needed to respond to potential hazards to the vessels involved.

**Drafting Information**

The drafter of this regulation is LTJG M.R. Stalker, project officer for the Captain of the Port.

**Discussion of Regulation**

The event requiring this regulation will begin on 23 June 1990 at 2130 EDST and end on 23 June 1990 at 2300 EDST. The fireworks display will take place at mile 603.5 on the Ohio River. The river closure is needed to protect river traffic and spectators.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

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

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

**Regulation**

**PART 165—[AMENDED]**

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

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

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

2. A new 165.T0230 is added to read as follows:

**§ 165.T0230 Safety Zone: All waters of the Ohio River from Mile 603.2 to 604.3.**

(a) *Location.* The following area is a safety zone: All waters of the Ohio River Mile 603.2 to 604.3.

(b) *Effective Date.* This regulation becomes effective at 2130 EDST on 23 June 1990. It terminates at 2300 EDST on 23 June 1990, unless sooner terminated by the Captain of the Port.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(2) The Captain of the Port's representative may be contacted on VHF radio Channel 16 during the event.

Dated: May 18, 1990.

**D.W. Cleaveland,**

*Captain of the Port, Louisville, Kentucky.*

[FR Doc. 90–13888 Filed 6–14–90; 8:45 am]

BILLING CODE 4910–14–M

## ENVIRONMENTAL PROTECTION AGENCY

**40 CFR Part 271**

**[FRL–3786–1]**

## Minnesota: Final Authorization of Revisions to State; Hazardous Waste Management Program

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Immediate final rule.

**SUMMARY:** Minnesota has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act of 1976 as amended (hereinafter "RCRA" or the "Act"). The Environmental Protection Agnecy (EPA) has reviewed Minnesota's application and has reached a decision, subject to public review and comment, that Minnesota's hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Thus, EPA intends to grant final authorization to Minnesota to operate its expanded program, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter "HSWA").

**EFFECTIVE DATE:** Final authorization for Minnesota's program revisions shall be effective August 14, 1990, unless EPA publishes a prior **Federal Register** (*FR*) action withdrawing this immediate final rule. All coments on Minnesota's program revision application must be received by 4:30 p.m. central time on July 16, 1990.

**ADDRESSES:** Copies of Minnesota's program revision application are available for inspection and copying from 9 a.m. to 4 p.m. at the following addresses: Ms. Carol Nankivel, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155, Phone (612) 643–3498; U.S. EPA Headquarters Library, PM 211A, 401 M Street, SW., Washington, DC 20460, Phone (202) 382–5926; Ms. Christine Klemme, U.S. EPA, Region V, Office of RCRA, 230 S. Dearborn, 5HR–13, Chicago, Illinois 60604, Phone (312) 886–3715. Written comments should be sent to Ms. Christine Klemme, Minnesota Regulatory Specialist, U.S. EPA, Region V, 230 S. Dearborn, 5HR–13, Chicago, Illinois 60604, Phone (312) 886–3715.

**FOR FURTHER INFORMATION CONTACT:** Christine Klemme, Minnesota Regulatory Specialist, U.S. EPA, Region V, Office of RCRA, 230 South Dearborn, 5HR–13, Chicago, Illinois 60604, (312) 886–3715, FTS 8 886–3715).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program.

In accordance with 40 CFR 271.21(a), revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessary because of changes to EPA's regulations in 40 CFR parts 124, 260–268 and 270.

**B. Minnesota**

Minnesota initially received final authorization for its base RCRA program effective on February 11, 1985 (50 FR 3756, January 28, 1985). On September 18, 1987, and June 23, 1989, additional approved program revisions became effective (see 52 FR 27199, July 20, 1987, and 54 FR 16361, April 24, 1989, respectively). Minnesota has since submitted an additional program revision application which EPA has reviewed. EPA has made an immediate final decision, subject to public review and comment, that Minnesota's hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization to Minnesota for these additional program revisions.

On the effective date of final authorization, Minnesota will be authorized to carry out, in lieu of the Federal program, those provisions of the State's program which are analogous to the following provisions of the Federal program:

| Federal requirement | Analogous state authority |
|---|---|
| ● Termination of Interim Status July 15, 1985, 50 FR 28702-28755*. | MN Rules 7001.0530; 7001.0090; 7001.0150; 7001.0500; 7001.0650; as amended and published in the State Register 4/16/84, and 7/19/89. Effective 4/22/84, and 7/25/89. |
| ● Spent Pickle Liquor Correction August 3, 1987, 52 FR 28697. | MN Rules 7045.0135; as amended and published in the State Register 5/16/89. Effective 5/22/89. |

| Federal requirement | Analogous state authority |
|---|---|
| • Land Disposal Restrictions and California List Waste Restrictions*, November 7, 1986, 51 FR 40572–40654; as amended by June 4, 1987, 52 FR 21010–21018; and July 8, 1987, 52 FR 25760–25792; as amended by October 27, 1987, 52 FR 41295–41296; corrected by July 19, 1988, 53 FR 27164–27165. | MN Rules 7045.0020; 7045.0065; 7045.0075; 7045.0100; 7045.0120; 7045.0125; 7045.0127; 7045.0131; 7045.0135; 7045.0213; 7045.0214; 7045.0219; 7045.0365; 7045.0450; 7045.0458; 7045.0478; 7045.0552; 7045.0564; 7045.0584; 7045.1300; 7045.1305; 7045.1310; 7045.1315; 7045.1320; 7045.1325; 7045.1330; 7045.1350; 7045.1355; 7045.1360; 7045.1380; 7001.0150; 7001.0560; 7001.0730; 7001.0650; as amended and published in the State Register 11/22/88. Effective 11/28/88. |
| • Test Methods (SW-846) Clarification March 16, 1987, 52 FR 8072–8073. | MN Rule 7045.0065; as amended and published in the State Register 7/19/89. Effective 7/25/89. |
| • Definition of Solid Waste Correction June 5, 1987, 52 FR 21306–21307. | MN Rules 7045.0135; 7045.0665; as amended and published in the State Register 5/16/89. Effective 5/22/89. |
| • Codification Amendments (with the exception of the provisions for corrective action for injection wells) December 1, 1987, 52 FR 45788–45799*. | MN Rules 7001.0150; 7001.0170; 7001.0050; 7001.0560; 7045.0484; 7045.0485; 7001.0520; 7001.640; as amended and published in the State Register 4/16/84 and 5/16/89 effective 4/22/84 and 5/22/89. |
| • Miscellaneous Units December 10, 1987, 52 FR 46946–46965 as amended January 9, 1989 54 FR 615–617. | MN Rules 7045.0020; 7045.0450; 7045.0452; 7045.0460; 7045.0478; 7045.0484; 7045.0486; 7045.0488; 7045.0490; 7045.0492; 7045.0502; 7045.0508; 7045.0518; 7045.0539; 7001.0560; 7001.0625; as amended and published in the State Register 5/16/89. Effective 5/22/89. |

