

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective December 26, 1995 unless, by November 24, 1995 adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective December 26, 1995.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 26, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2), 42 U.S.C. 7607(b)(2)).

#### List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Ozone, Volatile organic compounds.

Note: Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: August 8, 1995.

Charles Findley,

*Acting Regional Administrator.*

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### **PART 52—[AMENDED]**

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

#### **Subpart WW—Washington**

2. Section 52.2470 is amended by adding paragraph (c)(56) to read as follows:

##### **§ 52.2470 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(56) On February 14, 1995, the Director for the Washington State Department of Ecology (WDOE) submitted amended regulations for the Northwest Air Pollution Authority (NWAPA) as a revision to the Washington State Implementation Plan (SIP).

(i) Incorporation by reference.

(A) The February 7, 1995 letter from the Director of WDOE submitting the amended NWAPA regulations to the Environmental Protection Agency (EPA); the Northwest Air Pollution Authority Regulations (approving sections 104.1, 132, 133, 200, 300, 301, 302, 322, 324 (except for 324.121), 340, 451, 462, 580) adopted on February 10, 1995.

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#### **DEPARTMENT OF TRANSPORTATION**

##### **Coast Guard**

##### **46 CFR Part 28**

[CGD 94-025]

RIN 2115-AE77

##### **Commercial Fishing Industry Vessel Regulations for Aleutian Trade Act Vessels**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is issuing regulations for U.S. commercial fishing industry vessels subject to the Aleutian Trade Act (ATA) of 1990. This rule promulgates a new subpart regulating certain equipment requirements and operating procedures for fish tender vessels operating in the Aleutian trade. These regulations allow for continued cargo service by water to remote communities in Alaska while ensuring increased safety standards for the vessels engaged in this trade.

**DATES:** This final rule is effective on April 22, 1996. The Director of the Federal Register approves as of April 22, 1996 the incorporation by reference of certain publications listed in the regulations.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 94-025). U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Mark D. Bobal, Office of Marine Safety, (G-MOS-2), Room 1210, U.S. Coast Guard Headquarters, Washington, D.C. 20593-0001, (202) 267-0214.

##### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory History**

On April 19, 1990, the Coast Guard published a notice of proposed rulemaking (NPRM) for Commercial Fishing Industry Vessels (55 FR 14924). In the NPRM, the Coast Guard proposed to regulate U.S. documented or state numbered uninspected fishing, fish processing, and fish tender vessels, including vessels engaged in the Aleutian Trade, to implement the provisions of the Commercial Fishing Industry Vessel Safety Act of 1988. Subsequent to the NPRM, Congress enacted the Aleutian Trade Act of 1990 (ATA), significantly affecting the impact of the proposed regulations on vessels engaged in the Aleutian trade.

As a result of the ATA the Coast Guard published a supplemental notice of proposed rulemaking, (SNPRM), in the Federal Register on October 27, 1992 (57 FR 48670). The Coast Guard received over 206 comments specifically opposing, and only 4 comments favoring, the proposed ATA regulations.

On September 13, 1994, the Coast Guard published a second SNPRM entitled Commercial Fishing Industry Vessel Regulations for Aleutian Trade

Act Vessels in the Federal Register (59 FR 47034) incorporating the comments received from the October 1992 SNPRM. Due to a publishing error, the commenting period was extended to December 31, 1994 in the Federal Register (59 FR 60117). The Coast Guard received 8 letters commenting on the proposal. No public hearing was requested, and none was held.

**Background and Purpose**

*The Aleutian Trade Act of 1990*

On November 16, 1990, the President signed Pub. L. 101-595, The Aleutian Trade Act of 1990 ("the ATA"). The ATA applies only to fish tender vessels engaged in the transportation of cargo (including fishery related products) for hire to or from a place in Alaska west of 153° West longitude and east of 172° East longitude and only, if that place receives weekly common carrier service by water, to or from a place in the United States (except a place in Alaska). The ATA requires these fish tender vessels to meet new safety and manning standards over a specified period of time. Additional background information concerning the ATA and the Coast Guard's interpretation of the Act, may be found at page 48670 of the SNPRM published October 27, 1992. The Coast Guard has compared this rule to international standards and determined that it does not establish a requirement in excess of international standards.

*Discussion of Comments and Changes*

In responses to the SNPRM of September 13, 1994, eight letters were submitted. Some of these were very detailed, while others contained broad comments and opinions. Each letter was given consideration in the development of this final rule. The following paragraphs respond to the comments received to the SNPRM and the changes made to each section.

One general comment concerned the implementation date of these regulations in light of possible modifications that might be needed in order to comply with certain requirements, such as deck rails and hand grabs, found in § 28.810. The Coast Guard agrees and has made the final rules effective 6 months from the publishing date.

**Subpart A—General Provisions**

*Section 28.50 Definition of Terms Used in This Part*

A comment was received to better define who in the Coast Guard organization falls under the term used in this section. The term *Coast Guard*

*Representative* when referring to a member of the Coast Guard is limited to persons employed at the cognizant U.S. Coast Guard Marine Safety Office or Marine Inspection Office. The intent was not to have Coast Guard Cutters or small boat station personnel perform a general or partial survey, or be notified of repairs and/or alterations on Aleutian Trade Act Vessels.

The Coast Guard also received comments asking what the definition of a "qualified vessel" is under the Aleutian Trade Act. The Coast Guard intended this term to include fish tender vessels engaged in the Aleutian trade meeting the requirements of 46 USC 4502 (c)(1); however, the term no longer appears in the rule.

