

XIV. Statutory Authority

The statutory authority for the actions proposed today is granted to EPA by Sections 211(c), (k) and 301 of the Clean Air Act, as amended; 42 U.S.C. 7545(c),(k), and 7601.

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: September 27, 1995.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, part 80 of title 40 of the Code of Federal Regulations is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Sections 114, 211, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7414, 7545, and 7601(a)).

2. Section 80.41 is amended by revising paragraph (g) to read as follows:

§ 80.41 Standards and requirements for compliance.

* * * * *

(g) *Oxygen maximum standard.* (1) The per-gallon standards for maximum oxygen content, which apply to reformulated gasoline subject to the simple model per-gallon or average standards, are as follows:

(i) The standard shall be the maximum allowed under the provisions of section 211(f) of the Act; except that

(ii) The standard shall not exceed 3.2 percent by weight for ethanol within the boundaries of any state if the state notifies the Administrator that the use of an oxygenate will interfere with attainment or maintenance of an ambient air quality standard or will contribute to an air quality problem.

(2) A state may request the standard specified in paragraph (g)(1)(ii) of this section separately for reformulated gasoline designated VOC-controlled and reformulated gasoline not designated as VOC-controlled.

(3) The standard in paragraph (g)(1)(ii) of this section shall apply 30 days after the Administrator publishes a notice in the Federal Register announcing such a standard.

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[FR Doc. 95-24583 Filed 10-4-95; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Chapter I

[CGD 95-073]

International Management Code for the Safe Operation of Ships and for Pollution Prevention, (ISM) Code

AGENCY: Coast Guard, DOT

ACTION: Notice of public meetings.

SUMMARY: The Coast Guard is planning four (4) public meetings to discuss the implementation of the International Maritime Organization (IMO) International management Code for the Safe Operation of Ships and for POLLUTION prevention (International Ship Management (ISM) Code). The ISM Code encourages the continuous improvement of safety management skills within the maritime industry. In keeping with the results of a Coast Guard review of its regulatory development process, the Coast Guard will hold these public meetings to provide the public an opportunity to comment and give input into the implementation of the Code.

DATES: The public meetings will be held from 9 a.m. until 3 p.m. as follows: On October 30, 1995, in Seattle, Washington; on November 1, 1995, in Long Beach, California; on November 13, 1995, in New Orleans, Louisiana; and on November 16, 1995, in New York City, New York. Those attending the public meetings should have available a photo identification card to meet entrance requirements for the building management at the meeting sites. Written material may also be submitted regarding this matter and must be received not later than November 29, 1995.

ADDRESSES: The public meetings will be held at the following locations: North Auditorium, 4th Floor, Jackson Federal Building, 915 Second Avenue, Seattle, Washington; the Boardroom, Port Authority Administration Building, 925 Harbor Plaza, Port of Long Beach, California; the Holiday Inn Downtown Hotel, 330 Loyola Avenue, New Orleans, Louisiana; and New York Port Authority Oval Room, 43rd Floor, 1 World Trade Center, New York City, New York. Written comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments will become part of

this docket and will be available for inspection or copying at room 3406, Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Gauvin, Project Manager, Vessel and Facilities Operating Standards Branch (G-MOS-2), (202) 267-1181. This number is equipped to record messages on a 24-hour basis. Anyone wishing to make a presentation is requested to call this number and give the following information: docket number (CGD 95-073); name; company or organizational affiliation (if any); and the estimated amount of time needed for the comment.

SUPPLEMENTARY INFORMATION:

Background and Discussion

On November 4, 1993, the International Maritime Organization (IMO) adopted resolution A.741(18) entitled "International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code)." The objectives of the ISM Code are to improve safety at sea, to reduce the occurrence of human injury or loss of life, and to minimize environmental and property damage attributable to marine casualties. The ISM Code seeks to accomplish these objectives by encouraging the implementation of Safety Management Systems by shipping companies with oversight by national administrations, such as the U.S. Coast Guard.

Beginning in 1998, the ISM Code will become mandatory for vessels which operate in international trade to which the Safety of Life at Sea (SOLAS) convention applies. On July 1, 1998, the ISM Code will become mandatory for passenger ships, passenger high speed craft, oil tankers, chemical tankers, gas carriers, bulk carriers, and cargo high speed craft of 500 gross tons and greater. On July 1, 2002, the ISM Code will become mandatory for other cargo ships and self-propelled mobile offshore drilling units of 500 gross tons and greater. Until those dates, compliance with the ISM Code by owners of the various classes of vessels is voluntary.

