escape routes heeling moment divided by vessel displacement if the vessel has asymmetric passenger escape routes where the heeling moment is calculated assuming:

(A) Each passenger weighs 165 pounds (75 kilograms):

(B) Each passenger occupies 2.69 square feet (0.25 square meters) of deck area; and

(C) All passengers are distributed on available deck areas in a manner that accounts for the use of any asymmetric passenger escape routes to get to the decks where muster or embarkation stations are located and in such a way that they produce the most adverse heeling moment.

(iii) Launching of survival craft heeling moment divided by vessel displacement where the heeling moment is calculated assuming:

(A) All survival craft, including davit-launched liferafts and rescue boats,

fitted on the side to which the vessel heels after sustained damage are swung out if necessary, fully loaded and ready for lowering;

(B) Persons not in the survival craft that are ready out for lowering are centered about the center line so that they do not provide additional heeling or righting moments; and

(C) Survival craft on the side of the vessel opposite to which the vessel heels remain stowed.

(iv) Wind pressure heeling moment divided by vessel displacement where the heeling moment is calculated assuming:

(A) A wind pressure of 2.51 pounds per square foot (120 Newtons per square meter);

(B) The wind acts on an area equal to the projected lateral area of the vessel above the waterline corresponding to the intact condition; and

(C) The wind lever arm is the vertical distance from a point at one-half the mean draft, or the center of area below the waterline, to the center of the lateral area.

(5) Each vessel must have an angle of equilibrium that does not exceed the following:

(i) 7 degrees for one compartment flooding; or

(ii) 12 degrees for two compartment flooding.

(6) Each vessel must have a maximum angle of equilibrium that does not exceed 15 degrees during each earlier stage of flooding.

(7) Each vessel must have a maximum righting arm of at least 0.16 feet (0.05 meters) and positive righting arms for a range of at least 7 degrees during each earlier stage of flooding. Only one breach in the hull and only one free surface need be assumed when meeting the requirements of this paragraph.

* * * * *

SUBCHAPTER T—SMALL PASSENGER VESSELS

Part 185 which was proposed to be revised at 54 FR 4412, January 30, 1989, would be further amended as follows:

PART 185—OPERATIONS

34. The authority citation for part 185 continues to read as follows:

Authority: 46 U.S.C. 2104, 3306, 6101, 7701, 8105; 49 CFR 1.46.

35. Part 185 is amended by adding a new section to read as follows:

§ 185.315 Verification of vessel compliance with applicable stability requirements.

(a) After loading and prior to departure and at all other times necessary to assure the safety of the vessel, the master shall determine that the vessel complies with all applicable stability requiremetns in the vessel's trim and stability book, stability letter, Certificate of Inspection, and Load Line Certificate, as the case may be. The vessel may not depart until it is in compliance with these requirements.

(b) When determining compliance with applicable stability requirements the vessel's draft, trim, and stability must be determined as necessary and any stability calculations made in support of the determination must be retained on board the vessel for the duration of the voyage.

(c) If a log book is required by § 185.280 or § 185.282, then the master must enter a statement verifying that the vessel complies with the applicable stability requirements.

36. Part 185 is amended by adding a new section to read as follows:

§ 185.335 Loading doors.

(a) The master shall assure that all loading doors are closed watertight and secured during the entire voyage except that—

(1) If a door cannot be opened or closed while the vessel is at a dock, it may be open while the vessel approaches and draws away from the dock, but only as far as necessary to enable the door to be immediately operated.

(2) If needed to operate the vessel, or embark and disembark passengers when the vessel is at anchor in protected waters, loading doors maybe open provided that the master determines that the safety of the vessel is not impaired.

(b) Loading doors include all weathertight ramps, bow visors, and openings used to load personnel, equipment, and stores, in the collision bulkhead, the side shell, and the boundaries of enclosed superstructures that are continuous with the shell of the vessel.