The following is a list of fish tender vessels that the Coast Guard believes meet the statutory requirements of the ATA. Any vessels newly entering the service, or which undergo major conversion, will have to meet the standards of 46 CFR Subpart D. The following list was originally published in the Congressional Record—House on October 27, 1990. The vessels are:

Vessel name	Official No.
MARLIN .....	568721
TARPON .....	576033
SCULPIN .....	587573
BOWFIN .....	604231
DOLPHIN .....	617019
ALEUT PACKER .....	580852
CAPELIN .....	506241
SALLY J .....	620431
YELLOWFIN .....	927811
REDFIN .....	656674
EASTERN WIND .....	964583
NORTHERN WIND .....	969815
COASTAL NOMAD .....	686157
COASTAL RANGER .....	520075
COASTAL TRADER .....	285716
COASTAL VOYAGER .....	284906
MOKAHANA .....	266658
SUNMAR SEA .....	1 666754
SUNMAR SKY .....	683227
SUNMAR STAR .....	<sup>2</sup> 7119678

<sup>1</sup> Now called COASTAL SEA.  
<sup>2</sup> Correct O.N. 971086.

**Subpart G—Aleutian Trade Act Vessels**

*Section 28.800 Applicability and General Requirements*

One comment was received concerning the provision of having an incline test performed by a marine surveyor. It was noted that there is a very limited pool of marine surveyors that are qualified to perform incline experiments. However, no changes are being made to this requirement because the law specifically requires marine surveyors for the incline test.

*Section 28.815 Bilge Pumps, Bilge Piping, and Dewatering Systems*

Four comments were received questioning the rating terminology used to describe the portable bilge pump, i.e. "capable of dewatering each space at the rate of two inches per minute", which may be used in satisfying the requirement for a second bilge pump, as opposed to the rating terminology of the required portable fire pump in section 28.820 i.e. "9500 GPH". It was argued the same pump should be allowed to satisfy the requirements of both. The Coast Guard agrees and, in fact, the original intent was to allow one portable pump to suffice for the two; however a sizing or rating problem arises in attempting to set a minimum standard for a single pump that is capable of accomplishing two purposes (i.e. high pressure output for firefighting, and yet high volume for emergency dewatering). In consideration of the comments the Coast Guard has removed the above described dewatering rate, and revised the pump rating to a common GPM (gallons per minute) requirement for both pump cites.

Another comment dealt with the general concern of why two separate independent sources of power are required for the bilge pumps. In the original proposal, the Coast Guard wanted these vessels to have an emergency generator located above the machinery level to ensure backup power in time of emergency for firefighting or dewatering. There was much opposition to this proposal. However after first hand assessment and ship rides aboard these vessels in the Gulf of Alaska by Coast Guard traveling inspectors, it was determined that an equivalent level of safety was necessary and is served by the alternate source of power requirement.

*Section 28.820 Fire Pumps, Fire Mains, Fire Hydrants, and Fire Hoses*

This section was revised to allow one pump to meet this section as well as § 28.815. This requires one power driven fire pump, connected to fixed piping, capable of delivering water at a minimum of 50 gallons per minute with a pressure of not less than 60 pounds per square inch at the pump outlet.

*Section 28.825 Excess Fire Detection and Protection Equipment*

One comment was concerned with the use of the term "Water Spray Apparatus". To avoid confusion, the Coast Guard has dropped "Water Spray Apparatus" and "Steam Fire Apparatus" and replaced this marking requirement with the common

nomenclature used to identify these systems on ATA vessels.

#### *Section 28.835 Fuel Systems*

One comment assumed that paragraph (h) of this subsection dealing with positive shutoff valves was addressing mechanical reachrods only. This was not the intent. Air or electrically operated solenoid valves are acceptable. This section incorporates applicable regulations of subchapter F for any replacement and or alteration to the existing grandfathered piping. It also adds the requirement for remote shutoff valves on certain fuel tanks, metal shields under filters, and limits the length of nonmetallic flexible hose used (for vibration purposes only). Note: Some of the piping aboard ex-Navy yard oilers used in the Aleutian trade was built and installed to Navy specifications and was encased in cement ballast. This arrangement is grandfathered. One comment stated that the requirements for fuel lines to be constructed of seamless material was excessive. The Coast Guard never intended piping requirements to exceed those requirements found for cargo vessels in subchapter F, 46 CFR § 56.50. This section has been rewritten to clarify the piping requirement for seamless pipe.

#### *Section 28.880 Hydraulic Equipment*

One comment requested paragraph (e) be clarified to indicate that controls for operating hydraulic equipment need to be located to allow for an unobstructed view of the operating area, not an unobstructive view of the whole hydraulic system. The term "whole hydraulic system" could be construed to include the components found in the engine room. The Coast Guard agrees and this was changed to avoid any confusion.

#### *Section 28.885 Cargo Gear*

One comment mistook the biennial examination in paragraph (c) to mean biannual (every six months). To clarify, the Coast Guard added "biennial, (every second year)" to the text to reduce any confusion.

#### *Section 28.895 Survey and Classification*

One comment questioned the lack of legislative intent in requiring the classing of a vessel after undergoing a major conversion. After a review of the legislative history of the Act, major conversion issues were addressed under the loadline provisions. The Coast Guard agrees with this comment and dropped the survey and classification section from this subpart.

#### *Section 28.895 Loadlines*

This section was identified as § 28.900 in the SNPRM. Two comments were received complaining that this section was unclear and confusing. One comment complained that the statutory language of the ATA was tortured and confusing and proposed suggested revisions to the regulations. To address this concern, this section was rewritten to clarify that loadlines are required on all fish tender vessels engaged in the Aleutian trade starting in 2003.