* Indicates HSWA provisions

EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization. EPA has previously suspended issuance of permits for the other provisions on February 11, 1985, September 18, 1897, and on June 23, 1989, the effective dates of Minneosta's final authorizations for the RCRA base program and subsequent revisions.

This authorization includes authorization to Minnesota to impose certain land disposal prohibitions. Under 40 CFR 268.6, EPA may grant petitions of specific duration to allow land disposal of certain hazardous wastes provided certain criteria are met. States that have authority to impose land disposal prohibitions may ultimately be authorized under RCRA section 3006 to grant petitions for such exemptions. However, EPA is currently requiring that these petitions be handled at EPA headquarters. It should be noted that Minnesota has its own procedures for petition submission and approval to allow land disposal of a prohibited waste. Therefore, the petitioner must satisfy both EPA and Minnesota requirements and be granted approval by both EPA and the State.

The public may submit written comments on EPA's immediate final decision until July 16, 1990. Minnesota's application for this program revision is available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

Approval of Minnesota's program revision shall become effective on August 14, 1990, unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received, EPA will publish either (1) a withdrawal of this immediate final rule or (2) a notice containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

Minnesota is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

### C. Effect of HSWA on Minnesota's Authorization

Prior to the Hazardous and Solid Waste Amendments to RCRA, a State with final authorization administered its hazardous waste program instead of, or entirely in lieu of, the Federal program. Except for enforcement provisions not applicable here, EPA no longer directly applied the Federal requirements in the authorized State and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent, Federal requirements were promulgated or enacted, the State was obligated to obtain equivalent authority within specified time frames. New Federal requirements usually did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under the amended section 3006(g) of RCRA, 42 U.S.C. 6926(g), new HSWA requirements and prohibitions take effect in authorized States at the same time they take effect in non-authorized States. EPA carries out those requirements and prohibitions directly in authorized and non-authorized States, including the issuance of full or partial HSWA permits, until EPA grants the State authorization to do so. States must still, at one point, adopt HSWA-related provisions as State law to retain final authorization. In the interim, the HSWA provisions apply in authorized States.

As a result of the HSWA, there is a dual State/Federal regulatory program in Minnesota. To the extent HSWA does not affect the authorized State program, the State program will operate in lieu of the Federal program. To the extent HSWA-related requirements are in effect, EPA will administer and enforce those HSWA requirements in Minnesota until the State is authorized for them. Among other things, this will entail the issuance of Federal RCRA permits for those HSWA requirements for which the State is not yet authorized in addition to the State permits. Any State requirement that EPA has reviewed, approved, and determined to be more stringent that HSWA provisions also remain in effect; thus the universe of the more stringent provisions in HSWA and the approved State program defines the applicable subtitle C requirements in Minnesota.

Once EPA authorizes Minnesota to carry out a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal provision or prohibition. Until that time, the State may assist EPA's implementation of the HSWA under a Cooperative Agreement.

Today's rulemaking includes authorization of Minnesota's program for several requirements implementing the HSWA. Those requirements implementing the HSWA are specified in the "Minnesota" section B of this notice. Any effective State requirement that is more stringent or broader in scope than a Federal HSWA provision will continue to remain in effect; thus regulated handlers must comply with any more stringent State requirements.

EPA published a FR notice that explains in detail the HSWA and its effect on authorized States (50 *FR* 28702–28755, July 15, 1985).

### D. Decision

I conclude that Minnesota's program revision application meets all the statutory and regulatory requirements established by RCRA. Accordingly EPA grants Minnesota final authorization to operate its hazardous waste program as revised. Minnesota now has responsibility for permitting treatment,

storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program. This responsibility is subject to the limitations of Minnesota's program revision application and previously approved authorities. Minnesota also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA, and to take enforcement actions under section 3008, 3013, and 7003 of RCRA.

### E. Codification

EPA codifies authorized State programs in part 272 of 40 CFR. The purpose of codification is to provide notice to the public of the scope of the authorized program in each State. Codification of the Minnesota program revisions will be completed at a later date.

### Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

### Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Minnesota's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

### Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

### List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

**Authority:** This notice is issued under the authority of sections 2002(a) 3006, and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926 and 6974(b)).

Dated: May 1, 1990.

**Valdas V. Adamkus,**

*Regional Administrator.*

[FR Doc. 90-13932 Filed 6-14-90; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF TRANSPORTATION

## 46 CFR Parts 52, 54, 61, and 63

**[CGD 88-057]**

**RIN 2115-AD11**

## Automatic Auxiliary Boilers; Revision of Requirements

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is revising the requirements for automatic auxiliary boilers contained in 46 CFR part 63. The scope and applicability of part 63 is being clarified to minimize confusion, and industry consensus standards are being used to replace existing regulations where these standards provide an equivalent level of safety. Also, a specific safety provision is being added to reduce the possibility of an explosion during the postpurge cycle. The end result of this rulemaking is a reduction in costs and time delays for the approval process without compromising safety.