(c) If a log book is required by § 185.280 or § 185.282, then the master shall make the following entries:

(1) The time and door location of every closing of the loading doors; and

(2) Any opening of the doors in accordance with paragrpah (a)(2) of this section setting forth the time of the opening of the doors and the circumstances warranting this action.

37. Section 185.602 is amended by adding a new paragraph (e) to read as follows:

§ 185.602 Hull markings.

* * * * *

(e) In cases where draft marks are obscured due to operational constraints or by protrusions, the vessel must be fitted with a reliable draft indicating system from which the bow and sterm drafts can be determined.

SUBCHAPTER U—OCEANOGRAPHIC RESEARCH VESSELS

PART 196—OPERATIONS

38. The authority citation for part 196 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3306, 5115, 6101; E.O. 11735, 38 FR 21243, 3 CFR 1971–1975 Comp., p. 793; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

39. Part 196 is amended by adding a new section to read as follows:

§ 196.15–7 Verification of vessel compliance with applicable stability requirements.

(a) After loading and prior to departure and at all other times necessary to assure the safety of the vessel, the master shall determine and enter a statement in the log book that the vessel complies with all applicable stability requirements in the vessel's trim and stability book, stability letter, Certificate of Inspection, and Load Line Certificate, as the case may be. The vessel may not depart until it is in compliance with these requirements.

(b) When determining compliance with applicable stability requirements the vessel's draft, trim, and stability must be determined as necessary and any stability calculations made in support of the determination must be retained on board the vessel for the duration of the voyage.

40. Part 196 is amended by adding a new section to read as follows:

§ 196.15–18 Loading doors.

(a) The master shall assure that all loading doors are closed watertight and secured during the entire voyage except that—

(1) If a door cannot be opened or closed while the vessel is at a dock, it may be open while the vessel approaches and draws away from the dock, but only as far as necessary to enable the door to be immediately operated.

(2) If needed to operate the vessel, or embark and disembark passengers when the vessel is at anchor in protected waters, loading doors may be open provided that the master determines that the safety of the vessel is not impaired.

(b) Loading doors include all weathertight ramps, bow visors, and

openings used to load personnel, equipment, cargo, and stores, in the collision bulkhead, the side shell, and the boundaries of enclosed superstructures that are continuous with the shell of the vessel.

(c) The master shall enter into the log book the time and door location of every closing of the loading doors.

(d) The master shall enter into the log book any opening of the doors in accordance with paragraph (a)(2) of this section setting forth the time of the opening of the doors and the circumstances warranting this action.

41. Section 196.35–5 is amended by redesignating paragraphs (a)(4) through (a)(11) as paragraphs (a)(6) through (a)(13) and by adding new paragraphs (a)(4) and (a)(5) to read as follows:

§ 196.35–5 Actions required to be logged.

* * * * *

(a) * * *

(4) Verification of vessel compliance with applicable stability requirements. After loading and prior to departure and at all other times necessary to assure the safety of the vessel. See § 196.15–7.

(5) Loading doors. Every closing and any opening when not docked. See § 196.15–18.

* * * * *

42. In § 196.40–10, by revising paragraph (a); by redesignating paragraphs (b) and (c) as paragraphs (c) and (d); and by adding new paragraphs (b), (e), (f), and (g) to read as follows:

§ 196.40–10 Draft marks and draft indicating systems.

(a) All vessels must have the draft of the vessel marked plainly and legibly upon the stem and upon the sternpost or rudderpost or at any place at the stern of the vessel as may be necessary for easy observance. The bottom of each mark must indicate the draft.

(b) The draft must be taken from the bottom of the keel to the surface of the water at the location of the marks.

* * * * *

(e) Draft marks must be separated so that the projections of the marks onto a vertical plane are of uniform height equal to the vertical spacing between consecutive marks.

(f) Draft marks must be painted in contrasting color to the hull.

(g) In cases where draft marks are obscured due to operational constraints or by protrusions, the vessel must be fitted with a reliable draft indicating system from which the bow and stern drafts can be determined.

Dated: November 20, 1989.

J.D. Sipes,

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

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