#### *Section 28.900 Post Accident Inspection*

This section was identified as § 28.905 in the SNPRM. Three comments were received regarding this section expressing concern that only Coast Guard Marine Safety Office personnel could conduct these inspections. The term Coast Guard Representative includes third parties. Two other comments were concerned that this section was written more as a performance standard, and possibly routine maintenance could fall under the repair language as written. This was not the intent of this section and the Coast Guard has replaced this section with the language found in 46 CFR § 97.07-1 which deals with Cargo Vessel requirements found in subchapter I.

#### *Section 28.905 Repairs and Alterations*

This section was identified as § 28.910 in the SNPRM.

#### *Section 28.910 Manning and Crew*

This section was identified as § 28.915 in the SNPRM. In an effort to keep repetitive cites to a minimum, this section is being deleted since 46 U.S.C. and CFR § 15 cover this section.

#### *Incorporation by Reference*

The Director of the Federal Register has approved the material in § 28.40 for incorporation by reference under 5 U.S.C. 552 and 1 CFR part 51. The material is available as indicated in that section.

#### *Regulatory Evaluation*

These regulations are not a significant regulatory action under section 3(f) of Executive Order 12866, and do not require an assessment of potential costs and benefits under section 6(a)(3) of that order. They have not been reviewed by the Office of Management and Budget under that order. These regulations are not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard estimates that only 20 vessels out

of an estimated U.S. commercial fishing fleet in excess of 120,000 vessels will be affected by this rule. The Coast Guard believes that existing equipment on board these 20 vessels can be upgraded and replaced when the existing equipment is no longer serviceable. Therefore, the Coast Guard expects the economic impact of this rulemaking to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

#### *Small Entities*

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether these regulations will have a significant economic impact on a substantial number of small entities. "Small entities" may include: (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields; and (2) governmental jurisdictions with populations of less than 50,000.

Twenty commercial fishing industry vessels are involved in the Aleutian Trade. A number of these vessels are owned or operated by small entities. However, the Coast Guard estimates that the cost of complying with these regulations will be minor. Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C 605(b) that these regulations will not have a significant economic impact on a substantial number of small entities.

#### *Collection of Information*

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

#### *Federalism*

This rulemaking has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Since this rule affects ATA vessels both inside and outside state waters, the Coast Guard intends to preempt State action addressing the same subject matter.

#### *Environment*

The Coast Guard considered the environmental impact of this rulemaking and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. These

rules are to enhance certain safety equipment requirements and general operating procedures of ATA vessels and have no significant effect on the environment. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 46 CFR Part 28

Fire prevention, Fishing vessels, Incorporation by reference, Marine safety, Occupational safety and health,

American Boat and Yacht Council (ABYC),

P.O. Box 747, 405 Headquarters Dr., Suite 3, Millersville, MD 21108-0747:

E-1-1972—Bonding of Direct Current Systems .....	28.345
E-8-1985—Alternating Current (AC) Electrical Systems on Boats .....	28.345
E-9-1981—Recommended Practices and Standards Covering Direct Current (DC) Electrical Systems on Boats .....	28.345
H-2-1989—Ventilation of Boats Using Gasoline .....	28.340
H-25-1986—Portable Fuel Systems for Flammable Liquids .....	28.335
H-33-1989—Diesel Fuel Systems .....	28.335
P-1-1986—Installation of Exhaust Systems for Propulsion and Auxiliary Engines .....	28.380

International Maritime Organization (IMO),

Publications Section, 4 Albert Embankment, London SE1 7SR, England:

Resolution A.658(16) "Use and Fitting of Retro-Reflective Materials on Life-Saving Appliances", dated November 1989.	28.135
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National Fire Protection Association (NFPA),

60 Batterymarch Park, Quincy, MA 02269:

70-1990—National Electrical Code (also known as ANSI/NFPA 70-1990) .....	28.350; 28.370; 28.865
302-1989—Pleasure and Commercial Motor Craft .....	28.335; 28.340; 28.345
17-1985—Dry Chemical Extinguishing Systems .....	28.330
17A-1986—Wet Chemical Extinguishing Systems .....	28.330

Society of Automotive Engineers (SAE),

400 Commonwealth Drive, Warrendale, PA 15096:

SAE J 1475-1984—Hydraulic Hose Fitting for Marine Applications .....	28.880
SAE J 1942-1989—Hose and Hose Assemblies for Marine Applications .....	28.405

Underwriters Laboratories, Inc. (UL),

333 Pfingsten Rd., Northbrook, IL 60062:

UL 217-1985—Single and Multiple Station Smoke Detectors .....	28.325; 28.830
UL 710-1990—Exhaust Hoods for Commercial Cooking Equipment .....	28.330

3. Section 28.50 is amended by adding the following definitions in alphabetical order to read as follows:

**§ 28.50 Definition of terms used in this part.**

\* \* \* \* \*

*Aleutian trade* means the transportation of cargo, including fishery related products, for hire on board a fish tender vessel to or from a place in Alaska west of 153 degrees West longitude and east of 172 degrees East longitude if that place receives weekly common carrier service by water, to or from a place in the United States, except a place in Alaska.

\* \* \* \* \*

*Coast Guard Representative* means a person employed at the cognizant U.S. Coast Guard Marine Safety Office or Marine Inspection Office, or an accepted organization, or a similarly qualified organization approved in examining commercial fishing industry vessels. Contact Chief, Vessel and Facility Operating Standard Branch, Commandant, (G-MOS-2), U.S. Coast Guard, 2100 Second Street S.W.,

Reporting and recordkeeping requirements, Seamen.

For the reasons set out in the preamble, the Coast Guard amends chapter I of title 46, Code of Federal Regulations part 28 as follows:

**PART 28—REQUIREMENTS FOR COMMERCIAL FISHING INDUSTRY VESSELS**

1. The authority citation for part 28 continues to read as follows:

Authority: 46 U.S.C. 3316, 4502, 4506, 6104, 10603; 49 U.S.C. app. 1804; 49 CFR 1.46.