**DATES:** This regulation is effective July 16, 1990. The incorporation by reference of certain publications listed in this regulation is approved by the Director of the Federal Register as of July 16, 1990.

**FOR FURTHER INFORMATION CONTACT:** Mr. Randall N. Crenwelge, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security, and Environmental Protection, (202) 267-2206..

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking (NPRM) was published in the **Federal Register** on November 13, 1989 (54 FR 47228). Interested persons were requested to submit comments, and two comment letters consisting of six comments were received. No requests for a public hearing were received, nor was one held.

### Drafting Information

The principal persons involved in drafting this rulemaking are Mr. Randall N. Crenwelge, Project Manager, and Lieutenant Commander Don M. Wrye, Project Counsel, Office of Chief Counsel.

### Background

In 1965, the Coast Guard recognized the need to develop guidance for plan review of merchant vessels having centralized control systems and automatic boilers. A series of Navigation and Vessel Inspection Circulars (NVICs) were issued to express policy and provide guidance for field inspection offices. These NVICs were used to ensure a general level of safety for automatic auxiliary boilers at least equal to that required for manually operated auxiliary boilers.

Prior to 1968, only automatic steam boilers operating at pressures exceeding 30 pounds per square inch and used for purposes other than propulsion were covered by regulations under 46 CFR 162.026. In 1968, the Coast Guard adopted new marine engineering regulations in 46 CFR parts 50 through 63. In these regulations, specific industrial codes, standards, and specifications were incorporated by reference for the design, construction, fabrication, operation, maintenance, and repair of boilers, pressure vessels, pressure piping, and propelling and auxiliary machinery.

At the time part 63 was adopted, an industry standard was not available for automatic auxiliary boilers that the Coast Guard considered suitable for incorporation into the regulations. While portions of part 63 were derived from the experience the Coast Guard had gained from implementing the NVICs and § 162.026, most of the regulations were developed to express new requirements.

Since the publication of the marine engineering regulations in 1968, the American Society of Mechanical Engineers (ASME) has developed and published a standard titled "Controls and Safety Devices for Automatically Fired Boilers," which has been adopted by the American National Standards Institute (ANSI). This standard has also been adopted into law by many federal and state regulatory agencies. The Coast Guard has reviewed this document and concluded that it contains many provisions which are suitable for incorporation into this rulemaking. These are included along with design parameters for automatic auxiliary boilers which are unique to the marine environment.

### Discussion of the Regulations

*a. Scope and Applicability*

In this rulemaking, the scope of part 63 is being clarified. In the previous regulations, automatic auxiliary boilers were divided into three broad categories

which were large automatic auxiliary boilers, small automatic auxiliary boilers, and electric storage tank hot water supply boilers. It was not clear from the language which types of boilers and heating equipment fell within the scope of the three broad categories. In this rulemaking, boilers are classified by their service, control systems, pressure and temperature boundaries, heat input ratings, and firing medium. The services of automatic auxiliary boilers are clearly defined. Those control systems and automatic boilers which are governed by other parts and sections of the regulations are specified.

Boilers governed by this rulemaking include large and small auxiliary boilers, automatic heating boilers, automatic waste heat boilers, donkey boilers, miniature boilers, electric boilers, fired thermal fluid heaters, automatic incinerators, and electric hot water supply boilers. However, only automatic auxiliary boilers having firing rates of less than 12,500,000 Btu/hr. are covered in this rulemaking. Power boilers and auxiliary boilers having firing rates of 12,500,000 Btu/hr. and above must meet the requirements of part 52, and their control systems must meet the requirements of part 62. Along with revising part 63, this rulemaking amends certain regulations in part 52 to cross-reference requirements in parts 61, 62, or 63, as appropriate, based upon the classification criteria discussed.

New sections have been added to part 63 for incinerators and exhaust gas boilers. The Coast Guard is expecting a large influx of incinerator approval requests due to the adoption of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78 Annex V, Garbage Disposal Restrictions).

*b. Safety*

In accordance with § 63.05–25(b)(3) of the previous regulations, an auxiliary boiler's control system must ensure that the length of the postpurge period is at least 15 seconds after the fuel valve is closed. The postpurge period should automatically occur when a boiler is being secured; however, when an emergency trip occurs, the air flow to the boiler should not automatically increase. In 1983, an auxiliary boiler explosion occurred on the SS PRESIDENT LINCOLN. A Coast Guard investigation determined that after repeated attempts to light off, an increase in air flow occurred during the automatic postpurge cycle creating an explosive atmosphere. A safety control system requirement added in § 63.20–1(a) of this rulemaking requires postpurge in such cases to be under manual control.

In addition to including the requirement in the revised part 63 for manual control for postpurge when an emergency trip has occurred, this rulemaking amends part 61. Section 61.30–20 is amended and subpart 61.35 added to describe the tests and inspections required to verify the design, construction, installation, and operation of all controls, safety devices, and control system equipment for automatic auxiliary boilers.

*c. Adoption of Industry Consensus Standards*

An industry consensus standard titled "Controls and Safety Devices for Automatically-Fired Boilers," ANSI/ASME CSD–1–1982/CSD–1a–1984, has been developed by an American Society of Mechanical Engineers (ASME) committee composed of independent product certification agencies, insurance companies, control system manufacturers, industry associations, and other regulatory agencies, and has been adopted by ANSI. This standard covers automatic control system design, construction, installation, certification, and testing. It contains a self-certification procedure which is performed by the manufacturer, and it is currently used by industry and other regulatory agencies. The Coast Guard is incorporating this industry standard by reference and eliminating the burden of detailed plan review and component inspections. Certification by the manufacturers that the automatic auxiliary boiler and its control systems meet the requirements of part 63 indicates compliance with the regulations.