The ISM Code represents the culmination of an evolving recognition within the maritime industry that the "human element" is a critical factor in preventing casualty or pollution incidents. Historically, the international maritime community has approached maritime safety from an engineering and technology perspective. International standards addressed equipment and design requirements. However, despite

these requirements, significant marine casualties continue to occur. The ISM Code attempts to reduce these occurrences by recognizing that "human factors," defined as acts or omissions of personnel which adversely affect the proper functioning of a particular system, or the successful performance of a particular task, must be addressed in order to further reduce marine casualties and pollution.

The ISM Code acknowledges that the human element includes both vessel personnel and the company management infrastructure of the vessel's owner or operator. Decisions made ashore can be as important as those made at sea; and, therefore, the ISM Code seeks to ensure that every action, taken at any level within a company, is based upon sound understanding of the potential consequences on marine safety and pollution prevention. The IMO, in resolution A.647(16), cited two key elements needed to realize the objectives of the ISM Code. Those elements include a philosophical commitment to safety at the senior management level and an effective organizational infrastructure to implement and monitor a safety management program.

Under the ISM Code, a shipping company's Safety Management System must include the following functional requirements: (1) A safety and environmental protection policy; (2) instructions and procedures to ensure safe operation of ships and protection of the environment in compliance with relevant international and flag-state legislation; (3) defined levels of authority and lines of communication between, and amongst, shore and shipboard personnel; (4) procedures for reporting accidents and non-conformities with the provisions of the ISM Code; (5) procedures to prepare for and respond to emergency situations; and (6) procedures for internal audits and management reviews.

The Coast Guard may be required to promulgate implementing regulations when the ISM Code becomes mandatory. At present, U.S. certification is voluntary. Authorized classification societies currently issue Safety Management System certificates under the provisions of Navigation and Vessel Inspection Circular (NVIC) No. 2-94 (March 15, 1994). These certificates have neither force nor effect under U.S. law. They indicate only that a company and its vessels comply with the terms of the ISM Code as interpreted by NVIC 2-94, as determined by the authorized classification society. Implementing regulations would provide for Coast

Guard examination of shipping companies and ships to which the ISM Code applies to determine their compliance. The Coast Guard would authorize the issuance of certificates to companies and ships found to be in compliance. Once the ISM Code comes into effect, port states around the world will check foreign flag vessels for compliance as part calls are made.

The Coast Guard is interested in receiving comments on the potential costs and benefits of this implementation and on the issues discussed in this notice. Specifically, the Coast Guard is interested in receiving comments on methods by which the Coast Guard can ensure effective compliance with ISM Code standards, while minimizing the burden and costs to the maritime industry.

Based on discussions with industry representatives, numerous questions have arisen which, when answered, should significantly assist in implementing the ISM Code. These questions address issues such as: which entities will conduct ISM Code inspections or surveys; the applicability of the ISM certification to various U.S. vessel types; the cost and time requirements for owners of various vessel types, operating on different routes/service, to implement the ISM Code; the viability of using third parties to complete ISM Code Certification; the need for incentives for companies which own vessels in domestic trade to be ISM Code certificated; whether Safety management Systems already developed and in place will be able to meet the requirements of the ISM Code and be certificated; how long will it take to set up a ISM Safety Management System and have the company office and its vessels certificated; whether companies in domestic U.S. trade should be required to be ISM Code certificated; the effect of ISM Code certification on small companies; whether sample Safety Management Systems should be developed and made available to companies to facilitate Code implementation; and what the enforcement policy should be for companies and vessel that do not meet the deadlines for ISM Code certification.

ISM Code certification must be accomplished by July 1998, for most vessels. In light of this, these public meetings will provide an excellent opportunity for members of the maritime industry whose vessels must be certificated under the ISM Code, to address concerns and offer suggestions for Code implementation.

Dated: September 28, 1995.

Joseph J. Angelo,

Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 95-24672 Filed 10-4-95; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94-64; RM-8453]

Radio Broadcasting Services; Ider, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This document dismisses a petition for rule making to allot FM Channel 254A to Ider, Alabama, as that locality's first local aural transmission service, as requested by Deborah M. Thompson (RM-8453), and supported by Sand Mountain Advertising Co., Inc. See 59 FR 34404, July 5, 1994. The proposal is denied based upon the inability of Channel 254A to comply with the requirements of Section 73.315 of the Commission's Rules to provide a 70 dBu signal over the proposed community of license. With this action, the proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 94-64, adopted September 22, 1995, and released September 29, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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