2. Section 28.40(b) is revised to read as follows:

**§ 28.40 Incorporation by reference.**

\* \* \* \* \*

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

Washington, D.C. 20593-0001 for a current list of accepted organizations or similarly qualified organizations.

\* \* \* \* \*

4. The heading of subpart C is revised to read as follows:

**Subpart C—Requirements for Documented Vessels That Operate Beyond the Boundary Lines or With More Than 16 Individuals On Board, or for Fish Tender Vessels Engaged in the Aleutian Trade**

5. Section 28.200 is revised to read as follows:

**§ 28.200 Applicability.**

Each documented commercial fishing industry vessel must meet the requirements of this subpart in addition to the requirements of subparts A and B of this part if it:

(a) operates beyond the Boundary Lines;

(b) operates with more than 16 individuals on board; or

(c) is a fish tender vessel engaged in the Aleutian trade.

6. Part 28 is amended by adding subpart G to read:

**Subpart G—Aleutian Trade Act Vessels**

Sec.	
28.800	Applicability and general requirements.
28.805	Launching of survival craft.
28.810	Deck rails, lifelines, storm rails and hand grabs.
28.815	Bilge pumps, bilge piping, and dewatering systems.
28.820	Fire pumps, fire mains, fire hydrants, and fire hoses.
28.825	Excess fire detection and protection equipment.
28.830	Fire detection system.
28.835	Fuel systems.
28.840	Means for stopping pumps, ventilation, and machinery.
28.845	General requirements for electrical systems.
28.850	Main source of electrical power.
28.855	Electrical distribution systems.
28.860	Overcurrent protection and switched circuits.
28.865	Wiring methods and materials.
28.870	Emergency source of electrical power.
28.875	Radar, depth sounding, and auto-pilot.

- 28.880 Hydraulic equipment.
- 28.885 Cargo gear.
- 28.890 Examination and certification of compliance.
- 28.895 Loadlines.
- 28.900 Post accident inspection.
- 28.905 Repairs and alterations.

**§ 28.800 Applicability and general requirements.**

(a) This subpart applies to each fish tender vessel engaged in the Aleutian trade that has not undergone a major conversion and:

(1) Was operated in Aleutian trade before September 8, 1990; or

(2) Was purchased to be used in the Aleutian trade before September 8, 1990, and entered into service in the Aleutian trade before June 1, 1992.

(b) Except as noted otherwise in this subpart, a vessel subject to this subpart must also comply with the requirements of subparts A, B, and C of this part.

(c) Each fish tender vessel engaged in the Aleutian trade that undergoes a major conversion after September 15, 1991 must comply with the additional requirements of subpart D.

(d) A fish tender vessel engaged in the Aleutian trade is subject to inspection under the provisions of 46 U.S.C. 3301 (1), (6), or (7) unless it:

- (1) Is not more than 500 gross tons;
- (2) Has an incline test performed by a marine surveyor; and
- (3) Has written stability instructions posted on board the vessel.

**§ 28.805 Launching of survival craft.**

In addition to the survival craft requirements in subpart B, each vessel must have a gate or other opening in the deck rails, lifelines, or bulwarks adjacent to the stowage location of each survival craft which has a mass of more than 50 kilograms (110 pounds), so that the survival craft can be manually launched.

**§ 28.810 Deck rails, lifelines, storm rails and hand grabs.**

(a) Except as otherwise provided in paragraph (d) of this section, deck rails, lifelines, grab rails, or equivalent protection must be installed near the periphery of all weather decks accessible to individuals. Where space limitations make deck rails impractical, hand grabs may be substituted.

(b) The height of deck rails, lifelines, or bulkheads must be at least 1 meter (39½ inches) from the deck, except where this height will interfere with the normal operation of the vessel, a lesser height may be substituted.

(c) All deck rails or lifelines must be permanently supported by stanchions at intervals of not more than 2.3 meters (7 feet). Stanchions must be through bolted or welded to the deck.

(d) Portable stanchions and lifelines may be installed in locations where permanently installed deck rails will impede normal cargo operations or emergency recovery operations.

(e) Deck rails or lifelines must consist of evenly spaced courses. The spacing between courses must not be greater than 0.38 meters (15 inches). The opening below the lowest course must not be more than 0.23 meters (9 inches). Lower courses are not required where all or part of the space below the upper rail is fitted with a bulwark, chain link fencing, wire mesh, or an equivalent.

(f) A suitable storm rail or hand grab must be installed where necessary in a passageway, at a deckhouse side, at a ladder, and a hatch where an individual might have access.

**§ 28.815 Bilge pumps, bilge piping, and dewatering systems.**

Instead of meeting the requirements of § 28.255, each vessel to which this subpart applies must meet the following requirements:

(a) Each vessel must be equipped with a fixed, self priming, powered, bilge pump, having a minimum capacity rating of 50 gallons per minute, connected to a bilge manifold and piping capable of draining any watertight compartment, other than tanks and small buoyancy compartments, under all service conditions. Large spaces, such as engine rooms and cargo holds must be fitted with more than one suction line.

(b) In addition, each vessel must be fitted with a fixed secondary or backup bilge pump having an independent and separate source of power from the pump required in paragraph (a) of this section. One of the bilge pumps may be attached to the propelling engine.

(c) A portable bilge pump may substitute for the secondary pump required above, as long as it meets the following:

(1) It must be self priming and provided with a suitable suction hose of adequate length to reach the bilges of each watertight compartment it must serve and be fitted with a built-in check valve and strainer.