The Coast Guard is also updating three industry standards previously incorporated by reference in part 63 and adding two additional standards. The standards updated to account for more recent editions or revisions are ANSI/UL–174, "Standard for Household Electric Storage Tank Water Heaters," ANSI/UL–296, "Standard for Oil Burners," and ANSI/UL–343, "Standard for Pumps for Oil Burning Appliances." The additional standards are ANSI/UL–1453, "Standards for Electric Booster and Commercial Storage Tank Water Heaters," and ANSI/AGA Z21.22–86, "Relief Valves and Automatic Shutoff Devices for Hot Water Supply Systems." These additional standards are incorporated to provide for industry standards relating to pressure and temperature relief devices, temperature controls, and heating elements, as appropriate, for electric hot water supply boilers.

**Discussion of Comments**

One comment stated that proposed section 61.35–3(a)(3) should be amended to include the requirement to verify the leak-tightness of the fuel shutoff valves at initial and subsequent tests. The comment suggested that objective criteria such as "no visible leakage into the burner," or that a test method, such as measuring pressure drop in the supply line over time, should be provided. Existing regulations in 46 CFR 56.97–1(b) require an initial leak-tightness test for each piping system covered in part 56. Boiler fuel oil service systems are covered in § 56.50–65. For consistency, § 61.35–3(a)(3) has been amended in the final rule by requiring verification that there is no visible leakage from values into the burner(s).

Another comment stated that proposed § 63.15–3(b) should allow the use of steam fuel oil heaters. Some plants can be ignited from the cold condition using unheated diesel fuel, and subsequently shifted to steam-heated heavy fuel. In either case, temperature or viscosity control should be allowed. The Coast Guard agrees with these provisions. The requirement in § 63.15–3(b) which makes the use of a thermostatically-controlled electric oil heater mandatory has been changed to allow it as an option. When used, an electric heater must meet the requirements of 46 CFR subpart 111.85. Temperature or viscosity control is permitted. The comment further stated that the requirements in § 111.85–1(d) for a low level device are not clear. The comment asked whether this section required shutoff of the electric heater when the heater is not full of oil? Yes, the purpose of the low fluid level device which is required by § 111.85–1(d) is to ensure that the electric oil immersion heater element is immersed in oil when energized. Upon detecting a low fluid level outside the heater, the device opens all conductors to the heater.

Another comment stated that § 63.15–3 should be amended to require interlocks which would prevent passing diesel oil through the fuel heater, or alternately would not allow the boiler to fire if diesel oil is lined up to the heater. The Coast Guard disagrees. Interlocks are not necessary since § 58.01–15 of this chapter currently prohibits the interconnection of fuel oil piping in this manner.

Another comment stated that § 63.15–7 should be amended for the special case of periodically unattended machinery spaces. The comment noted that an auxiliary boiler trip alarm is required by 46 CFR Table 62.35–50 and

that in this case, the audible alarm requirement of § 63.15–7 should be satisfied by the alarm required by Table 62.35–50. The Coast Guard agrees. Section 63.15–7 has been amended to indicate that the requirements of Table 62.35–50 satisfy the requirements of this section for the special case of periodically unattended machinery spaces.

Another comment stated that § 63.25–7 should be amended to include a requirement for monitoring and alarm for soot fires in exhaust gas boilers. The Coast Guard agrees. Soot fires can rage unnoticed for several minutes and can result in boiler meltdowns. Section 63.25–7 has been amended to include this requirement.

A final comment stated that § 61.35–3(a)(7) is too detailed in specifying the method to test the draft limit control. The comment also stated that the test procedure specified to block the draft opening is not acceptable for many boilers and could be hazardous to personnel. The Coast Guard agrees. This sentence has been revised in the final rule to require testing of the draft loss interlock switch to ensure proper operation.

### Regulatory Evaluation

The Coast Guard considers these regulations to be nonmajor under Executive Order 12291 and nonsignificant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of these regulations has been found to be so minimal that further evaluation is unnecessary. Since the impact of this rulemaking is minimal, the Coast Guard certifies that it does not have a significant economic impact on a substantial number of small entities.

### Paperwork Reduction Act

This rulemaking contains information collection and recordkeeping requirements in § 63.10–1. They have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and included under OMB control number 2115–0142 for parts 50 through 64 displayed in § 50.01–20(b).

### Environmental Impact

The Coast Guard has considered the environmental impact of these regulations, and in accordance with section 2.B.2. of Commandant Instruction M16475.1B, has determined that this rulemaking is categorically excluded from further environmental documentation. A Categorical Exclusion Determination Statement has been prepared and placed in the rulemaking docket.

### Federalism

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### List of Subjects

*46 CFR Parts 52, 54 and 61*

Reporting and recordkeeping requirements, Vessels.

*46 CFR Part 63*

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

In consideration of the foregoing, chapter I of title 46, Code of Federal Regulations, is amended as follows.

## PART 52—[AMENDED]

1. The authority citation for part 52 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 52.01–10 is amended by revising paragraph (b) and adding new paragraph (c) to read as follows:

**§ 52.01–10 Automatic controls.**

* * * * *

(b) Each automatically controlled auxiliary boiler having a heat input rating of less than 12,500,000 Btu/hr. (3.66 megawatts) must meet the requirements of part 63 of this chapter.

(c) Each automatically controlled auxiliary boiler with a heat input rating of 12,500,000 Btu/hr. (3.66 megawatts) or above, must meet the requirements for automatic safety controls in part 62 of this chapter.

3. Section 52.01–135 is amended by revising paragraph (d) to read as follows:

**§ 52.01–135 Inspection and tests (modifies PG–90 through PG–100).**

* * * * *

(d) *Operating tests.* In addition to hydrostatic tests prescribed in paragraph (c) of this section, automatically controlled auxiliary boilers must be subjected to operating tests as specified in §§ 61.30–20, 61.35–1, 61.35–3, 62.30–10, 63.15–9, 63.25–3, and 63.25–5 of this chapter, as appropriate, or as directed by the Officer in Charge, Marine Inspection, for propulsion boilers. These tests are to be performed after final installation.

4. Section 52.25–15 is amended by adding new paragraph (d) to read as follows:

**§ 52.25–15 Fired thermal fluid heaters.**

* * * * *

(d) Each fired thermal fluid heater must be tested and inspected in accordance with the requirements of subpart 61.30 of this chapter.