(2) The portable pump must be of at least the same minimum capacity as that listed in paragraph (a) of this section and fitted with a discharge hose of adequate length to ensure overboard discharge from the lowest compartment in which it can serve.

(3) The portable pump must also be capable of being quickly and efficiently attached to the vessel's fixed bilge suction main and/or discharge piping (such as with "camlocks", etc.) for alternate emergency use.

(d) Except for suction lines attached to an individual pump provided for a separate space, or for a portable pump, each individual bilge suction line must be provided with a stop valve at the manifold and a check valve at some accessible point in the bilge line to prevent unintended flooding of a space.

(e) Each bilge suction line and dewatering system must be fitted with a suitable strainer to prevent clogging of the suction line. Strainers must have an open area of not less than three times the open area of the suction line.

(f) Except for a fire pump required by 46 CFR 28.820, a bilge pump may be used for other purposes.

(g) Each vessel must comply with the oil pollution prevention requirements of 33 CFR parts 151 and 155.

**§ 28.820 Fire pumps, fire mains, fire hydrants, and fire hoses.**

(a) Each vessel must be equipped with a self-priming, power driven fire pump connected to a fixed piping system. This pump must be capable of delivering an effective stream of water from a hose connected to the highest outlet. The minimum capacity of the power fire pump shall be 50 gallons per minute at a pressure of not less than 60 pounds per square inch at the pump outlet.

(1) If multiple pumps are installed, they may be used for other purposes provided at least one pump is kept available for use on the fire system at all times.

(2) In addition, each vessel must be fitted with a portable fire pump having a minimum capacity of that specified in paragraph (a) of this section, capable of producing a stream of water having a throw of at least 12 meters (39.4 feet) from the nozzle, and capable of being connected to National Standard Fire Hose of the size utilized on board the vessel. If a vessel already has on board a portable pump satisfying the bilge system requirements of § 28.760(c), no additional portable pump is required as long as the portable pump is of sufficient size/capacity, and is properly equipped to handle both fire fighting and flood control.

(b) Each vessel must have a sufficient number of fire hydrants to reach any part of the vessel using a single length of hose.

(c) Each fire hydrant must have at least one length of fire hose connected to the outlet at all times, a spanner, and a hose rack or other device for stowing the hose at all times.

(1) All parts of the firemain located on exposed decks shall either be protected against freezing or be fitted with cutout valves and drain valves.

(2) Firehose shall not be used for any other purpose other than fire extinguishing, drills, and testing.

(3) Each length of fire hose must be a minimum of 3.83 centimeters (1½") diameter lined commercial fire hose and be fitted with a nozzle made of corrosion resistant material capable of providing a solid stream and a spray pattern.

**§ 28.825 Excess fire detection and protection equipment.**

Instead of meeting the requirements of § 28.155, each vessel to which this subpart applies must meet the following requirements:

(a) Installation of fire detection and protection equipment in excess of that required by the regulations in this Subchapter is permitted provided that the excess equipment does not endanger the vessel or individuals on board in any way. The excess equipment must, at a minimum, be listed and labeled by an independent, nationally recognized testing laboratory and be in accordance with an appropriate industry standard for design, installation, testing, and maintenance.

(b) An existing fixed gas fire extinguishing system that is in excess of the required fire protection equipment required by subparts A, B, and C of this part, may remain in place and continue in service as long as all parts of the system are maintained in good condition to the satisfaction of the Coast Guard Representative, and subject to the following:

(1) A fixed fire extinguishing system capable of automatic discharge upon heat detection, may only be installed in a normally unoccupied space. For the purpose of this section, the machinery space aboard a fish tender operating in the Aleutian trade is considered occupied.

(2) A fixed fire extinguishing system must:

- (i) Be capable of manual actuation from outside the space protected;
- (ii) Produce an audible alarm to indicate the discharge of the extinguishing agent for 20 seconds before the extinguishing agent for 20 seconds before the agent is released into the space;
- (iii) The branch line valves of all fire extinguishing systems shall be plainly and permanently marked indicating the spaces serviced;
- (iv) The control cabinets or spaces containing valves or manifolds for the various fire extinguishing systems shall be distinctly marked in conspicuous red letters at least 5.08 centimeters (2 inches) high:

“CARBON DIOXIDE FIRE SYSTEM” or “FOAM FIRE SYSTEM”, as the case may be;

(v) Instructions for the operation of the system must be located in a conspicuous place at or near all pull boxes, stop valve controls, and in the agent storage space;

(vi) If the space or enclosure containing the supply or controls is to be locked, a key to the space or enclosure shall be in a break-glass-type box conspicuously located adjacent to the opening, and;

(vii) Be equipped with a sign at the alarm stating: “WHEN ALARM SOUNDS—VACATE AT ONCE. CARBON DIOXIDE BEING RELEASED”, or list other fire extinguishing agent.

(3) Any modification, alteration, or new installation of a fixed gas fire extinguishing system must meet the additional requirements of subpart D of this part.

**§ 28.830 Fire detection system.**

(a) Each accommodation space must be equipped with an independent modular smoke detector or a smoke actuated fire detecting unit installed in accordance with § 76.33 of this chapter.

(b) An independent modular smoke detector must meet UL 217 and be listed as a “Single Station Smoke Detector—Also Suitable for Use in Recreational Vehicles”.

**§ 28.835 Fuel systems.**

(a) Portable fuel systems including portable tanks and related fuel lines and accessories are prohibited except where used for outboard engines or portable bilge/fire pumps.

(b) Each integral fuel tank must be fitted with a vent pipe connected to the highest point of the tank terminating in a 180 degree (3.14 radians) bend on a weather deck and be fitted with a flame screen.

(c) Test cocks must not be fitted to fuel oil tanks.