5. Section 52.25–20 is revised to read as follows:

**§ 52.25–20 Exhaust gas boilers.**

Exhaust gas boilers with a maximum allowable working pressure greater than 103 kPa gage (15 psig) or an operating temperature greater than 454 °C. (850 °F.) must be designed, constructed, inspected, tested and stamped in accordance with the applicable provisions in this part. The design temperature of parts exposed to the exhaust gas must be the maximum temperature that could normally be produced by the source of the exhaust gas. This temperature must be verified by testing or by the manufacturer of the engine or other equipment producing the exhaust. Automatic exhaust gas boiler control systems must be designed, constructed, tested, and inspected in accordance with § 63.25–7 of this chapter.

## PART 54—[AMENDED]

6. The authority citation for part 54 continues to read as follows:

**Authority:** 33 U.S.C. 1509; 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.

7. Section 54.01–5 is amended by revising Table 54.01–5(A) to read as follows:

TABLE 54.01–5(A).—REGULATION REFERENCE FOR BOILERS, PRESSURE VESSELS, AND THERMAL UNITS

| Service and pressure temperature boundaries | Part of subchapter regulating mechanical design | Part of subchapter regulating automatic control |
|---|---|---|
| Main (power) boiler: All | 52 | 62 |
| Pressure vessel: All | 54 | NA |
| Fired auxiliary boiler [1] (combustion products or electricity): | | |
| (a) Steam: | | |
| More than 103 kPa (15 psig) | 52 | [2] 62 or 63 |
| Equal to or less than 103 kPa (15 psig) | 53 | 63 |

TABLE 54.01-5(A).—REGULATION REFERENCE FOR BOILERS, PRESSURE VESSELS, AND THERMAL UNITS—Continued

| Service and pressure temperature boundaries | Part of subchapter regulating mechanical design | Part of subchapter regulating automatic control |
|---|---|---|
| (b) Hot water heating: | | |
| More than 689 kPa (100 psig) or 121 °C (250 °F) | 52 | 63 |
| Equal to or less than 689 kPa (100 psig) and 121 °C (250 °F) | 53 | 63 |
| (c) Hot water supply: | | |
| More than 689 kPa (100 psig) or 121 °C (250 °F) | 52 | 63 |
| Equal to or less than 689 kPa (100 psig) and 121 °C (250 °F) | 53 | 63 |
| Other: | | |
| (a) Fired thermal fluid heaters: All | 52 | 63 |
| (b) Unfired steam boiler: | | |
| More than 206 kPa (30 psig) or 454 °C (850 °F) [3] | 52 | NA |
| Equal to or less than 206 kPa (30 psig) and 454 °C (850 °F) | 54 | NA |
| (c) Evaporators and heat exchangers: More than 103 kPa (15 Sig) [4] | 54 | NA |
| (d) Unfired hot water supply or heating boiler: More than 103 kPa (15 psig) [4] | 54 | NA |

[1] Including exhaust gas types.
[2] Boilers with heat input ratings >=12,500,000 Btu/hr. must have controls that meet Part 62. Boilers with heat input ratings <12,500,000 Btu/hr. must have controls that meet Part 63.
[3] Temperature of working fluid.
[4] Relief device is required even if designed for less than 103 kPa (15 psig).

## PART 61—[AMENDED]

8. The authority citation for part 61 continues to read as follows:

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

9. Section 61.30-20 is revised to read as follows:

### § 61.30-20 Automatic control and safety tests.

Operational tests and checks of all safety and limit controls, combustion controls, programming controls, and safety relief valves must be conducted by the owner, chief engineer, or person in charge at the inspection for certification, and when directed by the Officer in Charge, Marine Inspection, to determine that the control components and safety devices are functioning properly and are in satisfactory operating condition. These tests and checks must be conducted in the presence of a marine inspector and must include the following: proper prepurge, burner ignition sequence checks, operation of the combustion controls, limit controls, fluid flow controls, fluid level controls, high temperature control, proper postpurge control, and verification of the flame safeguard.

10. Subpart 61.35 is added to read as follows:

**Subpart 61.35—Design Verification and Periodic Testing for Automatic Auxiliary Boilers**

Sec.
61.35-1 General.
61.35-3 Required tests and checks.

## Subpart 61.35—Design Verification and Periodic Testing for Automatic Auxiliary Boilers

### § 61.35-1 General.

(a) All automatic auxiliary boilers except fired thermal fluid heaters must be tested and inspected in accordance with this subpart and subpart 61.05 of this part.

(b) Fired thermal fluid heaters must be tested and inspected in accordance with subpart 61.30 of this part.

(c) All controls, safety devices, and other control system equipment must be tested and inspected to verify their proper design, construction, installation, and operation.

(d) All tests must be performed after installation of the automatic auxiliary boiler and its control system(s) aboard the vessel.

(e) As far as practicable, test techniques must not simulate monitored system conditions by misadjustment, artificial signals, improper wiring, tampering, or revision of the system tested. The use of a synthesized signal or condition applied to a sensor is acceptable if the required test equipment is maintained in good working order and is periodically calibrated. Proper operation and proper calibration of test equipment must be demonstrated to the Officer in Charge, Marine Inspection.

### § 61.35-3 Required tests and checks.

(a) Tests and checks must include the following:

(1) *Safety (Programming) controls.* Safety controls must control and cycle the unit in the proper manner and sequence. Proper prepurge, ignition, postpurge, and modulation must be verified. All time intervals must be verified.

(2) *Flame safeguard.* The flame safeguard system must be tested by causing flame and ignition failures. Operation of the audible alarm and visible indicator must be verified. The shutdown times must be verified.

(3) *Fuel supply controls.* Satisfactory shutdown operation of the two fuel control solenoid valves must be verified. No visible leakage from the valves into the burner(s) must be verified.

(4) *Fuel oil pressure limit control.* A safety shutdown must be initiated by lowering the fuel oil pressure below the value required for safe combustion. System shutdown and the need for manual reset prior to automatic startup must be verified.