(d) Valves for removing water or impurities from diesel fuel oil systems are permitted in the machinery space provided they are away from any potential sources of ignition. Such valves shall be fitted with caps or plugs to prevent leakage.

(e) Oil piping drains, strainers and other equipment subject to normal oil leakage must be fitted with drip pans or other means to prevent oil draining into the bilge.

(f) All nonmetallic filters and strainers must be fitted with a metal shield attached to their base in such a way as to prevent direct flame impingement in the case of a fire.

(g) Shutoff valves shall be installed in the fuel supply piping lines, one as

close to each tank as practicable, and one as close to each fuel pump as practicable. Valves shall be accessible at all times.

(h) Fuel oil piping subject to internal head pressure from diesel oil in a tank must be fitted with a positive shutoff valve, installed to close against the flow at the tank. This valve is to be capable of remote actuation from outside the space in which the tank/piping is located, accessible at all times, and suitably marked.

(i) With the exception of paragraph (j) and (k) of this section, fuel piping shall be steel pipe, annealed seamless copper, brass, nickel copper, or copper nickel alloy tubing having a minimum wall thickness of 0.9 millimeters (0.035 inches).

(j) Flexible connections of a short length (no more than 762mm, (30 inches)), suitable metallic or nonmetallic flexible tubing or hose is permitted in the fuel supply line at or near the engine to prevent damage by vibration. If nonmetallic flexible hose is used it must:

(1) Not exceed the minimum length needed to allow for vibration;

(2) Be visible, easily accessible, and must not penetrate a watertight bulkhead;

(3) Be fabricated with an inner tube and outer-covering of synthetic rubber or other suitable material reinforced with wire braid;

(4) Be fitted with suitable, corrosion resistant, compression fittings; and

(5) Be installed with two hose clamps at each end of the hose, if designed for use with clamps. Clamps must not rely on spring tension and must be installed beyond the bead or flare or over the serrations of the mating spud, pipe, or hose fitting.

(k) Supply piping that conveys fuel oil or lubricating oil to equipment and is in close proximity of equipment or lines having an open flame or having parts operating above 260° C (500° F) must be of seamless steel.

(l) Existing fuel oil piping may remain in service as long as it is serviceable to the satisfaction of the Coast Guard Representative. Any replacement, alterations, modifications or new installations to the fuel oil piping system must be made in accordance with the material requirements of this section.

**§ 28.840 Means for stopping pumps, ventilation, and machinery.**

All electrically driven fuel oil transfer pumps, fuel oil unit and service pumps, and ventilation fans shall be fitted with remote controls from a readily accessible position outside of the space

concerned so that they may be stopped in the event of fire occurring in the compartment in which they are located. These controls shall be suitably protected against accidental operation or tampering and shall be suitably marked.

**§ 28.845 General requirements for electrical systems.**

(a) Electrical equipment exposed to the weather or in a location exposed to seas must be waterproof or watertight, or enclosed in a watertight housing.

(b) Aluminum must not be used for current carrying parts of electrical equipment or wiring.

(c) As far as practicable, electrical equipment must not be installed in lockers used to store paint, oil, turpentine, or other flammable or combustible liquids. If electrical equipment, such as lighting, is necessary in these spaces, it must be explosion-proof or intrinsically safe.

(d) Explosion-proof and intrinsically safe equipment must meet the requirements of § 111.105 of this chapter.

(e) Metallic enclosures and frames of electrical equipment must be grounded.

**§ 28.850 Main source of electrical power.**

(a) Applicability: Each vessel that relies on electricity to power any of the following essential loads must have at least two electrical generators to supply:

- (1) The propulsion system and its necessary auxiliaries and controls;
- (2) Interior lighting;
- (3) Steering systems;
- (4) Communication systems;
- (5) Navigation equipment and navigation lights;
- (6) Fire protection or detection equipment;
- (7) Bilge pumps; and
- (8) General alarm system.

(b) Each generator must be attached to an independent prime mover.

**§ 28.855 Electrical distribution systems.**

(a) Each electrical distribution system which has a neutral bus or conductor must have the neutral bus or conductor grounded.

(b) A grounded electrical distribution system must have only one connection to ground. This ground connection must be at the switchboard.

**§ 28.860 Overcurrent protection and switched circuits.**

(a) Each power source must be protected against overcurrent. Overcurrent devices for generators must be set at a value not exceeding 115 percent of the generator's full load rating.

(b) Except for a steering circuit, each circuit must be protected against both

overload and short circuit. Each overcurrent device in a steering system power and control circuit must provide protection only.

(c) Each ungrounded current carrying conductor must be protected in accordance with its current carrying capacity by a circuit breaker or fuse at the connection to the switchboard or distribution panel bus.

(d) Each circuit breaker and each switch must simultaneously open all ungrounded conductors.

(e) The grounded conductor of a circuit must not be disconnected by a switch or an overcurrent device unless all ungrounded conductors of the circuit are simultaneously disconnected.

(f) Navigation light circuits must be separate, switched circuits having fused disconnect switches or circuit breakers so that only the appropriate navigation lights can be switched on.

(g) A separate circuit with overcurrent protection at the main distribution panel or switchboard must be provided for each radio installation.

**§ 28.865 Wiring methods and materials.**

(a) All cable and wire must have insulated, stranded copper conductors of the appropriate size and voltage rating of the circuit.

(b) Each conductor must be No. 22 AWG or larger. Conductors in power and lighting circuits must be No. 14 AWG or larger. Conductors must be sized so that the voltage drop at the load terminals is not more than 10 percent.

(c) Cable and wiring not serving equipment in high risk fire areas such as a galley, laundry, or machinery space must be routed as far as practicable from these spaces. As far as practicable, cables serving duplicated essential equipment must be separated so that a casualty that affects one cable does not affect the other. Existing cables and wires may remain as routed; however, any replacement wiring, new cabling and/or alterations must be routed as specified above.

(d) No unused or dead ended cables may remain after the permanent removal or alteration of an electrical device.

(e) Cable and wire for power and lighting circuits must:

- (1) For circuits of less than 50 volts, meet 33 CFR 183.425 and 183.430; and
- (2) For circuits of 50 volts or greater:
  - (i) Meet section 310-13 and 310-15 of NFPA 70, except that asbestos insulated cable and dry location cable must not be used;
  - (ii) Be listed by Underwriters Laboratories Inc. as UL Marine Boat or UL Marine Shipboard cable; or
  - (iii) Meet § 111.60 of this chapter.

(f) All metallic cable armor must be electrically continuous and grounded to the metal hull or the common ground point at each end of the cable run, except that final sub-circuits (those supplying loads) may be grounded at the supply end only.

(g) Wiring terminations and connections must be made in a fire retardant enclosure such as a junction box, fixture enclosure, or panel enclosure.

(h) Existing cable and wire may remain in place and continue in use as long as it is deemed serviceable to the satisfaction of the Coast Guard Representative. Any new installation, replacement, modification or alteration must be done in accordance with the requirements of this section.

**§ 28.870 Emergency source of electrical power.**

(a) The following electrical loads must be connected to an independent emergency source of power capable of supplying all connected loads continuously for at least three hours:

- (1) Navigation lights;
  - (2) Fire protection and detection systems;
  - (3) Communications equipment;
  - (4) General alarm system; and
  - (5) Emergency lighting;
- (b) The emergency power source must be aft of the collision bulkhead, outside of the machinery space, and above the uppermost continuous deck.

(c) An emergency source of power supplied solely by storage battery must also meet the following requirements:

- (1) Each battery must be a lead-acid or alkaline type and be able to withstand vessel pitch, vibration, roll, and exposure to a salt water atmosphere;
- (2) A battery cell must not spill electrolyte when the battery is inclined at 30 degrees from the vertical;
- (3) Each battery installation must be in a battery room, in a box on dock, or in a well ventilated compartment. The batteries must be protected from falling objects;
- (4) Each battery tray must be secured to prevent shifting with the roll and pitch of the vessel and lined with a material that is corrosion resistant to the electrolyte of the battery;
- (5) Each battery bank installation must be fitted with its own drip-proof charging system; and
- (6) Each deck box used for battery storage must be weathertight, and have holes near the top to allow gas to escape.

(3) Each battery installation must be in a battery room, in a box on dock, or in a well ventilated compartment. The batteries must be protected from falling objects;

(4) Each battery tray must be secured to prevent shifting with the roll and pitch of the vessel and lined with a material that is corrosion resistant to the electrolyte of the battery;

(5) Each battery bank installation must be fitted with its own drip-proof charging system; and

(6) Each deck box used for battery storage must be weathertight, and have holes near the top to allow gas to escape.

**§ 28.875 Radar, depth sounding, and auto-pilot.**

(a) Each vessel must be fitted with a general marine radar system for surface



navigation with a radar screen mounted at the operating station, and facilities on the bridge for plotting radar readings.

(b) Each vessel must be fitted with a suitable echo depth sounding device.

(c) Except as provided in 33 CFR § 164.15, when the automatic pilot is used in areas of high traffic density, conditions of restricted visibility, and all other hazardous navigational situations, the master or person in charge shall ensure that:

(1) It is possible to immediately establish manual control of the unit's steering;

(2) A competent person is ready at all times to take over steering control; and

(3) The changeover from automatic to manual steering and vice versa is made by, or under the supervision of, the officer of the watch.

#### § 28.880 Hydraulic equipment.

(a) Each hydraulic system must be so designed and installed that proper operation of the system is not affected by back pressure in the system.

(b) Piping and piping components must be designed with a burst pressure of not less than four times the system's maximum operating pressure.

(c) Each hydraulic system must be equipped with at least one pressure relieving device set to relieve at the system's maximum operating pressure.

(d) All material in a hydraulic system must be suitable for use with the hydraulic fluid used and must be of such chemical and physical properties as to remain ductile at the lowest operating temperature likely to be encountered by the vessel.

(e) Except for hydraulic steering equipment, controls for operating hydraulic equipment must be located where the operator has an unobstructed view of the controls for operating hydraulic equipment and the adjacent work area. Protection shall be afforded to the operator of hydraulic equipment against falling or swinging objects and/or cargo.

(f) Controls for hydraulic equipment must be so arranged that the operator is able to quickly disengage the equipment in an emergency.

(g) Hydraulically operated machinery must be fail-safe or equipped with a holding device to prevent uncontrolled movement or sudden loss of control due to loss of hydraulic system pressure. A system is considered to be fail-safe if a component failure results in a slow and controlled release of the load so as not to endanger personnel.

(h) Nonmetallic flexible hose assemblies must only be used between two points of relative motion, limited to the least amount of length that will

afford maximum multidirectional movement of the equipment served.

(i) Hose end fittings must comply with SAE J1475, (Hydraulic Hose Fittings For Marine Applications). Field attachable fittings must be installed following the manufacturer's recommended practice (method).

(j) Nonmetallic flexible hose shall be marked with the manufacturer's name or trademark, type or catalog number and maximum allowable working pressure.

(k) Existing hydraulic piping, nonmetallic hose assemblies, and components may be continued in service so long as they are maintained in good condition to the satisfaction of the Coast Guard Representative, but all new installations, or replacements shall meet the applicable specifications or requirements of this section.