(5) *Fuel oil temperature limit control.* (Units designed to burn heavy fuel oil.) A safety shutdown must be initiated by lowering the fuel oil temperature below the designed temperature. System shutdown and the need for manual reset prior to automatic startup must be verified.

(6) *Combustion controls.* Smooth and stable operation of the combustion controls must be verified.

(7) *Draft limit control.* The draft loss interlock switch must be tested to ensure proper operation. The draft limit control must cause burner shutdown and prevent startup when an inadequate air volume is supplied to the burner(s).

(8) *Limit controls.* Shutdown caused by the limit controls must be verified.

(9) *Water level controls.* Water level controls must be tested by slowly lowering the water level in the boiler. Each operating water level control must be individually tested. The upper low water cutoff and the lower low water cutoff must each be tested. The audible alarm and visible indicator associated with the lower low water cutoff must be tested. The manual reset device must be tested after the lower low water cutoff has been activated.

(10) *Feed water flow controls.* The feed water flow limit device (found on steam boilers and water heaters without water level controls) must be tested by interrupting the feed water supply. Manual reset must be required prior to restarting the boiler.

(11) *Low voltage test.* The fuel supply to the burners must automatically shut off when the supply voltage is lowered.

(12) *Switches.* All switches must be tested to verify satisfactory operation.

11. Part 63 is revised to read as follows:

## PART 63—AUTOMATIC AUXILIARY BOILERS

### Subpart 63.01—General Provisions



### Subpart 63.05—Reference Specifications



### Subpart 63.10—Miscellaneous Submittals



### Subpart 63.15—General Requirements



### Subpart 63.20—Additional Control System Requirements



### Subpart 63.25—Requirements for Specific Types of Automatic Auxiliary Boilers



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

### Subpart 63.01—General Provisions

#### § 63.01–1 Purpose.

This part specifies the minimum requirements for safety for each automatic auxiliary boiler, including its design, construction, testing, and operation.

#### § 63.01–3 Scope and applicability.

(a) This part contains the requirements for automatic auxiliary boilers, including their controls, control system components, electrical devices, safety devices, and accessories. Types of automatic auxiliary boilers which are covered include large and small automatic auxiliary boilers, automatic heating boilers, automatic waste heat boilers, donkey boilers, miniature boilers, electric boilers, fired thermal fluid heaters, automatic incinerators, and electric hot water supply boilers. Automatic auxiliary boilers are classified by their service, control systems, pressure and temperature boundaries, heat input ratings, and firing mediums as follows:

(1) Automatic auxiliary boilers listed in Table 54.01–5(A) of this chapter which reference this part for regulation of their automatic controls.

(2) Automatic control systems for automatic auxiliary boilers having a heat input rating of less than 12,500,000 Btu/hr. (3.66 megawatts)(20 gph).

(3) Electric hot water supply boilers (heaters) containing electric heating elements rated at 600 volts or less.

(4) Exhaust gas boilers, and their controls and accessories used to heat water and/or generate steam.

(5) Incinerators (and their control systems) used for the generation of steam and/or oxidation of ordinary waste materials and garbage. This part also includes incinerators which serve as automatic auxiliary boilers.

(6) Fired thermal fluid heaters and their controls.

(b) *Exceptions.* Automatic boilers having heat input ratings of 12,500,000 Btu/hr. (3.66 megawatts) (20 gph) and above must meet the requirements of part 52 of this chapter. Their control systems must meet the requirements of part 62 of this chapter. Electric cooking equipment must comply with § 111.77–3 of this chapter. Electric oil immersion heaters must comply with part 111, subpart 111.85 of this chapter. Electric air heating equipment must comply with part 111, subpart 111.87 of this chapter.

### Subpart 63.05—Reference Specifications

#### § 63.05–1 Incorporation by reference.

(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, notice of change must be published in the Federal Register and the material made available to the public. All approved material is on file at the Office of the Federal Register, 1100 L Street NW., Washington, DC and at the U.S. Coast Guard, Marine Technical and Hazardous Materials Division (G–MTH–2), 2100 Second Street SW., Washington, DC 20593–0001, and is available from the sources listed in paragraph (b) of this section.

(b) The material approved for incorportation by reference in this part and the sections affected are:

American Society of Mechanical Engineers
345 East 47th Street, New York, NY 10017
ANSI/ASME CSD–1–1982 with Addenda CSD–1a–1984, Controls and Safety Devices for Automatically Fired Boilers, November 15, 1984 ..... 63.10–1; 63.15–1; 63.20

Underwriters' Laboratories, Inc. (UL)
333 Pfingsten Road, Northbrook, Illinois 60062
ANSI/UL–174, Standard for Household Electric Storage Tank Water Heaters, Seventh Edition, April 18, 1983 (Revisions through March 1988) ..... 63.25–3
ANSI/UL–296, Standard for Oil Burners, Seventh Edition, August 22, 1980 (Revisions through August 1985) ..... 63.15–5
ANSI/UL–343, Standard for Pumps for Oil Burning Appliances, Sixth Edition, July 17, 1986 ..... 63.15–5
ANSI/UL–1453, Standard for Electric Booster and Commercial Storage Tank Water Heaters, Third Edition, February 5, 1988 ..... 63.25–3

American Gas Association
1515 Wilson Boulevard, Arlington, Virginia 22209
ANSI/AGA Z21.22–86 Relief Valves and Automatic Shutoff Devices for Hot Water Supply Systems, March 28, 1986 ..... 63.25–3

### Subpart 63.10—Miscellaneous Submittals

#### § 63.10–1 Test procedures and certification report.

Two (2) copies of the following items must be submitted to the Commanding Officer, U.S. Coast Guard Marine Safety Center, 400 Seventh Street SW., Washington, DC 20590–0001.

(a) Detailed instructions for operationally testing each automatic auxiliary boiler, its controls, and safety devices.