#### § 28.885 Cargo gear.

(a) The safe working load (SWL) for the assembled gear shall be marked on the heel of each cargo boom, crane, or derrick. These letters and figures are to be in contrasting colors to the background and at least one inch in height. The SWL is construed to be the load the gear is approved to lift, excluding the weight of the gear itself.

(b) All wire rope, chains, rings, hooks, links, shackles, swivels, blocks, and any other loose gear used or intended to be used in cargo loading or unloading must be commensurable with the SWL rating in paragraph (a) of this section. This gear shall be visually inspected by the vessel's captain or his designee at frequent intervals, and in any event not less than once in each operating month.

(c) In addition to the inspection required in paragraph (b) of this section, a biennial, (every second year), thorough examination and proof load test, at a minimum of the SWL rating, shall be performed and witnessed by competent personnel. The proof load applied to the winches, booms, derricks, cranes and all associated gear shall be lifted with the ship's normal tackle with the boom or derrick at the lowest practicable angle. When the load has been lifted, it shall be swung as far as possible in both directions.

(d) After satisfactory completion of the tests and examinations required in paragraphs (b) and (c) of this section, all results and notations together with the date and location of each shall be maintained and available to Coast Guard representatives upon request.

#### § 28.890 Examination and certification of compliance.

(a) At least once in every two years each ATA vessel must be examined for

compliance with the regulations of this subchapter by the ABS, a similarly qualified organization, or a surveyor of an accepted organization.

(b) Each individual performing an examination under paragraph (a) of this section, upon finding the vessel to be in compliance with the requirements of this chapter, must provide written certification of compliance to the owner or operator of the vessel.

(c) Each certification of compliance issued under paragraph (b) of this section must:

(1) Be signed by the individual that performed the examination;

(2) Include the name of the organization the individual performing the examination represents or the name of the accepted organization the individual belongs to; and

(3) State that the vessel has been examined and found to meet the specific requirements of this chapter.

(d) A certification of compliance issued under paragraph (b) of this section must be retained on board the vessel until superseded.

(e) A copy of the certification of compliance issued under paragraph (b) of this section must be forwarded by the organization under whose authority the examination was performed to the Coast Guard District Commander (Attention: Fishing Vessel Safety Coordinator) in charge of the district in which the examination took place.

#### § 28.895 Loadlines.

(a) A fish tender vessel of not more than 500 gross tons, engaged in the Aleutian trade, is not subject to the loadline provisions of 46 U.S.C. Chapter 51 if it is not on a foreign voyage and the vessel:

(1) operated in this trade before September 8, 1990; or

(2) was purchased to be used in this trade before September 8, 1990 and entered into service before June 1, 1992; and

(3) has not undergone a major conversion; and

(4) has not had a loadline assigned at any time before November 16, 1990.

(b) The exemption from the loadline provision of 46 U.S.C. Chapter 51 set forth in paragraph (a) of this section expires on January 1, 2003.

#### § 28.900 Post accident inspection.

The requirements for providing notice and reporting of marine casualties are contained in part 4 of this chapter. The owner of or master of the vessel shall ensure that the survey guidance provided by a Coast Guard Representative is effectively carried out, that the material and the workmanship



of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the regulations in this part.

**§ 28.905 Repairs and alterations.**

No repairs or alterations affecting the safety of the vessel with regard to the hull, machinery, or equipment, shall be made without the notification of a Coast Guard Representative.

Dated: September 18, 1995.

J.C. Card,

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

[FR Doc. 95-26303 Filed 10-23-95; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 64**

**Calling Number Identification Service—Caller ID; Correction**

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to the final regulations (47 CFR 64.1601, 64.1603 and 64.1604), which were published Monday, June 5, 1995 (60 FR 29489). The regulations relate to delivery requirements and privacy restrictions, customer notification and effective date of privacy

provisions relating to Calling Party Number.

**EFFECTIVE DATE:** The amendments to §§ 64.1600, 64.1602 and 64.1604 published at 60 FR 29489, June 5, 1995, are effective April 12, 1995. The stay of §§ 64.1601 and 64.1603 issued at 60 FR 15496, March 24, 1995, is lifted and the sections are revised as of December 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Marian Gordon (202-418-2337) or Mike Specht (202-418-2378), Network Services Division, Common Carrier Bureau.

**SUPPLEMENTARY INFORMATION:**

Background

The final regulation that is the subject of these corrections revised Section 64.1604 on the effective date of certain portions of 47 CFR Part 64 applicable to operators of public telephones and partylines participating in offering services providing caller party number, ANI, or change number on interstate calls. Also included is a correction to the amendatory instructions regarding lifting the stay of Sections 64.1601 and 64.1603.

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification. Accordingly, 47 CFR Part 64 is corrected by making the following correcting amendments:

**PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS**

1. The authority citation for Part 64 continues to read as follows:

Authority: Section 4, 48 Stat. 1066, as amended, 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 225, 226, 227, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201-4, 218, 225, 226, 227, unless otherwise noted.

2. On page 29489, in the first column, in the effective date language in the first sentence, "The provisions of Sections 64.1600 and 64.1602 are effective April 12, 1995," is revised to read "The provisions of Sections 64.1600, 64.1602 and 64.1604 are effective April 12, 1995."

3. On page 29490, in the second column, amendatory instruction 3 is corrected to read as follows:

"3. The stay issued at 60 FR 15496, March 24, 1995, is lifted and Section 64.1601 is revised to read as follows:"

4. On page 29491, in the first column, amendatory instruction 5 is corrected to read as follows:

"5. The stay issued at 60 FR 15496, March 24, 1995, is lifted and Section 64.1603 is revised to read as follows:"

Federal Communications Commission.

William F. Caton,

*Acting Secretary.*

[FR Doc. 95-26270 Filed 10-23-95; 8:45 am]

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