(b) A certification report for each automatic auxiliary boiler which:

(1) Meets paragraph CG–510 of ANSI/ASME CSD–1a; and

(2) Certifies that each automatic auxiliary boiler, its controls, and safety devices comply with the additional requirements of this part.

### Subpart 63.15—General Requirements

#### § 63.15–1 General.

(a) Each automatic auxiliary boiler must be designed and constructed for its intended service according to the requirements of the parts referenced in § 54.01–5, Table 54.01–5(A) of this chapter.

(b) Controls and safety devices for automatic auxiliary boilers must meet the applicable requirements of ANSI/ASME CSD–1/CSD–1a, except Paragraph CG–310.

(c) All devices and components of an automatic auxiliary boiler must satisfactorily operate within the marine environment. The boiler must satisfactorily operate with a momentary roll of 30°, a list of 15°, and a permanent trim of 5° with it installed in a position as specified by the manufacturer.

(d) An electrical control used to shut down the automatic auxiliary boiler must be installed in accordance with § 58.01–25 of this chapter. This device must stop the fuel supply to the fuel burning equipment.

(e) Mercury tube actuated controls are prohibited from being installed and used on automatic auxiliary boilers.

**§ 63.15–3 Fuel system.**

(a) Firing of an automatic auxiliary boiler by natural gas is prohibited unless specifically approved by the Marine Safety Center.

(b) Heated heavy fuel oil may be used provided the heaters are equipped with a high temperature limiting device that shuts off the heating source at a temperature below the flashpoint of the oil and is manually reset. When a thermostatically-controlled electric oil heater and a level device is used, it must meet the requirements of part 111, subpart 111.85 of this chapter.

**Note:** An auxiliary boiler may be safely ignited from the cold condition using unheated diesel or light fuel oil and subsequently shifted to heated heavy fuel.

(c) The fuel oil service pump and its piping system must be designed in accordance with § 56.50–65 of this chapter. All materials must meet the requirements of part 56, subpart 56.60 of this chapter. The use of cast iron or malleable iron is prohibited.

(d) The fuel oil service system (including the pump) must meet the pressure classification and design criteria found in § 56.04–2, Table 56.04–2 of this chapter.

(e) When properly selected for the intended service, fuel pumps meeting the performance and test requirements of ANSI/UL 343 meet the requirements of this section.

**§ 63.15–5 Strainers.**

(a) Strainers must be installed in the fuel supply line. Each strainer must be self-cleaning, fitted with a bypass, or be capable of being cleaned without interrupting the fuel oil supply.

(b) The strainer must not allow a quantity of air to be trapped inside which would affect the rate of fuel flow to the burner or reduce the effective area of the straining element.

(c) The strainer must meet the requirements for strainers found in ANSI/UL 296 and the requirements for fluid conditioner fittings found in § 56.15–5 of this chapter.

**§ 63.15–7 Alarms.**

(a) An audible alarm must automatically sound when a flame safety system shutdown occurs. A visible indicator must indicate that the shutdown was caused by the flame safety system.

(b) Means must be provided to silence the audible alarm. The visible indicators must require manual reset.

(c) For steam boilers, operation of the lower low water cutoff must automatically sound an audible alarm. A visual indicator must indicate that the shutdown was caused by low water.

(d) For a periodically unattended machinery space, the auxiliary boiler trip alarm required by 46 CFR 62.35–50, Table 62.35–50 satisfies the requirements for the audible alarms specified in this section.

**§ 63.15–9 Inspections and tests.**

All automatic auxiliary boilers must be inspected and tested in accordance with the requirements of part 61 of this chapter.

## Subpart 63.20—Additional Control System Requirements

**§ 63.20–1 Specific control system requirements.**

In addition to the requirements found in ANSI/ASME CSD–1/CSD–1a, the following requirements apply for specific control systems:

(a) *Primary safety control system.* Following emergency safety trip control operation, the air flow to the boiler must not automatically increase. For this condition, postpurge must be accomplished manually.

(b) *Combustion control system.* A low fire interlock must ensure low fire start when variable firing rates are used.

(c) *Water level controls and low water cutoff controls.* Water level controls must be constructed and located to minimize the effects of vessel roll and pitch. Float chamber low water cutoff controls using stuffing boxes to transmit the motion of the float from the chamber to the external switches are prohibited. No outlet connection other than pressure controls, water columns, drains, and steam gages may be installed on the float chamber or on the pipes connecting the float chamber to the boiler. The water inlet valve must not feed water into the boiler through the float chamber. The boiler feed piping must comply with the applicable requirements of § 56.50–30 of this chapter.

## Subpart 63.25—Requirements for Specific Types of Automatic Auxiliary Boilers

**§ 63.25–1 Small automatic auxiliary boilers.**

Small automatic auxiliary boilers, defined as having a heat input rating of 400,000 Btu/hr. and less (117 kilowatts and less) (3 gph and less), must meet the following additional requirements.

(a) Small automatic auxiliary boilers must be equipped with a visual indicator which indicates when the low water cutoff has activated.

(b) A prepurge period of a sufficient duration to ensure at least four changes of air in the combustion chamber and stack, but not less than 15 seconds must be provided. Ignition must occur only before or simultaneously with the opening of the fuel oil valve.

**§ 63.25–3 Electric hot water supply boilers.**

(a) Electric hot water supply boilers which have a capacity not greater than 454 liters (120 U.S. gallons), a heat input rate not greater than 200,000 Btu/hr. (58.6 kilowatts), meet the requirements of ANSI/UL 174 or ANSI/UL 1453, and are protected by the relief device(s) required in § 53.05–2 of this chapter do not have to meet any other requirements of this section except the periodic testing required by paragraph (j) of this section. Electric hot water supply boilers which meet the requirements of UL 174 may have temperature-pressure relief valves that meet the requirements of ANSI/AGA Z21.22 in lieu of subpart 53.05 of this chapter.

(b) Each hot water supply boiler must be constructed in accordance with the applicable requirements of part 52 or part 53 of this chapter.

(c) Branch circuit conductors for hot water supply boilers which have a capacity not greater than 454 liters (120 U.S. gallons) must have a current carrying capacity of not less than 125 percent of the current rating of the appliance. Branch circuit conductors for hot water supply boilers with capacities of more than 454 liters (120 U.S. gallons) must have a current carrying capacity of not less than 100 percent of the current rating of the appliance. Wiring materials and methods must comply with part 111, subpart 111.60 of this chapter. A hot water supply boiler having a current rating of more than 48 amperes and employing resistance type heating elements must have the heating elements on subdivided circuits. Each subdivided load, except for an electric hot water supply boiler employing a resistance type immersion electric

heating element, must not exceed 48 amperes, and it must be protected at not more than 60 amperes. An electric hot water supply boiler employing a resistance type immersion electric heating element may be subdivided into circuits not exceeding 120 amperes and protected at not more than 150 amperes. Overcurrent protection devices must comply with part 111, subpart 111.50 of this chapter.

(d) Heating elements must be insulated electrically from the water being heated, guarded against mechanical injury and contact with outside objects, and securely supported. Consideration must be given to sagging, opening, and other adverse conditions of the elements resulting from continuous heating, and flexion of supports and wiring due to alternate heating and cooling. Wrap-around elements must be secured in a manner which prevents loosening.

(e) Iron and steel parts must be protected against corrosion by enameling, galvanizing, or plating. Iron and steel storage tanks having a wall thickness less than 6.4mm (¼-inch) must have the inside surface protected against corrosion.

(f) Each heating element must have a temperature regulating device. The device must limit the water from obtaining a temperature greater than 90 °C. (194°F.). If the control has a marked off position, the control must disconnect the heating element from all ungrounded conductors, and it must not respond to temperature when placed in the off position.

(g) An independent temperature limiting device must prevent the water in the upper 25 percent of the tank from attaining a temperature higher than 99 °C. (210 °F.). This device must require manual resetting, be trip free from the operating means, open all ungrounded power supply conductors to the heater, and be readily accessible.

(h) Electric hot water supply boilers must have pressure and temperature relieving valves. The valve temperature setting must not be more than 99 °C. (210° F.). The pressure relief setting must not be higher than the marked working pressure of the boiler. The pressure and temperature relief valves must meet part 53, subpart 53.05 of this chapter. The pressure and temperature relief valves may be combined into a pressure-temperature relief valve.

(i) Electric hot water supply boilers must be marked in a visible location with the manufacturer's name, model or other identification number, water capacity, and the electrical ratings of each heating element. When two or more heating elements are installed, the maximum wattage or current consumption must be indicated. The cold water inlet and the hot water outlet must each be clearly distinguished or marked for identification purposes.

(j) All electric hot water supply boilers must have their pressure relief devices tested as required by part 52 or part 53 of this chapter, as applicable. Electric hot water supply boilers which meet the requirements of ANSI/UL 174 or ANSI/UL 1453 and have heating elements, temperature regulating controls, and temperature limiting controls are satisfactory for installation and service without further installation testing. All electric hot water supply boilers not meeting the requirements of ANSI/UL 174 or ANSI/UL 1453 must have their heating elements, temperature regulating controls, and temperature limiting controls tested by the marine inspector at the time of installation. All electric hot water supply boilers must have their heating elements, temperature regulating controls, and temperature limiting controls tested by the marine inspector at each inspection for certification and more often if necessary, to determine that the heating elements and controls are in a safe and satisfactory operating condition.

**§ 63.25-5 Fired thermal fluid heaters.**

(a) *Construction.* Fired thermal fluid heaters must meet the requirements of part 52 of this chapter, as applicable.

(b) *Controls.* Fired thermal fluid heaters must have a low fluid level cutout device or a low flow device. When the rate of fluid flow through the heating coils is insufficient to ensure proper heat transfer, the device must cut off the fuel supply to the burner. If the fluid temperature exceeds the designed maximum operating temperature, a high temperature limit device must cut off the fuel supply to the burner. These devices must be of the manual reset type.

**§ 63.25-7 Exhaust gas boilers.**

(a) *Construction.* An auxiliary exhaust gas boiler must meet the applicable construction requirements of part 52 or part 53 of this chapter as determined from § 54.01-5, Table 54.01-5(A) of this chapter.

(b) *Controls.* Each drum type exhaust gas steam boiler must have a feed water control system. The system must automatically supply the required amount of feed water and maintain it at the proper level. For boilers without a fixed water level, the control system must supply the feed water at a rate sufficient to ensure proper heat transfer. The system must adequately fill the boiler when cold.

(c) *Alarms.* When a condition arises which results in inadequate heat transfer, a high temperature alarm or low flow alarm must be activated. An audible alarm must automatically sound, and a visual indicator must indicate when the fluid temperature exceeds the maximum operating temperature or when the fluid/steam flowing through the heat exchanger is insufficient to ensure proper heat transfer. Additionally, an audible alarm must automatically sound, and a visual indicator must indicate when a soot fire is present in the exhaust gas boiler's uptake.

**§ 63.25-9 Incinerators.**

(a) *Construction.* Incinerators which produce hot water or generate steam must meet the requirements of part 52 or part 53 of this chapter, as applicable.

(b) A high temperature limit device must be installed in the combustion chamber and flue gas duct of the incinerator. Each limit device must be of the manual reset type and cause an automatic shutdown of the incinerator when a temperature higher than the maximum operating temperature is detected.

Dated: May 30, 1990.

**D.H. Whitten,**

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

[FR Doc. 90-13748 Filed 6-14-90: 8:45 am]

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## National Highway Traffic Safety Administration

## 49 CFR Part 571

**[Docket No. 87-02; Notice 3]**

**RIN 2127-AA95**

## Federal Motor Vehicle Safety Standards; Seat Belt Assembly Anchorages

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** NHTSA recently published a final rule that, among other things, clarified the test procedures used to determine if seats with manual lap/shoulder safety belts or automatic safety belts comply with the anchorage